

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 ALFREDO J. BONILLA (NM Bar No. 146669)
Special Assistant United States Attorney
7 3403 Tenth Street, Suite 200
Riverside, California 92501
8 Telephone: (213) 940-2221
E-mail: Alfredo.Bonilla@usdoj.gov
9

10 Attorneys for Federal Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 EASTERN DIVISION
14

15 YESSSENIA ALVAREZ
CABANILLAS,

16 Petitioner,

17 v.
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19 GEO GROUP, INC., et. al,
20 Respondents.
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No. 5:25-cv-03484-ODW-PVC

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE REGARDING PRELIMINARY
INJUNCTION**

**[Filed concurrently with Exh. 1, Form I-
830 & Exh. 2, ISAP Enrollment]**

Honorable Otis D. Wright, II
United States District Judge

I. INTRODUCTION

Petitioner, through counsel, filed a Writ of Habeas Corpus (“Petition”) [Dkt. No. 1] along with an *Ex Parte* Application for Temporary Restraining Order (“TRO”) [Dkt. No. 2] (the “Application”). Petitioner sought extraordinary relief in the form of immediate release from immigration detention. *See* TRO Dkt. No. 2; Proposed Order ISO TRO (“Proposed Order”) 1, Dkt. No. 2-6). On December 24, 2025, the Court granted the Petitioner’s TRO, ordered immediate release, enjoined re-detention or relocation absent constitutional protections and clear-and-convincing proof, and required respondents to show cause by December 31, 2025, with a preliminary-injunction hearing set for January 6, 2026. *See* Order Granting Unopposed *Ex Parte* Application for TRO and Order to Show Cause, Dkt. No. 7.

Petitioner was released from Department of Homeland Security (“DHS”) custody on December 24, 2025, in full compliance with the TRO. *See* Exh. 1, Form I-830. On December 26, 2025, Petitioner enrolled in the Intensive Supervision Appearance Program (“ISAP”), an alternative to detention (“ATD”) program by DHS that provides case management and supervision for non-detained aliens. *See* Exh. 2, ISAP Enrollment.

Because Respondents complied fully with the Court’s TRO and Petitioner has since been released from DHS custody, that intervening release moots the extraordinary injunctive relief sought and independently warrants denial of a preliminary injunction. *See Iron Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983); *United States v. Geophysical Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a claim as to which no effective relief can be granted.”). Petitioner is no longer detained, is currently subject to DHS supervision through an ATD program and therefore cannot demonstrate any ongoing or imminent irreparable harm. Exhs. 1 & 2.

Moreover, the records reflect that Petitioner’s prior non-detained status was revoked due to her own failure to comply with DHS-imposed reporting requiring – conduct that undercuts any claim to equitable relief and independently forecloses the issuance of a preliminary injunction. *See* Form I-220A (Order of Release on Recognizance), Exh. B at

1 8 in the TRO Application.

2 Here, the Petitioner was released under Immigration and Nationality Act (“INA”)
3 subject to conditions that explicitly warned that failure to comply could result in
4 revocation and re-arrest. *Id.* Petitioner admits she failed to appear for a required in-person
5 Immigration and Customs Enforcement (“ICE”) check-in in October 2025 and did not
6 present herself to ICE until approximately two months later, in December 2025. Petition,
7 ¶¶ 18-19. Petitioner offers no documentary evidence substantiating her claim that her
8 daughter suffered an injury, including no medical records, no affidavits from healthcare
9 providers, and no evidence explaining why the failure to report persisted for two months.
10 *See generally* Petition and the TRO Application.

11 After confirming Petitioner’s noncompliance with release conditions, ICE exercised
12 its statutory authority under the INA to re-detain her pending removal proceedings. Form
13 I-200 (Warrant for Arrest of Alien), Exh. B at 7 in the TRO Application. The INA does
14 not require DHS to provide advance notice or a pre-re-detention hearing before exercising
15 that authority. *See Demore v. Kim*, 538 U.S. 510, 523 (2003); *Prieto-Romero v. Clark*, 534
16 F.3d 1053, 1062-63 (9th Cir. 2008).

17 Finally, Petitioner cannot demonstrate a likelihood of success on the merits,
18 irreparable harm, or entitlement to mandatory injunctive relief, the Petition should be
19 denied. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

20 **II. FACTUAL BACKGROUND**

21 Petitioner is a native and citizen of Peru who entered the United States (“U.S.”)
22 without inspection near Nogales, Arizona, on September 25, 2023. Form I-213, Exh. A, at
23 1 in the TRO Application.

