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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Ashraf Farhan Husny SULAIMAN,

11 Petitioner,

12 v.

13 Kristi NOEM, Secretary, U.S.
14 Department of Homeland Security;
15 Pamela BONDI, U.S. Attorney General;
16 Todd LYONS, Acting Director,
17 Immigration and Customs Enforcement;
18 Jaime RIOS, Acting Director, Los
19 Angeles Field Office, Immigration and
20 Customs Enforcement, Enforcement and
21 Removal Operations; Fereti SEMAIA,
22 Warden, Adelanto ICE Processing
23 Center; IMMIGRATION AND
24 CUSTOMS ENFORCEMENT; and U.S.
25 DEPARTMENT OF HOMELAND
26 SECURITY,

27 Respondents.
28

Case No. 5:25-cv-03475-PA-SCC

**RESPONSE TO ORDER TO
SHOW CAUSE RE: WHY
SANCTIONS SHOULD NOT BE
IMPOSED**

**TO THE HONORABLE JUDGE PERCY ANDERSON AND COUNSEL FOR
RESPONDENTS, DANIEL BECK:**

Counsel for Petitioner submits this Response to the Court's Order to Show Cause, ECF No. 10 ("OSC"), addressing the Court's concerns regarding compliance with L.R. 7-19.1 and L.R. 77-1.

I. Background and Rule at Issue

A. Notification to Opposing Counsel

Local Rule 7-19.1 requires a party moving for an Ex Parte Temporary Restraining Order ("TRO") (a) to "make reasonable, good faith efforts orally to advise counsel of all other parties, if known, of the date and substance of the proposed *ex parte* application, and (b) to advise the Court in writing and under oath of efforts to contact other counsel and whether any other counsel, after such advice, opposes the application." L.R. 7-19.1.

Here, Petitioner's counsel was hired at 10:00 a.m. on Friday, December 19, 2025 to file a Petition for Habeas Corpus and Application for Temporary Restraining Order ("TRO") on Petitioner's behalf. *See Declaration of Counsel*, Keli M. Reynolds ("Counsel Decl.") at ¶ 16. Counsel could not begin work until 12:00 p.m. due to a hearing in which she had to participate. *Id.* at ¶ 24. After about three hours of research and preliminary drafting, Counsel intended to notify Assistant U.S. Attorney Daniel Beck at approximately 3:00 p.m. but did not send the email until 5:55 p.m. *Id.* at ¶ 28, 31. The delay between approximately 3:00 p.m. and 5:55 p.m. was inadvertent,

1 caused by multiple calls with detained clients and an unexpected in-person meeting
2 with the family of a detained client, as well as the inability to work in an uninterrupted
3 manner. *Id.* at ¶¶ 33-34. Counsel did not provide oral notice. *Id.* at ¶35.

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5 B. Emergency Filing Procedures

6 Local Rule 77-1 requires notification to the court by a party moving for an Ex
7 Parte TRO by notifying the Courtroom Deputy for the assigned judge by telephone
8 during normal business hours. In that is not possible because no judge is assigned,
9 L.R. 77-1 contains two alternatives, depending on the circumstances.
10

11
12 [2] If an application for a TRO is or will be filed before a judge is
13 assigned to the case, the filer should contact the Civil Intake
14 Department in the Clerk's Office for the division in which the case
is *pending* . . .

15 or,

16 [3] [i]f a new civil case is opened and an application for a TRO or
17 similar document is filed after 4:30 p.m., and court attention is
18 needed prior to the next business day, the filer should call the Court
at (213) 894-0028 and follow the Emergency Filing Procedures.

19 L.R. 77-1 (emphasis added).

20 Counsel interpreted this to mean that if she could not open the case prior to
21 4:30 p.m. and the case was not "pending" in any such division prior to that time, the
22 third Emergency Filing Procedure should be followed once the case was opened.
23
24 Counsel Decl. ¶¶ 38-39.
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26 **II. Purpose of Sanctions**

27 According to L.R. 83-7, a violation of any local rule may subject a party to a
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1 sanction, “if the Court finds that the conduct was willful, grossly negligent, or
2 reckless.” In determining whether an attorney’s violation of the Local Rules warrants
3 the imposition of sanctions, “courts have required conduct amounting to
4 recklessness, gross negligence, repeated—although unintentional—flouting of court
5 rules, or willful misconduct before approving the imposition of monetary sanctions
6 under local rules.” *Zambrano v. City of Tustin*, 885 F.2d 1473, 1480 (9th Cir. 1989).
7

9 **III. Sanctions Are Not Appropriate in This Case**

10 Here, the Court’s OSC addresses two rules which undersigned counsel is
11 believed to have violated. As to the notice rule, L.R. 7-19.1, Counsel acknowledges
12 having delayed notifying opposing counsel by approximately three hours by
13 inadvertently failing to send the email earlier. Counsel Decl. at ¶29, 32. In this case,
14 notification in the early afternoon would have been appropriate because counsel had
15 by then performed the necessary investigation to determine how the case would
16 proceed. *Id.* at ¶¶ 26-28. Counsel also acknowledges that, under the rules, her email
17 should have been followed by a phone call. *Id.* at ¶35. Nevertheless, counsel’s failure
18 to obtain Respondents’ position prior to filing was not made in bad faith, nor was it
19 a result of recklessness or gross negligence. Counsel did not file the application
20 without attempting to notify opposing counsel.
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22 In addition, to the extent that Counsel’s late notice to Mr. Beck caused him to
23 be unable to obtain information bearing on Petitioner’s claims, Counsel notes that
24 she has stipulated to a continuance of Respondents’ deadline to respond to this
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1 Court's Order to Show Cause re: Preliminary Injunction to allow Mr. Beck to
2 continue his efforts to obtain information. See ECF No. 11. To ensure swift
3 communication, Counsel remained logged into her email account during her holiday
4 travel, even while flying. Counsel Decl. at ¶46.

6 The other rule cited by this Court, L.R. 77-1, is also addressed by Counsel in
7 the accompanying declaration. Counsel acted on a reasonable interpretation of the
8 rule under the circumstances. Counsel could not have had a case pending prior to
9 4:30 p.m. Had counsel had a case pending in court prior to 4:30 p.m., Counsel would
10 have contacted the Civil Court Clerk of the division in which the case was pending
11 to notify the clerk of the planned filing. Nevertheless, since all documents could not
12 be prepared prior to 4:30 p.m., counsel followed the procedures laid out in the rule
13 as she reasonably interpreted them.

17 In her declaration, counsel acknowledges that she may have been operating
18 under a misinterpretation of the rule. Counsel Decl. at ¶40. Nevertheless, counsel's
19 conduct did not amount to "recklessness, gross negligence, repeated—although
20 unintentional—flouting of court rules, or willful misconduct." *Zambrano*, 885 F.2d
21 at 1480.

24 Undersigned counsel does not have a record of repeated violations of the
25 Court's rules in this or any other case. Undersigned counsel is familiar with the local
26 rules and always reviews them prior to filing. Counsel Decl. at ¶9. Undersigned
27 counsel has now re-read those rules to ensure full compliance in the future. *Id.* at ¶36.

1 Given that Counsel did not act with the intention to prejudice Respondents or with
2 willful misconduct, recklessness, or gross negligence in failing to comply with the
3 L.R. 7-19.1, and acted under a reasonable interpretation of L.R. 77-1, this Court
4 should not impose sanctions. Nevertheless, undersigned counsel is prepared to
5 comply with any order of this court.
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8 Respectfully Submitted,

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10 DATED: December 29, 2025

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner
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