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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 N.Y.V.D.,
15
16 Petitioner,
17 v.
18 Ernesto Santacruz, *et al.*,
19 Respondents.

Case No. 5:25-cv-03404-WLH-SP

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE RE: PRELIMINARY
INJUNCTION**

Hearing Date: Jan. 6, 2025
Hearing Time: 2:30 p.m.
Location: Courtroom 9B

Hon. Wesley L. Hsu
United States District Judge

1 On December 23, 2025, the Court issued an order [Dkt. 11] providing that the
2 Respondents are enjoined from continuing to detain the Petitioner unless she receives a
3 hearing on flight risk and danger, as well as providing that she did not need to post a
4 bond. The Court's order further required Respondents to show cause as to why a
5 preliminary injunction should not issue. Respondents hereby show such cause.

6 The Petitioner was released from DHS custody on December 24, 2025. Providing
7 the Petitioner with the injunctive remedy she sought – release from DHS custody –
8 moots the requested preliminary injunction and this habeas petition more generally. *See,*
9 *e.g., Javier Gonzales et al. v. Kristi Noem et al.*, 5:25-cv-02054-ODW, Dkt. no. 16
10 (August 25, 2025 minute order by the Honorable Judge Wright denying as moot
11 petitioners' pending request for a preliminary injunction given their receipt pursuant to a
12 TRO of 1226(a) bond hearings and issuing the petitioners an order to show cause re:
13 dismissal); Dkt. no. 18 (order dismissing petition); *see also See Iron Arrow Honor*
14 *Society v. Heckler*, 464 U.S. 67, 70 (1983); *United States v. Geophysical Corp. of*
15 *Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a claim as
16 to which no effective relief can be granted.”).

17 Petitioner may argue that the case is not moot because Petitioner could
18 theoretically be re-detained. The same argument for continuing to litigate a habeas
19 petition after release has been made in other recent habeas petitions and has been
20 rejected. For example, the Honorable Judge Carter granted a TRO but then denied the PI
21 as moot in *Franciso Coc Tut v. Noem*, 5:25-cv-02701-DOC, Dkt. 13 (Oct. 13, 2025).
22 Judge Carter addressed the re-detention argument and rejected it as a basis to sustain a
23 habeas action, explaining, “The Court understands Petitioners’ concerns regarding re-
24 detention. Petitioners may seek relief from the Court should they be re-detained by
25 immigration officials and held without bond pursuant to the Government’s new policy.”
26 *Id.* at 3; *see also Moises Salomon Zaragoza Mosqueda v. Noem*, 5:25-cv-002304-CAS,
27 Dkt. 15 (Sept. 17, 2025 minute order by Hon. Judge Snyder, denying PI and issuing OSC
28 re dismissal for mootness given the petitioners’ receipt of immigration bond hearings),

Dkt. 16 (notice of voluntary dismissal); *Gonzales v. Noem*, 5:25-cv-02054-ODW, Dkt. nos. 16-18.

The Honorable Judge Slaughter reached a similar result in *J.P. v. Santacruz*, No. 8:25-CV-01640-FWS, 2025 WL 2998305, at *1 (C.D. Cal. Oct. 24, 2025), a case where the petitioner requested notice and a hearing before a neutral adjudicator prior to his potential future re-detention and/or re-arrest. Judge Slaughter dismissed the case for lack of subject matter jurisdiction, finding, “To the extent Petitioner challenges his future detention and/or arrest at another physical appointment, the court finds Petitioner fails to present sufficient allegations or evidence of the threat of future injury to confer Article III standing.” *Id.* at *4.

Accordingly, the OSC re: preliminary injunction should be discharged, and the Petitioner should either voluntarily dismiss the Petition or else be required to respond to an OSC re: Dismissal.

Dated: December 30, 2025

Respectfully submitted,

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