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

14 Gamaliel Rodriguez Pastrana,

15 Petitioner,

16 v.

17 Fereti Semaia, *et al.*,

18 Respondents.
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No. 2:26-cv-03880-CAS-DTB

**FEDERAL RESPONDENTS'
OPPOSITION TO FIRST NOTICE OF
MOTION AND MOTION FOR
TEMPORARY RESTRAINING ORDER
[DKT. 11]**

**[Concurrently filed with the Declaration
of D.O. Miguel Russi]**

Honorable Christina A. Synder
United States District Judge

1 **I. INTRODUCTION & PROCEDURAL HISTORY**

2 Petitioner Gamaliel Rodriguez-Pastrana, an immigrant detained at the Adelanto
3 facility since April 9, 2026, filed a Petition for Writ of Habeas Corpus on April 10, 2026
4 (“Petition”) seeking his immediate release from detention. *See generally* Petition, Dkt. 1.
5 He then filed an application for a temporary restraining order (“TRO Application”)
6 seeking the same relief. Dkt. 2. The Petitioner then declined to consent to have a
7 Magistrate Judge conduct all further proceedings. Dkt. 4. On April 11, 2026, the Court
8 granted Petitioner’s Emergency TRO Application, ordering that Respondents are barred
9 and restrained from transferring Petitioner outside the jurisdiction pending a further order
10 from the Court. *See* Dkt. 3. On April 12, 2026, a Notice of General Order 26-05 and
11 Briefing Schedule was filed by the Court. *See* Dkt. 6. On April 14, 2026, the Court granted
12 the TRO application in part and denied in part. The case was then to proceed in accordance
13 with the General Order 26-05 [Dkt. 6]. *See* Dkt. 7. In compliance with General Order 26-
14 05, Respondents filed their Answer to the Petition. Dkt. 9. On April 23, 2023, Petitioner
15 filed a reply to the Answer. Dkt. 9.

16 On May 7, 2026, the Petitioner filed the instant TRO Application. Dkt. 11.
17 Respondents oppose the instant TRO Application both procedurally and substantively.
18 Procedurally, the *ex parte* application is properly denied based on it being unnecessary
19 pursuant to the fully briefed Petition that has followed the process set forth in General
20 Order No. 26-05. Substantively, (1) Petitioner’s complaints about his health conditions
21 putatively not receiving sufficient medical treatment are not a basis for a habeas claim, (2)
22 Petitioner has not shown he will suffer irreparable harm, and (3) The balance of interests
23 favors the Respondents.

24 Accordingly, the *ex parte* TRO application should be denied.

25 **II. STATEMENT OF FACTS**

26 Respondents hereby incorporate the facts set forth in their Answer to Petition for
27 Writ of Habeas Corpus. Dkt. 9. Further, Respondents hereby submit the Declaration of
28 Deportation Officer Miguel Russi. *See* Declaration of Deportation Officer of Miguel

1 Russi (“Russi Decl.”).

2 The Petitioner is subject to a final order of removal to his native country of
3 Honduras. *Id.* ¶ 3-4; Dkt. 9-1 (Exhibit A - IJ Removal Order dated September 1, 2016);
4 *see also* Dkt. 1, ¶ 4. On April 9, 2026, the Petitioner was taken into ICE custody. *See* Dkt.
5 9-3 (Exhibit C - Informal Interview dated April 9, 2026). According to D.O. Russi, the
6 Petitioner possesses the physical health to be removed to Honduras, and would be removed
7 to Honduras except for the hold on removal issued by the Court in this case—despite the
8 existence of a final removal order. *See* Russi Decl., ¶5. On April 10, 2026, the Petitioner
9 reported intermittent right-knee pain initially the physical exam was fairly benign. *Id.*, ¶6.
10 On April 14, 2026, Petitioner had documented right-knee edema, warmth, and tenderness.
11 *Id.*, ¶7. He was prescribed 800 mg ibuprofen, a knee X-ray was ordered, and multiple
12 screening were labs drawn. *Id.*

