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7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 ENRIQUE MORALES SANCHEZ,
10

11 Petitioner,

12 v.

13 TONYA ANDREWS, in her official capacity, Facility
Administrator of Golden State Annex, et al.,

14 Respondents.
15
16

CASE NO. 1:25-CV-1811 TLN CSK

RESPONDENTS' MOTION TO DISMISS
THE PETITION AND RETURN TO WRIT
OF HABEAS CORPUS

Date: December 16, 2025
Time: 10 a.m.

I. INTRODUCTION

Enrique Morales Sanchez's¹ petition for a writ of habeas corpus should be dismissed because there is a final order of removal, and this Court lacks jurisdiction to resolve a frivolous claim of United States citizenship under the REAL ID Act of 2005 provisions that "expressly eliminate[] habeas review over all final orders of removal...." *A. Singh v. Gonzales*, 499 F.3d 969, 977 (9th Cir. 2007). A "petition for review filed with the appropriate court of appeals ... shall be the sole and exclusive means for judicial review of an order of removal." 8 U.S.C. § 1252(a)(5). In this case, the Petitioner, Enrique Morales Sanchez, has a pending petition for review before the Ninth Circuit, *Sanchez-Morales v. Bondi*, 25-1429. Therefore, this Court should dismiss the petition for lack of jurisdiction. Any claims regarding detention are challenges to the order of removal, so they must also be dismissed.

II. FACTS AND PROCEDURAL SUMMARY

A. On February 24, 2025, the Board of Immigration Appeals Dismissed Morales-Sanchez's Appeal of an Immigration Judge's Order of Removal.

Petitioner alleges that in 2005, an immigration judge found that he was a United States citizen by birth. ECF 1 at ¶ 23. In summarizing the proceedings below, the Board of Immigration Appeals explained, "On August 10, 2005, an Immigration Judge terminated proceedings after concluding that 'there was reason to believe that the respondent was born in El Cajon, California.'" EXH 1 (BIA decision) at p. 3. In 2017, however, "DHS filed a motion to reopen including a Mexican birth record bearing the respondent's name and a document indicating that the U.S. Border Patrol had determined that the respondent's delayed registration California birth certificate was fraudulent." EXH 1 at p. 3. Therefore, in the re-opened proceedings, the immigration judge issued a decision on August 24, 2022 finding Morales-Sanchez not credible, and that DHS met its burden of establishing Morales-Sanchez's alienage and the charge of removability. EXH 1 at p. 3. As a result, the immigration judge denied Morales-Sanchez's motion to terminate, deemed his application for cancellation of removal² and all

¹ It is unclear whether Petitioner's name is Enrique Morales-Sanchez or Enrique Sanchez-Morales (the name on his Ninth Circuit petition). For the purpose of this filing, Respondents will refer to him as Morales-Sanchez as written in the caption of his pro se filing.

² The immigration judge in the 2017 proceedings noted that Morales-Sanchez's criminal history

1 other applications for relief from removal abandoned, and ordered Morales-Sanchez removed to Mexico
2 under INA § 212(a)(6)(A)(i) / 8 U.S.C. § 1182(a)(6)(A)(i). EXH 1 at p. 22.

3 **1. Morales-Sanchez's initial statements upon attempted entry admitted to**
4 **Mexican citizenship and nationality.**

5 The immigration judge in the 2017 proceedings detailed the following immigration history for
6 Morales-Sanchez. On September 19, 1999, Morales-Sanchez applied for admission into the United
7 States from Mexico, claiming to be a United States citizen. EXH 1 at p. 7. During the oral interview,
8 however, Morales-Sanchez admitted being a citizen and national of Mexico, and as a result was placed
9 in expedited removal and removed on September 21, 1999. EXH 1 at p. 7. On March 12, 2001,
10 Morales-Sanchez entered without inspection and was removed pursuant to a reinstatement of removal.
11 EXH 1 at pp. 7-8. In a sworn statement, Morales-Sanchez stated he was born in Mexico and a citizen of
12 Mexico. EXH 1 at p. 8.

13 **2. After a 2004 criminal conviction and voluntary removal, Morales-Sanchez**
14 **successfully asserts a claim of U.S. citizenship.**

15 On December 23, 2004, Morales-Sanchez was taken into custody after serving 30-days for a
16 domestic battery conviction in violation of Penal Code § 243(e)(1) and voluntarily removed. EXH 1 at
17 8. On December 27, 2004, Morales-Sanchez was again arrested and admitted to being a citizen and
18 national of Mexico without proper immigration documents. EXH 1 at p. 8. Morales-Sanchez was
19 placed in removal proceedings, but on April 26, 2005, he testified that he was born in El Cajon,
20 California, and submitted three statements supporting his claim. EXH 1 at p. 8. The immigration judge
21 initially found Morales-Sanchez not credible, but re-set the case to July 13, 2005, and eventually to
22 August 10, 2005 to allow Morales-Sanchez to produce more evidence. EXH 1 at p. 9. At the August
23 10, 2005 hearing, Morales-Sanchez produced an aunt, and the immigration judge terminated
24 proceedings based on the aunt's testimony, finding there was reason to believe that Morales-Sanchez
25 was born in El Cajon, California. EXH 1 at p. 9. The immigration judge determined this despite
26 Morales-Sanchez's inability to produce his mother for testimony. EXH 1 at pp 8-9.

27
28 made him categorically ineligible for other forms of relief. EXH 1 at p. 22.

