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

14 FERNANDO JOSE JUAREZ
FERNANDEZ,

15 Petitioner,

16 v.

17 FERETI SEMAIA, et al.

18 Respondents.
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No. 5:25-cv-03412-SPG-MBK

**RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION
SHOULD NOT BE ISSUED**

Hon. Sherilyn Peace Garnett
United States District Judge

1 Petitioner filed a petition for writ of habeas corpus asking the Court to order his
2 release. *See* Pet. for a Writ of Habeas Corpus (“Petition”), Dkt. 1. Petitioner also filed his
3 Motion for Temporary Restraining Order and Preliminary Injunction (“TRO
4 Application”) requesting the same relief, Dkt. 1-3. On January 13, 2026, the Court
5 granted Petitioner’s Application, ordering that he be immediately released from custody.
6 *See generally* Order Granting Petitioner’s Motion for Temporary Restraining Order
7 (“TRO”), Dkt. 10. The Court also ordered Respondents to show cause as to why a
8 preliminary injunction should not issue in the case. *Id.* at 15.

9 Pursuant to the TRO, Petitioner was released from custody on an order of
10 recognizance on January 14, 2026. Accordingly, Petitioner has already obtained the
11 complete relief sought in his Petition over which this Court has jurisdiction. *See, e.g.,*
12 Petition, Prayer for Relief ¶ 3; *see also* 28 U.S.C. § 2241(c) (“The writ of habeas corpus
13 shall not extend to a prisoner unless [h]e is in custody.”). The Ninth Circuit has been
14 fairly clear about the scope of habeas relief, explaining that “release from confinement is
15 the only available remedy for claims at the writ’s core” *Pinson v. Carvajal*, 69 F.4th
16 1059, 1070 (9th Cir. 2023), *cert. denied sub nom. Sands v. Bradley*, 144 S. Ct. 1382
17 (2024); *see also id.* at 1076 (“Because [petitioner’s] claims lie outside the historic core
18 of habeas corpus, we conclude the district court properly found it lacked jurisdiction to
19 hear [his] petition.”).

20 Because Respondents have already released Petitioner, the alleged injury—the
21 detention itself—has ended, and there is no further relief for this Court to provide. As the
22 Supreme Court has explained, once a challenged restraint has ceased to have any
23 continuing effect, “mootness . . . simply deprives us of our power to act; there is nothing
24 for us to remedy, even if we were disposed to do so.” *Spencer v. Kemna*, 523 U.S. 1, 18
25 (1998). “[T]he Ninth Circuit [too] has long held that [] ‘the writ of habeas corpus is
26 limited to attacks upon the legality or duration of confinement.’” *Pinson*, 69 F.4th at
27 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v.*
28 *Rodriguez*, 411 U.S. 475, 484 (1973) (“It is clear . . . from the common-law history of

1 the writ . . . that the essence of habeas corpus is an attack by a person in custody upon
2 the legality of that custody, and that the traditional function of the writ is to secure
3 release from illegal custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (“Habeas is
4 the exclusive remedy . . . for the prisoner who seeks immediate or speedier release from
5 confinement. Where the prisoner’s claim would not necessarily spell speedier release, . .
6 . suit may be brought under § 1983.” (cleaned up)).

7 Nor can Petitioner salvage either his habeas claim or his request for injunctive
8 relief by speculating that he might be re-detained unlawfully at some indefinite point in
9 the future. Article III requires a concrete, actual or imminent injury; mere speculation
10 about possible future injury is insufficient. *See, e.g., City of Los Angeles v. Lyons*, 461
11 U.S. 95, 102 (1983) (making plain that plaintiff must show an injury or threat of injury
12 that is “real and immediate,” not “conjectural” or “hypothetical”); *Whitmore v. Arkansas*,
13 495 U.S. 149, 158 (1990) (“Each of these cases demonstrates what we have said many
14 times before and reiterate today: Allegations of possible future injury do not satisfy the
15 requirements of Art. III. A threatened injury must be ‘certainly impending’ to constitute
16 injury in fact.”). Relatedly, the mere “possibility” of irreparable harm is insufficient to
17 sustain his burden here. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S.
18 7, 22 (2008). Instead, he must show “immediate threatened injury.” *Caribbean Marine*
19 *Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l*
20 *Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). He
21 cannot do so.

22 Indeed, “[i]ssuing a preliminary injunction based only on a possibility of
23 irreparable harm is inconsistent with [the Supreme Court’s] characterization of
24 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
25 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a
26 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.
27 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much
28 less irreparable harm. *See, e.g., Hai Chieu Dam v. Timothy Robbins*, 2:25-cv-08133-

1 JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address whether
2 petitioner was “in custody” because petition for an injunction barring re-detainment was
3 not ripe). Recently, where a petitioner argued that “his future detention is not speculative
4 because the call-in for a physical appointment is a typical ruse to re-detain noncitizens
5 on supervised release, and that he still faces a risk of unlawful future detention,” the
6 court found that he “fail[ed] to sufficiently allege an injury or threat of injury because the
7 event giving rise to the Petition has passed and Petitioner’s alleged threat of future injury
8 is too speculative and unripe” and relatedly that he “fail[ed] to present sufficient
9 allegations or evidence of the threat of future injury to confer Article III standing.” *J.P.*
10 *v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *4 (C.D. Cal. Oct. 24,
11 2025). *See also* *Nam Su Hoang v. Santacruz*, No. 5:25-cv-02766-JGB-DSR, Docket No.
12 22 at 1 (C.D. Cal. Jan. 7, 2026) (dismissing habeas petition for lack of Article III
13 standing following release from custody because claims concerning re-detention and
14 third country removal are “too speculative to warrant relief”); *Yasiel Hernandez Trujillo*
15 *v. Janecka*, 5:25-cv-03008-FMO-SSC, Order Re Dismissing Petition for Writ of Habeas
16 Corpus as Moot, Dkt. 18 (C.D. Cal. Jan. 12, 2026) (dismissing habeas petition as moot
17 following petitioner’s release and noting “petitioner’s contention that respondents will be
18 able to re-arrest and re-detain him . . . appears to be ‘speculative and hypothetical.’”).

19 Because Petitioner is no longer in custody, cannot show any continuing collateral
20 consequence that this Court could redress via habeas, and relies only on speculative
21 future harm, his habeas petition is rendered moot. Without a live underlying claim, he
22 cannot show likelihood of success on the merits or irreparable harm.

23 Accordingly, a preliminary injunction should be denied and the Petition should be
24 dismissed.

1 Dated: January 21, 2026

Respectfully submitted,

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