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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TENORIO RUGAMA,

Petitioner,

v.

CHESTNUT et al,

Respondents.

CASE NO. 1:25-CV-01918-DJC-AC

**RESPONSE TO ORDER TO SHOW CAUSE;
MOTION TO DISMISS PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28 U.S.C. § 2254
AND RULE 4; RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS; OPPOSITION TO
PRELIMINARY INJUNCTION; OPPOSITION
TO TEMPORARY RESTRAINING ORDER**

Petitioner is a citizen and national of Nicaragua who entered the United States illegally. Respondents¹ assert that Petitioner is thus an “applicant for admission” who is subject to mandatory detention by ICE under 8 U.S.C. § 1225(b)(2)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018); *See generally Cortes Alonzo v. Noem et al.*, 1:25-cv-01519-WBS-SCR at Dkt. 14 (E.D. Cal. Nov. 17, 2025); *but see Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–*11 (E.D. Cal. Oct. 9, 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for years).

“[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

¹ Respondents move to strike and to dismiss all unlawfully named officials under § 2241. A petitioner seeking habeas corpus relief is limited to name only the officer having custody of him as the respondent to the petition. 28 U.S.C. § 2242; *Rumsfeld v. Padilla*, 542 U.S. 426, 430 (2004); *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024) (holding, that the warden of the private detention facility at which a non-citizen alien was held was the proper § 2241 respondent).

1 As an applicant for admission, petitioner is subject to mandatory detention and thus ineligible for
2 a bond hearing. Therefore, the Petitioner's petition for writ of habeas corpus, and motions for a
3 temporary restraining order and preliminary injunction should be denied.²

4 Counsel for the government has reviewed the cases cited in the Court's minute order and
5 acknowledges that this matter is not substantively distinguishable from the facts of those cases. *See* Dkt.
6 No. 6 (citing *Lopez v. Lyons*, No. 2:25-cv-03174-DJC-CKD; *Singh v. Andrews*, No. 1:25-cv-01543-
7 DJC-SCR; *Mariagua v. Chestnut*, No. 1:25-cv-01744-DJC-CSK; *Ortega v. Noem*, No. 1:25-cv-01663-
8 DJC-CKD; *Souza v. Robbins*, No. 1:25-cv-01597-DJC-JDP)). Like the cases that the Court cites, this
9 matter is also in the same factual and procedural posture as the pending Ninth Circuit appeal in
10 *Rodriguez v. Bostock*, 779 F.Supp.3d 1239 (W.D. Wash. 2025), Ninth Circuit docket no. 25-6842.
11 Because the issues in *Rodriguez* are likely to be dispositive of the issues in this case, Respondents ask
12 that any further briefing deadlines be held abeyance until the resolution of the *Rodriguez* case.³

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14 Dated: December 20, 2025

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17 By: /s/ NICOLE M. VANEK
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26 ² Respondents oppose granting either a temporary restraining order or a preliminary injunction.
27 However, given the similar legal standards, this filing contains the entirety of the Respondents'
opposition to both forms of relief.

28 ³ Because this petition poses a mere question of law that is well-known to the Court,
Respondents believe that a hearing is not necessary and waive oral argument.