3. **When Morales-Sanchez's removal proceedings were reopened, his claim of U.S. citizenship collapsed, and Morales-Sanchez was ordered removed.**

On August 3, 2017, DHS filed a motion to reopen, with a Mexican birth certificate, and noting an amended court order showing a delayed registration of birth issued by the State of California on November 30, 2006, and an indication that the California birth certificate was fraudulent. EXH 1 at pp. 9-10, 11. After several COVID delays, the immigration judge took Morales-Sanchez's testimony and found it not credible. EXH 1 at p. 11. Instead of producing more evidence by the immigration court's deadline, Morales-Sanchez re-filed a motion to terminate proceedings using the same evidence and re-asserting his claim to citizenship. EXH 1 at p. 12. The immigration judge then went back through the entire record concerning Morales-Sanchez's removals and claims, and found him not credible, with his testimony under oath contradicted by clear documentary evidence, his prior statements, and even retractions under oath. EXH 1 at pp. 16-20. The immigration judge ordered Morales-Sanchez removed on August 24, 2022.

B. **Morales-Sanchez Appeals to the Board of Immigration Appeals, and Eventually Files a Petition for Review with the Ninth Circuit, Which Is Pending.**

Morales-Sanchez appealed the immigration judge's removal order and denial of his motion to terminate proceedings. The Board of Immigration Appeals dismissed the appeal because it was not clearly erroneous on February 24, 2025. EXH 1 at pp. 1-6. On March 6, 2025, Petitioner filed a petition for review in the Ninth Circuit. EXH 2, Ninth Circuit Appeal No. 25-1429, Doc. 4.1. On December 2, 2025, the respondent filed their brief in the Ninth Circuit appeal. Ninth Circuit Appeal No. 25-1429, Doc. 19.

C. **Morales-Sanchez Files a Habeas Petition in Which He Makes a Claim of U.S. Citizenship.**

The Department of Homeland Security detained Morales-Sanchez on August 12, 2025. ECF 1 at ¶¶ 1, 2, 6, and 19. On December 11, 2025, the petitioner filed a pro se petition alleging that he is a United States citizen by birth. ECF 1 at ¶¶ 18, 23. This Court requested that the respondents file a responsive brief on December 16, 2025. ECF 2.

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III. ARGUMENT

A. This Court Lacks Jurisdiction over a Nationality Claim.

Title 8, Section 1252 “provides that the exclusive method for obtaining judicial review of ‘a final order of removal’ is through filing a petition for review in the court of appeals.” *Flores-Torres v. Mukasey*, 548 F.3d 708, 710 (9th Cir. 2008). Therefore, challenges to final removal orders that are based on a United States citizenship claim must be brought in a petition for review in the Court of Appeals, in this case, the Ninth Circuit. *See Flores-Torres v. Mukasey*, 548 F.3d 708, 710-11 (9th Cir. 2008) (citing and quoting 8 U.S.C. §§ 1252(a)(2), 1252(a)(5), 1252(b)(5), and 1252(b)(9)). The jurisdiction stripping provisions of the REAL ID Act of 2005 are constitutional, and consolidate challenges to removal orders to petitions for review before the courts of appeal. *Iasu v. Smith*, 511 F.3d 881, 887 (9th Cir. 2007). Because the Court lacks jurisdiction over the nationality claim because there is an order of removal, this Court should dismiss the petition with prejudice.

B. This Court Should Require Morales-Sanchez to Exhaust His Statutory Remedy – the Petition for Review before the Ninth Circuit.

In *Soares v. United States Dep’t of Homeland Security*, 2023 WL 7395701 at *1 (C.D. Cal. August 17, 2023), the petitioner filed multiple habeas petitions and motions for temporary restraining orders pressing a claim of United States citizenship. During the proceedings, the petitioner filed a petition for review before the Ninth Circuit. *Id.* As a result, the district court required prudential exhaustion of the statutory remedy, and accordingly denied the motion for a temporary restraining order with prejudice and other relief as moot. *Id.* at *4-5. To the extent that Morales-Sanchez’s pro se petition makes other claims other than his nationality claim, this Court should deny any relief under prudential exhaustion, especially because any of the claims depend on his claim of citizenship. *See Macias v. Garland*, 2025 WL 908037 at *1-2 (C.D. Cal., January 22, 2025) (dismissing entire action because it is “a request to review the Immigration Judge’s order of removal.... Accordingly this Court does not have jurisdiction to review Petitioner’s nationality claim; he must petition the Ninth Circuit’s review.”). Morales-Sanchez has not stated a specific claim regarding his detention, especially in light of

1 his criminal history and ongoing litigation. Therefore, this Court should dismiss any pendant claims for
2 failure to state a claim and as improper challenges to the order of removal.

3
4 **IV. CONCLUSION**

5 Petitioner has exercised his rights to litigate his claim of United States citizenship and his
6 removal order before the Board of Immigration Appeals and the Ninth Circuit. Under the REAL ID Act
7 of 2005, this Court lacks jurisdiction over the Petitioner's claim of U.S. Citizenship because there is a
8 removal order, and the Petitioner's exclusive remedy is his current petition for review before the Ninth
9 Circuit. Therefore, this Court should dismiss the petition with prejudice for lack of jurisdiction.
10 Petitioner's detention is constitutional and has not become unduly prolonged because any claims related
11 to detention are dependent on the nationality claim, and he has not independently stated claims related to
12 his detention. Therefore, this Court should dismiss the petition in its entirety.

13 Respectfully submitted,

14 Dated: December 16, 2025

15 /s/ ROGER YANG

16 By: _____

17 ROGER YANG

18 Assistant United States Attorney
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