24 ICE detained the respondent after her entry without inspection pursuant to the INA.
25 Form I-200 (Warrant for Arrest of Alien), Exh. B at 7 in the TRO Application.

26 The following day, on September 26, 2023, ICE released the Petitioner on her own
27 recognizance pursuant to the INA. Form I-220A (Order of Release on Recognizance), Exh.
28 B at 8 in the TRO Application. Form I-220A required Petitioner to comply with reporting

1 requirements and expressly warned that failure to comply could result in revocation of
2 release and re-arrest. *Id.*

3 ICE subsequently initiated removal proceedings under INA § 240, charging
4 Petitioner as inadmissible under INA § 212(a). Form I-862 (Notice to Appear), Exh. D, at
5 10-12.

6 Petitioner admits that she failed to appear for a required ICE check-in scheduled for
7 October 2025. Petition, ¶¶ 18-20. Petitioner further admits that she did not present herself
8 to ICE until December 15, 2025 – approximately two months after the missed
9 appointment. *Id.*

10 Petitioner asserts that her failure to report was related to an injury suffered by her
11 daughter and her own stress and anxiety. *Id.* However, Petitioner submits no medical
12 records, no affidavits, and no documentary evidence substantiating the injury or explaining
13 why the lapse persisted for two months. *See generally* Petition and the TRO Application.

14 After confirming Petitioner's noncompliance with release conditions, ICE exercised
15 its continuing statutory authority to re-detain Petitioner under the INA. *Id.* Petitioner does
16 not dispute that her detention is pre-final-order detention governed by the INA. *Id.*

17 On December 24, 2025, the Court granted the Petitioner's TRO, ordered immediate
18 release, enjoined re-detention or relocation absent constitutional protections and clear-
19 and-convincing proof, and required respondents to show cause by December 31, 2025,
20 with a preliminary-injunction hearing set for January 6, 2026. *See* Order Granting
21 Unopposed *Ex Parte* Application for TRO and Order to Show Cause, Dkt. No. 7.

22 Petitioner was released from Department of Homeland Security ("DHS") custody
23 on December 24, 2025, in full compliance with the TRO. *See* Exh. 1, Form I-830. On
24 December 26, 2025, Petitioner enrolled in the Intensive Supervision Appearance Program
25 ("ISAP"), an alternative to detention ("ATD") program by DHS that provides case
26 management and supervision for non-detained aliens. *See* Exh. 2, ISAP Enrollment.

1 **III. ARGUMENT**

2 **A. Petitioner Fails to Meet the High Bar for Injunctive Relief.**

3 Petitioner cannot succeed on her claim that DHS violated the Constitution or federal
4 law by re-detaining her under the INA without providing advance notice or a pre-re-
5 detention hearing, after Petitioner violated the conditions of her release.

6 To be sure, the government has very broad authority to revoke supervised release
7 that it has granted. *Cf. Moran v. U.S. Dep't of Homeland Sec.*, No. 20-00696, 2020 WL
8 6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing petitioners' claim that § 241.4(l)
9 [revocation of release] was a violation of their procedural due process rights and noting,
10 "[Petitioners] fail to point to any constitutional, statutory, or regulatory authority to
11 support their contention that they have a protected interest in remaining at liberty in the
12 United States while they have valid removal orders."). "While the regulation provides the
13 detainee some opportunity to respond to the reasons for revocation, it provides no other
14 procedural and no meaningful substantive limit on this exercise of discretion as it allows
15 revocation "when, in the opinion of the revoking official . . . [t]he purposes of release have
16 been served . . . [or] [t]he conduct of the alien, or *any other circumstance*, indicates that
17 release would no longer be appropriate." *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th
18 Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010) (citing §
19 241.4(l)(2)(i), (iv)) (emphasis in original). Indeed, the relevant statute under the INA does
20 not contemplate a pre-detention hearing. *See, e.g., 8 U.S.C. § 1231*.

