

1 TODD BLANCHE
Deputy Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DAVID M. HARRIS
Assistant United States Attorney
4 Chief, Civil Division
DANIEL A. BECK
5 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
6 MALLORY LYNN (Fla. Bar No. 57243)
Special Assistant United States Attorney
7 Federal Building, Suite 7516
300 North Los Angeles Street
8 Los Angeles, California 90012
Telephone: (714) 338-3513
9 E-mail: Mallory.Lynn@usdoj.gov

10 Attorneys for Respondents

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

14 N.Y.V.D.,

15 Petitioner,

16 v.

17 ERNESTO SANTACRUZ, *et al.*,

18 Respondents.

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

**ANSWER TO PETITION
FOR WRIT OF HABEAS CORPUS**

Honorable Sheri Pym
United States Magistrate Judge

1 Petitioner filed a writ for habeas corpus seeking her release from immigration
2 detention on December 16, 2025 [Dkt. 1, “the petition”]. The Court granted Petitioner’s
3 TRO Application on December 23, 2025 [Dkt. 11] and issued a preliminary injunction
4 on January 6, 2026 [Dkt. 18]. Petitioner was released from DHS detention on December
5 24, 2025 and the conditions related to her participation in the alternatives to detention
6 program were terminated on January 8, 2026. Accordingly, Respondents respectfully
7 request that the Court deny the petition.

8 Providing the Petitioner with the injunctive remedy she sought – release from
9 DHS detention – moots this habeas petition. *See United States v. Geophysical Corp. of*
10 *Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a claim as
11 to which no effective relief can be granted.”). Recently, on January 12, 2026, the
12 Honorable Judge Olguin denied as moot a motion for preliminary injunction and habeas
13 petition after granting a temporary restraining order to release petitioner. The Court
14 explained:

15 For a habeas petition to continue to present a live controversy after the
16 petitioner’s release or deportation ... there must be some remaining
17 ‘collateral consequence’ that may be redressed by success on the petition.”
18 *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). “By contrast, where
19 the grounds for habeas relief will not redress collateral consequences, a
20 habeas petition does not continue to present a live controversy once the
21 petitioner is released from custody.” *Id.* “Collateral consequences create
22 concrete legal disadvantages.” *Alam v. Carter*, 843 F.Appx. 953, 954 (9th
23 Cir. 2021) (internal quotation marks omitted).

24 Here, petitioner’s release “does not give rise to collateral consequences
25 that are redressable by success on his original petition.” *Abdala*, 488 F.3d at
26 1065; *see Mejia v. Semaia*, 2025 WL 2633165, *2 (C.D. Cal. 2025) (“[I]f
27 release from custody fully resolves the claims raised in a habeas petition, the
28 claims are indeed moot.”). And petitioner’s contention that respondents will

1 be able to re-arrest and re-detain him ... appears to be “speculative and
2 hypothetical[.]” *Alam*, 843 F.Appx. at 954; *see id.* (holding that petitioner’s
3 release from detention mooted his petition for a writ of habeas corpus and
4 that “[a]ny risk of re-detention does not save his petition from mootness, as
5 he was released pursuant to court order and there is thus a legal impediment
6 to his re-detention”).

7 *Trujillo v. Janecka*, No. 5:25-cv-03002-FMO-SSC, 2026 WL 84314, at *1 (C.D. Cal.
8 Jan. 12, 2026).

9 Petitioner may argue that the case is not moot because Petitioner could
10 theoretically be re-detained. The possibility of re-detention is not grounds to continue
11 litigating a habeas petition. For example, the Honorable Judge Carter granted a TRO but
12 then denied the PI as moot in *Coc Tut v. Noem*, 5:25-cv-02701-DOC, Dkt. 13 (Oct. 13,
13 2025). Judge Carter addressed the re-detention argument and rejected it as a basis to
14 sustain a habeas action, explaining, “The Court understands Petitioners’ concerns
15 regarding re-detention. Petitioners may seek relief from the Court should they be re-
16 detained by immigration officials and held without bond pursuant to the Government’s
17 new policy.” *Id.* at 3.

18 The Honorable Judge Slaughter reached a similar result in *J.P. v. Santacruz*, No.
19 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *1 (C.D. Cal. Oct. 24, 2025), a case
20 where the petitioner requested notice and a hearing before a neutral adjudicator prior to
21 his potential future re-detention and/or re-arrest. Judge Slaughter dismissed the case for
22 lack of subject matter jurisdiction, finding, “To the extent Petitioner challenges his future
23 detention and/or arrest at another physical appointment, the court finds Petitioner fails to
24 present sufficient allegations or evidence of the threat of future injury to confer Article
25 III standing.” *Id.* at *4.

26 Here, Petitioner requests her release from immigration detention. However,
27 because Petitioner has already been released from detention, there is no further relief this
28 Court can provide. Accordingly, Respondents respectfully request that the Court deny

1 the petition for writ of habeas corpus and dismiss Petitioner's action. Respondents do
2 not believe that an evidentiary hearing is required.

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4 Dated: January 20, 2026

Respectfully submitted,

5 TODD BLANCHE
6 Deputy Attorney General
7 BILAL A. ESSAYLI
8 First Assistant United States Attorney
9 DAVID M. HARRIS
10 Assistant United States Attorney
11 Chief, Civil Division
12 DANIEL A. BECK
13 Assistant United States Attorney
14 Chief, Complex and Defensive Litigation Section

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/s/ Mallory Lynn

MALLORY LYNN
Special Assistant United States Attorney

Attorneys for Federal Respondents