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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

O.J.R.A., S.A.R., and J.A.R., Minors, By and Through Erica Santamaria, as Next Friend of Minors,
Petitioners,

v.

RUBY HERNANDEZ, Federal Field Specialist, Office of Refugee Resettlement; NIKY HYMEL, Federal Field Specialist Supervisor, Office of Refugee Resettlement; ANDREW GRADISON, Assistant Secretary of the Administration of Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, Secretary of the U.S. Department of Health and Human Services,
Respondents.

Case No. 2:26-cv-00482-AB-PD

Hon. Patricia Donahue

PETITIONERS' EX PARTE APPLICATION TO STRIKE RESPONDENTS' UNTIMELY SUPPLEMENTAL RESPONSE

PETITIONERS' EX PARTE APPLICATION TO STRIKE RESPONDENTS' UNTIMELY SUPPLEMENTAL RESPONSE

I. INTRODUCTION

On February 24, 2026, this Court issued a clear and unequivocal order directing Respondents to file a supplemental response "addressing the arguments advanced in Petitioners' traverse, including the argument that the Petition is not moot, by March 17, 2026." *See* Dkt. No. 25. Respondents did not comply. They neither filed the supplemental response by the deadline nor sought an extension of time, despite having ample notice and weeks to prepare their submission. Instead, they filed the response only after the Court-ordered deadline had passed.

II. RESPONDENTS' SUPPLEMENTAL RESPONSE IS UNTIMELY AND THE COURT HAS AUTHORITY TO DECLINE TO CONSIDER IT

The Local Rules of the United States District Court for the Central District of California expressly govern compliance with court-ordered deadlines and the consequences of noncompliance. Local Rule 7-12 provides that "[t]he Court may decline to consider any memorandum or other document not filed within the deadline set by order or local rule," and that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." C.D. Cal. L.R. 7-12. Similarly, Local Rule 7-13 provides that a party who files a document after the deadline "shall be subject to the sanctions of L.R. 83-7 and the Federal Rules of Civil Procedure." C.D. Cal.

L.R. 7-13.

When a party fails to comply with a court-ordered deadline, it must seek relief and demonstrate that its failure resulted from "excusable neglect." Fed. R. Civ. P. 6(b)(1)(B). Respondents neither sought leave of Court nor attempted to demonstrate excusable neglect.

Respondents' late submission fits squarely within the conduct addressed by these rules. The Court ordered a filing by March 17, 2026. Respondents did not comply, and the docket reflects no request for an extension or other relief. The fact that the filing was only one day late does not excuse noncompliance or eliminate the requirement to seek leave and demonstrate excusable neglect. Under these circumstances, the Court may properly decline to consider the untimely filing.

III. THE COURT SHOULD EXERCISE ITS DISCRETION TO STRIKE OR DISREGARD THE FILING

Court-ordered deadlines are not "frivolous pieces of paper, idly entered, which can be cavalierly disregarded." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992). Given the Court's unambiguous order and the substantial time Respondents had to prepare their response, Petitioners respectfully request that the Court decline to consider Respondents' untimely filing pursuant to Local Rule 7-12. Respondents' untimely filing disrupts the orderly administration of the Court's proceedings and affords them an improper procedural advantage.

The Court's inherent authority and the Local Rules support striking or otherwise disregarding an untimely submission, and nothing in those rules requires the Court to accept a late filing under these circumstances.

In the alternative, should the Court consider Respondents' untimely filing, Petitioners respectfully request leave to file a response addressing the arguments raised therein.

IV. CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the Court strike or otherwise disregard Respondents' untimely supplemental response and proceed without considering it.

Dated: March 20, 2026

Respectfully submitted,

/s/ Emily Sugarman
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