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12 Attorneys for Federal Respondents

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 EASTERN DIVISION
16

17 EDGAR ANTONIO FREGOSO
RODRIGUEZ,

18 Petitioner,

19 v.
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ERNESTO SANTACRUZ JR., *et al.*,

21 Respondents.
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No. 5:25-cv-03439-SSS (BFM)

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

Date: January 16, 2026

Time: 2:00 p.m.

Judge: Hon. Sunshine S. Sykes

Courtroom: Riverside, Courtroom 2

1 On December 17, 2025, Edgar Antonio Fregoso Rodriguez (“Petitioner”) filed his
2 Petition for Writ of Habeas Corpus (“Petition”), Dkt. 1. The Petition requested that
3 Respondents release Petitioner from custody or, alternatively, conduct a bond hearing
4 within seven days, consistent with this Court’s final judgment in *Maldonado Bautista et*
5 *al. v. Santacruz Jr. et al.*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal.
6 Dec. 18, 2025) (Sykes, J.). See Dkt. 1, Petition at ¶¶ 10-11 (“Because Respondents are
7 detaining Petitioner in violation of the declaratory judgment issued in *Maldonado*
8 *Bautista*, the Court should accordingly order that within one day, Respondent DHS must
9 release Petitioner. [¶] Alternatively, the Court should order Petitioner’s release unless
10 Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.”).

11 On December 19, 2025, Petitioner filed an Ex Parte Motion for Temporary
12 Restraining Order (“Application”), Dkt. 4. Consistent with the Petition, the Application
13 sought an order for an individualized bond hearing before an immigration judge pursuant
14 to 8 U.S.C. § 1226(a), in addition to an order enjoining Respondents from transferring,
15 relocating, or removing Petitioner outside of this District without further order of the
16 Court and during the pendency of the litigation. See Dkt. 4 at 1; Dkt. 4-2 at 2.¹

17 On December 23, 2025, the Court issued its Order Retaining Jurisdiction Over
18 Petitioner’s Habeas Petition. Dkt. 11. The Order provided:

19 To preserve the Court’s jurisdiction pending a ruling in this matter,
20 Petitioner shall not be removed from the United States unless and until the
21 Court orders otherwise. Further, in light of Petitioner’s interests in
22 participating in further proceedings before this Court and in maintaining
23 adequate access to legal counsel through these proceedings, it is
ORDERED that Petitioner shall not be transferred except to a facility
24 within this District absent further order from this Court.

24 *Id.* at 1 (citations omitted; emphasis original).

25 On December 29, 2025, the Court issued its Order Granting Petitioner’s Ex Parte

27 ¹ On the face of the Application, Petitioner also requested an order that “enjoins
28 Respondents from re-detaining him absent further order of this Court.” Dkt. 4-1 at 29-30.
But that relief was expressly sought “in the alternative” to—not as additional or further
relief beyond—an individualized bond hearing. See *id.* at 30; see also Dkt. 4 at 1.

1 Application for Temporary Restraining Order. Dkt. 12. The Order provided:

- 2 • Respondents are enjoined from continuing to detain Petitioner unless
3 he is provided with individualized bond hearings before an
4 immigration judge pursuant to 8 U.S.C. § 1226(a) within 7 days of
5 the date of this Order;
- 6 • Consistent with the Court's previous order from December 23, 2025,
7 Respondents are enjoined from transferring, relocating, or removing
8 Petitioner from the Central District of California without further order
9 of the Court and pending final resolution of this litigation. [See Dkt.
10 No. 11].

11 Dkt. 12 at 3. The Court also ordered Respondents to show cause as to why a preliminary
12 injunction should not issue, and to file any response by January 9, 2026. *Id.*

13 In accordance with the Court's December 29, 2025 Order, an individualized bond
14 hearing was held by an immigration judge at the Executive Office for Immigration
15 Review, Adelanto Immigration Court, on December 31, 2025. See Declaration of S.
16 Desmond Jui ("Jui Decl."), ¶ 2 and Ex. 1. A custody redetermination was granted, and
17 Petitioner was ordered released from custody under a bond amount of \$10,000.00. See
18 *id.* Petitioner paid the bond and was released on January 5, 2026. Jui Decl., ¶ 3.

19 The Court has pronounced that where, as here, a petition sought—and the
20 petitioner received—a bond hearing or release, a preliminary injunction is moot. See,
21 e.g., *Gonzalez et al. v. Noem et al.*, No. 5:25-cv-02054-ODW (BFMx), Dkt. 16, at 2-3
22 (C.D. Cal. Aug. 25, 2025) (Wright, J.) ("Here, Petitioners requested a bond hearing or
23 release, and there is no dispute that they have been granted this relief Accordingly,
24 the Court denies as moot Petitioners' request for preliminary injunction and vacates the
25 preliminary injunction hearing on this case"; and ordering petitioners to show cause why
26 petition should not be dismissed "as moot in light of Petitioners' release on bond")
27 (internal citations, emphasis omitted); *Coc Tut et al. v. Noem et al.*, No. 5:25-cv-02701-
28 DOC-AGR, Dkt. 13, at 3, 4 (C.D. Cal. Oct. 30, 2025) (Carter, J.) (same; "The
Respondent's filing on October 27, 2025 evidences that the Petitioners who requested a
bond hearing received a bond hearing Since the relief sought by Petitioners has

1 already been granted, the Court finds the preliminary injunction moot.”; and ordering
2 petitioners to show cause why petition should not be dismissed “as moot in light of
3 Petitioners receiving bond hearings”); *Zaragoza Mosqueda et al. v. Noem et al.*, No.
4 5:25-cv-02304-CAS-BFM, Dkt. 15, at 2-3 (C.D. Cal. Sept. 16, 2025) (Snyder, J.) (same;
5 “Here, petitioners requested bond hearings or to be released from custody. Given that
6 the relief sought by petitioners has been provided, as evidenced by the immigration court
7 orders attached to respondents’ supplemental response, the Court finds the preliminary
8 injunction moot.”; and issuing OSC re: dismissal) (internal citations omitted).

