

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

14 OLEG BELACH
15 Petitioner,
16 v.
17 DAVID MARIN, *et al.*,
18 Respondents.

No. 5:25-cv-3452-SPG-RAO

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE AS TO WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

**[Filed concurrently with Exh. 1, DHS
Release Documents]**

Honorable Sherilyn Peace Garnett
United States District Judge

**FEDERAL RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE
AS TO WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE;
SUGGESTION OF MOOTNESS**

On December 19, 2025, pro se Petitioner, filed a Petition for Writ of Habeas Copus ("Petition") [Dkt. No. 1]. On December 29, 2025, Petitioner filed an *ex parte* application seeking a Temporary Restraining Order ("TRO") [Dkt. No. 3]. Petitioner specifically sought immediate release from custody and restoration of his Order of Supervision. *See* Petition. On December 31, 2025, Respondents filed a Notice of Non Opposition to the TRO [Dkt. No. 6].

On January 5, 2026, the Court granted the TRO ordering Respondents to immediately release Petitioner under the conditions of his prior Order of Supervision ("OSUP") issued on May 2, 2024. *See* Dkt. No. 9. The Court ordered Petitioner to file an opening brief and related submissions no later than Friday, January 9, 2026, at 5:00 p.m. *Id.* Respondents were ordered to file an opposition no later than Monday, January 12, 2026, at 12:00 p.m. *Id.* Petitioner failed to submit his opening brief in violation of the Court's order.

Nonetheless, Respondents have fully complied with the Court's order. On January 5, 2026, the Department of Homeland Security ("DHS") released Petitioner from custody under the conditions of his prior OSUP. *See* Exh. 1 (DHS Release Documents).

Because Petitioner has received the precise relief he requested – release from DHS custody – there is no longer a live case or controversy. Accordingly, any request for a preliminary injunction or habeas relief is moot. *See* Petition; *see also* Exh. 1.

Courts in this District routinely deny requests for preliminary injunctive relief as moot where the petitioner has already been released from DHS custody. *See, e.g., Yessenia Alvarez Cabanillas v. Geo Group, Inc. et al*, 5:25-cv-03484-ODW-PC, Dkt. No. 11 (January 5, 2026, minute order by Honorable Otis D. Wright, II denying as moot petitioner's request for a preliminary injunction given petitioner sought emergency injunctive relief to be released from custody and was granted the requested relief by

1 DHS releasing her from custody); *Mauricio Alejandro Ovalle Lombana v. Mark Bowen*
2 *et al*, 2:25-cv-10871-HDV-JC, Dkt. No. 14 (January 5, 2026, minute order by Honorable
3 Hernan D. Vera denying petitioner's habeas petition as moot given petitioner was
4 afforded a bond hearing and has been released from DHS custody on bond conditions);
5 *see also See Iron Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983); *United States*
6 *v. Geophysical Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) ("We cannot take
7 jurisdiction over a claim as to which no effective relief can be granted.").

8 Accordingly, because the Petitioner's release from DHS custody has fully
9 resolved the relief sought, the Court should decline to issue a preliminary injunction and
10 dismiss the Petition as moot.

11 Dated: January 12, 2026

12 Respectfully submitted,

13 TODD BLANCHE
14 Deputy Attorney General

15 BILAL A. ESSAYLI
16 First Assistant United States Attorney

17 DAVID M. HARRIS
18 Assistant United States Attorney
19 Chief, Civil Division

20 DANIEL A. BECK
21 Assistant United States Attorney
22 Chief, Complex and Defensive Litigation Section
23 ALFREDO J. BONILLA (NM Bar No. 146669)
24 Special Assistant United States Attorney

25 /s/ Alfredo Bonilla

26 Alfredo J. Bonilla
27 Assistant United States Attorney

28 Attorneys for Federal Respondents

CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondent, certifies that the memorandum of points and authorities contains 694 words, which complies with the word limit of L.R. 11-6.1.

Dated: January 12, 2026

/s/ Alfredo Bonilla
ALFREDO J. BONILLA
Special Assistant United States Attorney
Attorneys for Federal Respondents