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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANIEL JAMES CUMMINS,  
Petitioner,  
v.  
MOISES BECERRA, ET AL.,  
Respondents.

CASE NO. 1:25-CV-01853-DC-AC  
RESPONDENTS' OPPOSITION TO  
PETITIONER'S MOTION TO SHORTEN TIME  
FOR BOND HEARING

**I. INTRODUCTION**

Respondents respectfully request that the Court deny Petitioner's motion to shorten the fourteen-day time period to provide Petitioner with a bond hearing. *See* ECF 12, 13. The fourteen-day time period set by the Court was reasonable in light of the backlog in the immigration courts. Further, Petitioner has a bond hearing set for the morning of January 2, 2026, which is within ten days of the Court's Order.

**II. ARGUMENT**

While the Executive Office for Immigration Review ("EOIR"), which is tasked with conducting immigration court proceedings, has made some progress in 2025 towards reducing the number of open immigrations cases, it remains that there were approximately 3.75 million immigrations cases pending in the immigration court system as of September 2025. *See* Executive Office for Immigration Review, *EOIR Announces Significant Immigration Court Milestones* (Sep. 4, 2025),

1 <https://www.justice.gov/eoir/pr/eoir-announces-significant-immigration-court-milestones>. In California  
2 alone, there are over 370,000 open immigration cases, which is nearly 10% of the total number of cases  
3 nationwide. See Transactional Records Access Clearinghouse, *Immigration Court Backlog* (last visited  
4 Dec. 30, 2025), <https://tracreports.org/phptools/immigration/backlog/>; see also Acacia Center for  
5 Justice, *Immigration Courts Caught in the Balance: Escalating Asylum Denials and a Dwindling Judges*  
6 *Corp* (Oct. 1, 2025), [https://acaciajustice.org/immigration-courts-caught-in-the-balance-escalating-](https://acaciajustice.org/immigration-courts-caught-in-the-balance-escalating-asylum-denials-and-a-dwindling-judges-corps/)  
7 [asylum-denials-and-a-dwindling-judges-corps/](https://acaciajustice.org/immigration-courts-caught-in-the-balance-escalating-asylum-denials-and-a-dwindling-judges-corps/) (describing a loss of approximately 15% of immigration  
8 judges in the midst of “a backlog of over three million cases within the immigration court system). In  
9 light of the extraordinary backlog, the Court’s order that a bond hearing for Petitioner be set within  
10 fourteen days was reasonable.

11 Petitioner will have a bond hearing on the morning of January 2, 2026, which is within ten days  
12 of the Court’s order. A bond hearing was required to be held by January 6, 2026, per the Court’s order.  
13 ECF 12. During the fourteen-day time period set by the Court, there were four days where the  
14 immigration courts were or would be closed for federal holidays and four days that occurred over  
15 weekends. See EOIR, *Fact Sheet: Observing Immigration Court Hearings* (Sep. 2025),  
16 <https://www.justice.gov/eoir/media/1414731/dl?inline> (“Immigration courts are open Monday through  
17 Friday, except federal holidays); see also Executive Order, *Providing for the Closure of Executive*  
18 *Departments and Agencies of the Federal Government on December 24, 2025, and December 26, 2025*  
19 (Dec. 18, 2025), [https://www.whitehouse.gov/presidential-actions/2025/12/providing-for-the-closure-of-](https://www.whitehouse.gov/presidential-actions/2025/12/providing-for-the-closure-of-executive-departments-and-agencies-of-the-federal-government-on-december-24-2025-and-december-26-2025/)  
20 [executive-departments-and-agencies-of-the-federal-government-on-december-24-2025-and-december-](https://www.whitehouse.gov/presidential-actions/2025/12/providing-for-the-closure-of-executive-departments-and-agencies-of-the-federal-government-on-december-24-2025-and-december-26-2025/)  
21 [26-2025/](https://www.whitehouse.gov/presidential-actions/2025/12/providing-for-the-closure-of-executive-departments-and-agencies-of-the-federal-government-on-december-24-2025-and-december-26-2025/). Despite the limited dates for when a hearing could be set to comply with the Court’s order,  
22 Petitioner does have a bond hearing set within the required timeframe. Even if the Court were to shorten  
23 the time period to less than the ten days in which Petitioner already has a bond hearing, the dates for  
24 when the immigration courts are open for a hearing are extremely limited in light of the January 1, 2026,  
25 federal holiday.

### 26 III. CONCLUSION

27 For the aforementioned reasons, Respondents respectfully request that the Court deny  
28 Petitioner’s motion to shorten the time period for the bond hearing and allow the bond hearing to

1 proceed as currently set on January 2, 2026.

2  
3 Dated: December 30, 2025

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United States Attorney

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5 By: /s/ BRITTANY M. GUNTER  
6 BRITTANY M. GUNTER  
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