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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ODILIO MISAEL ORELLANA REYES,	)	Case No. 3:26-cv-01756-CRB
	)	
Petitioner,	)	RESPONDENTS' OPPOSITION TO
	)	ADMINISTRATIVE MOTION TO EXTEND
v.	)	FILING DEADLINE
	)	
SERGIO ALBARRAN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

Respondents submit this opposition in response to Petitioner's motion for a two-week extension to file his motion for preliminary injunction ("PI"). Dkt. No. 19. Respondents state the following in support of their request.

On March 1, 2026, Petitioner filed a petition for writ of habeas corpus and ex parte motion for temporary restraining order ("TRO") seeking release from Immigration and Customs Enforcement ("ICE") detention and an order enjoining Respondents from re-detaining him unless they demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community. Dkt. Nos. 1 at 8; 3 at 16. On March 2, 2026, Respondents filed an opposition to the TRO. Dkt. No. 8.

On March 3, 2026, a hearing on the TRO was held before the Honorable Vince Chhabria, United States District Judge. Dkt. No. 15. The Court then issued an order denying the TRO and setting a

1 briefing schedule for Petitioner's PI motion. Dkt. No. 16. Notably, at the hearing, a discussion was held
2 about the best way to proceed after the TRO was denied. Respondents offered to set the briefing
3 schedule for the habeas petition itself as opposed to a preliminary injunction, as Petitioner is seeking
4 release from detention and that would likely result in a more expedient adjudication of the merits.
5 However, Petitioner preferred to set a briefing schedule for a possible PI, as he may want to add more
6 claims under the Administrative Procedure Act ("APA").

7 Petitioner has submitted a stay request with ICE, that if granted, will render the habeas petition
8 moot. Dkt. Nos. 19 at 2; 19-1 ¶ 3. While Petitioner asserts that on March 4, 2026, his attorney was told
9 that ICE would be inclined to grant the stay, there's nothing to suggest any progress has been made on
10 that request. Additionally, although the grant of a stay would moot the habeas petition, it is unclear how
11 it would affect the PI.

12 Petitioner has a reinstated final removal order. Dkt. Nos. 8-1 ¶ 10; 8-2. Although Petitioner has a
13 pending application for a U visa, this does not prevent his removal. *See* 8 C.F.R. § 214.14(c)(ii). Nor
14 does Petitioner's removal affect U.S. Citizenship and Immigration Services ("USCIS")'s ability to
15 adjudicate that application. *See* 8 C.F.R. § 214.14(c)(5)(i)(B). Currently, the only barrier to ICE
16 executing the reinstated removal order is this Court's order preventing removal until the PI has been
17 adjudicated. Dkt. No. 16. By delaying the adjudication of the PI, not only is ICE prevented from
18 exercising one of its statutory duties that is unreviewable by this Court, *see* 8 U.S.C. § 1252(g), but
19 Petitioner is voluntarily prolonging his detention, which he alleges to be causing "immense irreparable
20 injury . . . every day he remains in detention." Dkt. No. 3 at 14.

21 Additionally, Petitioner intends to file a motion for PI so that he may add claims under the APA
22 not originally included in the habeas petition or TRO. However, the only relief available in habeas is
23 release from custody. *See Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 121 (2020) (denying
24 a habeas petition from an alien in immigration detention because he "seeks to use habeas to obtain
25 something far different from simple release."); *see also Munaf v. Geren*, 553 U.S. 674, 694 (2008)
26 (denying a habeas petition because petitioners sought relief other than "simple release").

27 For these reasons, Respondents respectfully request that the Court deny Petitioner's
28 administrative motion for a two-week extension to file his PI motion.

1 DATED: March 12, 2026.

Respectfully submitted,

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