

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	5:25-cv-03156-RGK-MAA	Date	November 25, 2025
Title	<i>Dana Luciano et al v. Kristi Noem et al</i>		

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Petitioners' *Ex Parte* Application for
Temporary Restraining Order [4]

I. INTRODUCTION

On November 24, 2025, Lucio Gutierrez Garcia, Manuel Duran Armenta, Danna Luciano, Eleutereo Anibal Santos Vasquez, Gustavo Guzman Gonzalez, Pablo Tampa Mendoza, Oscar Danilo Cortez Mencos, and Edwin Solares Argueta (collectively, "Petitioners") filed a Petition for Writ of Habeas Corpus and the present Application for Temporary Restraining Order ("Application") against Kristi Noem, Pamela Bondi, Todd Lyons, Ernesto Santacruz Jr., Fereti Semaia, Executive Office for Immigration Review, Immigration and Customs Enforcement ("ICE"), and the U.S. Department of Homeland Security (collectively, "Respondents"). (ECF Nos. 1, 4.) Petitioners, noncitizens who have been charged as inadmissible for being present in the United States without admission, are in ICE custody pending removal proceedings.

Petitioners seek the Court's order that Petitioners be either released from custody or provided an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a). For the following reasons, the Court **DENIES** the application.

II. JUDICIAL STANDARD

To justify *ex parte* relief, the movant must show: (1) "why the . . . ultimate relief requested cannot be calendared in the usual manner[:]" and (2) that he is "without fault in creating the crisis that requires *ex parte* relief." *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

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III. DISCUSSION

Petitioners seek the Court's order requiring that Petitioners be provided with an individualized bond hearing before an immigration judge. However, Petitioners fail to meet the standard needed to justify *ex parte* relief.

Petitioners must show "why the accompanying proposed motion for the ultimate relief requested cannot be calendared in the usual manner. [T]he evidence must show that the moving party's cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures." *Mission Power Eng'g Co.*, 883 F. Supp. at 492.

Petitioners fail to establish why their *Ex Parte* Application cannot be calendared in the usual manner. It is not clear to the Court why Petitioners, one of which has been in custody for approximately five months, require immediate action through the *ex parte* process. Petitioners allege no facts that specify why the Court *must* grant them relief by way of the current Application or risk irreparable prejudice should the merits of the Application be heard according to the regular noticed motion procedures. Accordingly, Petitioners fail to meet the first element of the *Mission Power* test, and *ex parte* relief is not justified.

IV. CONCLUSION

For the foregoing reasons, Petitioners' Application is **DENIED**.

IT IS SO ORDERED.

Initials of Preparer

JRE/gz