21 Under INA § 236(a), DHS has discretionary authority to arrest and detain an alien
22 pending a decision on whether the alien is to be removed from the U.S. 8 U.S.C. 1226(a).
23 The statute does not require advance notice or a hearing before arrest or re-detention.
24 *Demore v. Kim*, 538 U.S. 510, 523 (2003). Due Process in the § 236(a) context is satisfied
25 through post-detention custody review, including the opportunity to seek a bond hearing
26 before an IJ. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008).

27 Petitioner was released under INA § 236(a) subject to express conditions requiring
28 compliance with ICE reporting obligations. Form I-220A (Order of Release on

1 Recognizance), Exh. B at 8 in the TRO Application. The release document expressly
2 warned that failure to comply could result in revocation and re-arrest. *Id.*

3 Petitioner admits that she failed to appear for a required ICE check-in scheduled for
4 October 2025. Petition, ¶¶ 18-20. Petitioner further admits that she did not present herself
5 to ICE until December 15, 2025 – approximately two months after the missed
6 appointment. *Id.*

7 After confirming Petitioner’s noncompliance with release conditions, ICE exercised
8 its statutory authority to re-detain Petitioner under the INA. *See generally* Petition and the
9 TRO Application. Petitioner does not dispute that her detention is pre-final-order detention
10 governed by the INA. *Id.*

11 Petitioner’s contrary theory relies on non-binding district court decisions from
12 outside the District and attempts to constitutionalize pre-detention process that Congress
13 did not require. 8 U.S.C. 1226(a).

14 Because DHS acted within its statutory authority under § 236(a) and due process
15 does not require a pre-re-detention hearing. Finally, Petitioner cannot demonstrate a
16 likelihood of success on the merits because she is no longer detained. Exhs. 1 & 2.

17 Injunctive relief must be *narrowly tailored* to the wrong. *See, e.g., Rodriguez Diaz*
18 *v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022). Other District Courts have correctly
19 applied this point of remedy law. In *Ahmad v. Whitaker*, for example, the government
20 revoked the petitioner’s release but did not provide him an informal interview. *Ahmad v.*
21 *Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4, 2018), *rep. & rec. adopted*, 2019
22 WL 95571 (W.D. Wash. Jan. 3, 2019). The petitioner argued the revocation of her release
23 was unlawful because, she contended, the federal regulations prohibited re-detention
24 without, among other things, an opportunity to be heard. *Id.* In rejecting her claim, the
25 court held that although the regulations called for an informal interview, petitioner could
26 not establish “any actionable injury from this violation of the regulations” because the
27 government had procured a travel document for the petitioner, and her removable was
28 reasonably foreseeable. *Id.* Similarly, in *Doe v. Smith*, the U.S. District Court for the

1 District of Massachusetts held that even if the ICE detainee petitioner had not received a
2 timely interview following her return to custody, there was “no apparent reason why a
3 violation of the regulation . . . should result in release.” *Doe v. Smith*, 2018 WL 4696748,
4 at *9 (D. Mass. Oct. 1, 2018). The court elaborated: “[I]t is difficult to see an actionable
5 injury stemming from such a violation. Doe is not challenging the underlying justification
6 for the removal order. . . . Nor is this a situation where a prompt interview might have led
7 to her immediate release—for example, a case of mistaken identity.” *Id.*

8 So too here, Respondents assert that Petitioner’s claims are now moot given she is
9 no longer detained. Preliminary injunction is not justified.

10 **B. The Balance of Interests Favors Respondents.**

11 It is well settled that the public interest in enforcement of the United States’s
12 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543,
13 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir.
14 1981) (“The Supreme Court has recognized that the public interest in enforcement of the
15 immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S. 418,
16 435 (2009) (“There is always a public interest in prompt execution of removal orders[.]”).
17 This public interest outweighs Petitioner’s private interest here.

18 **IV. CONCLUSION**

19 Petitioner’s Petition and request for preliminary injunction should be denied.
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1 Dated: December 31, 2025

Respectfully submitted,

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

12 /s/ Alfredo Bonilla
13 ALFREDO J. BONILLA
14 Special Assistant United States Attorney
15
16 Attorneys for Federal Respondents

17 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

18 The undersigned, counsel of record for Respondent, certifies that the
19 memorandum of points and authorities contains 2,133 words, which complies with the
20 word limit of L.R. 11-6.1.

21 Dated: December 31, 2025

22 /s/ Alfredo Bonilla
23 ALFREDO J. BONILLA
24 Special Assistant United States Attorney
25
26 Attorneys for Respondent
27
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