9 Accordingly, Respondents respectfully request that the Court deny a preliminary
10 injunction as moot and discharge the Order to Show Cause, dissolve the current
11 temporary restraining order, and vacate the preliminary injunction hearing.

12 Respectfully submitted,

13
14 Dated: January 6, 2026

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First Assistant United States Attorney
DAVID M. HARRIS
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Section

22 /s/ S. Desmond Jui

23 S. DESMOND JUI

24 Assistant United States Attorney

Attorneys for Federal Respondents

L.R. 11-6.2 CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for the Federal Respondents, certifies that this brief contains 879 words, which complies with the 7000-word limits of L.R. 11-6.1 and Paragraph VII.D of this Court's Civil Standing Order dated September 2, 2025.

Dated: January 6, 2026

/s/ S. Desmond Jui
S. DESMOND JUI

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17 EDGAR ANTONIO FREGOSO
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20 ERNESTO SANTACRUZ JR., *et al.*,

21 Respondents.
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No. 5:25-cv-03439-SSS (BFM)

**DECLARATION OF S. DESMOND JUI
IN SUPPORT OF FEDERAL
RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Date: January 16, 2026

Time: 2:00 p.m.

Judge: Hon. Sunshine S. Sykes

Courtroom: Riverside, Courtroom 2

DECLARATION OF S. DESMOND JUI

I, Sheng-Wen Desmond Jui, declare:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California, and counsel of record for Respondents Ernesto Santacruz Jr., Kristi Noem, U.S. Department of Homeland Security, Pamela Bondi, Executive Office for Immigration Review, and Fereti Semaia (together, "Federal Respondents"). I submit this declaration in support of Federal Respondents' Response to Order to Show Cause re: Preliminary Injunction based on my personal knowledge, discussions with appropriately knowledgeable persons, information obtained from the U.S. Department of Justice, and review of my office's file. If called to testify under oath, I could and would testify competently to the facts stated herein.

2. Attached hereto as Exhibit 1 is a true and correct redacted copy of an immigration court order dated December 31, 2025 that my office received on January 6, 2026 from officials at the relevant agency.

3. I have been informed by officials at the relevant agency that Mr. Rodriguez paid a bond and was released on January 5, 2026.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 6, 2026, in Los Angeles, California.

/s/ S. Desmond Jui

S. DESMOND JUI

Exhibit 1



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

FREGOSO RODRIGUEZ, EDGAR
ANTONIO

To:

Hellerstein, Margaret Salant
[REDACTED]

A-Number:
[REDACTED]

Riders:

In Custody Redetermination Proceedings

Date:

12/31/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☒ Granted. It is ordered that Respondent be:

☐ released from custody on his own recognizance.

☒ released from custody under bond of \$ 10,000.00

☒ other:

Alternatives to Detention at DHS's discretion are also a condition of the release.

☒ Other:

The hearing was conducted pursuant to representations made by the U.S. government in a U.S. District Court during TRO litigation. See Ex. 5 at 2.

Curtis G. White

Immigration Judge: WHITE, CURTIS 12/31/2025

Appeal: Department of Homeland Security: ☐ waived ☒ reserved
Respondent: ☒ waived ☐ reserved

Appeal Due: 01/30/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : FREGOSO RODRIGUEZ, EDGAR ANTONIO | A-Number : [REDACTED]

Riders:

Date: 12/31/2025 By: NARANJO, MARIA, Court Staff

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

EDGAR ANTONIO FREGOSO
RODRIGUEZ,

Petitioner,

v.

ERNESTO SANTACRUZ JR., *et al.*,

Respondents.

No. 5:25-cv-03439-SSS (BFM)

[PROPOSED] ORDER DENYING
PRELIMINARY INJUNCTION

1 Before the Court is the Federal Respondents' Response to Order to Show Cause
2 re: Preliminary Injunction. Having considered the pleadings of record, all arguments in
3 response and reply, and all competent and admissible evidence submitted, the Court
4 deems the Federal Respondents' response to the Order to Show Cause to be satisfactory
5 and concludes a preliminary injunction is moot in light of Petitioner Edgar Antonio
6 Fregoso Rodriguez's having received a bond hearing.

7 The Court hereby ORDERS:

- 8 1. A preliminary injunction is DENIED AS MOOT.
- 9 2. The Order to Show Cause is DISCHARGED.
- 10 3. The temporary restraining order previously entered is DISSOLVED.
- 11 4. Pursuant to the above, the associated show-cause hearing on a preliminary
12 injunction, set for January 16, 2026 at 2:00 p.m., is VACATED.

13 IT IS SO ORDERED.

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16 Dated:

17 HON. SUNSHINE S. SYKES
18 United States District Judge
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