13 On April 20, 2026, Petitioner first reported a severe pain or pop in his knee. *Id.*,
14 ¶8. The nurse performed an assessment and activated a code blue. *Id.* This involved a
15 911 call and Emergency Medical Services (“EMS”) transporting him to Victor Valley
16 Global Medical Center (“VVGMC”). *Id.* Following this, a physician evaluated Petitioner
17 in the Emergency Department (“ED”) of the VVGMC on the day of the “severe pain or
18 pop” injury. *Id.*, ¶9. An X-ray of the knee again showed no fracture or dislocation. *Id.* An
19 MRI of the knee was obtained the same day that showed: (1) a bucket-handle tear of the
20 entire medial meniscus with the fragment flipped into the intercondylar notch, (2)
21 “Kissing” bone contusions of the lateral femoral condyle and posterolateral tibial
22 plateau, (3) Suspected low-grade sprain of the proximal ACL, and (4) a small effusion,
23 but otherwise intact ligaments and bones. *Id.* Importantly, the MRI did not show
24 a fracture or vascular emergency. *Id.* While Petitioner was in the hospital, he received
25 analgesia and prophylaxis including Morphine for severe pain, Norco for moderate pain,
26 NSAIDs, Enoxaparin, and Zofran for nausea. *Id.*, ¶10. His vitals remained stable for
27 several days. *Id.*

28 Between April 20 and April 26, 2026, Petitioner was fitted with a knee brace, an

1 Echocardiogram was done and was normal, case management explored transfer to
2 Arrowhead Regional for surgery, then stopped the transfer when the procedure was
3 classified as an outpatient surgery. *Id.*, ¶11.

4 Upon his return to Honduras, Petitioner can arrange outpatient arthroscopic
5 surgery at a facility of his choice. *Id.*, ¶12.

6 **III. STANDARD OF REVIEW**

7 Courts have recognized very few circumstances justifying the issuance of an *ex*
8 *parte* temporary restraining order. See *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d
9 1126, 1131 (9th Cir. 2006). A TRO is “an extraordinary and drastic remedy ... that
10 should not be granted unless the movant, *by a clear showing*, carries the burden of
11 persuasion.” *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). For a TRO to issue,
12 the movant must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood
13 of suffering irreparable harm in the absence of preliminary relief, (3) the balance of
14 equities tips in its favor, and (4) the TRO is in the public interest. See *Winter v. Nat. Res.*
15 *Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

16 **IV. ARGUMENT**

17 **A. The *Ex Parte* TRO Application Should Be Denied Because it is** 18 **Unnecessary Given The Petition Briefing and Decision Process of** 19 **General Order No. 26-05.**

20 On April 10, 2026, Petitioner filed a petition for writ of habeas corpus under 28
21 U.S.C. § 2241 seeking release from immigration detention. Dkt. 1. Simultaneously with
22 the Petition, Petitioner filed an *ex parte* application for temporary restraining order
23 (“TRO Application”), seeking the same relief. Dkt. 2. Following this, the Court granted
24 the TRO application in part and denied in part. See Dkt. 7. The case was then to proceed
25 in accordance with the General Order 26-05 [Dkt. 6]. *Id.* However, on May 7, 2026, the
26 Petitioner filed the instant TRO Application. Dkt. 11.

27 General Order No. 26-05 has been entered in this matter and provides 7 days for
28 Respondents to respond to the Petition. Dkt. 5. Nevertheless, this Court entered another

1 order setting the deadline for Respondents to respond to the TRO Application. Dkt. 7.

2 Given the sheer volume of habeas petitions in this District and the wasteful use of
3 resources adjudicating separate petitions and TRO applications that often seek the same
4 relief, the General Order has a general prohibition on TRO applications, unless they seek
5 to address “imminent, irreparable harm that cannot be addressed by the standard
6 scheduling order or by the expedited briefing schedule.” Dkt. 5. The stated purpose for
7 this standard was “to provide a prompt resolution to habeas petitions and reduce the
8 contemporaneous filing of applications for a temporary restraining order.” *Id.*

9 Judges throughout the District have quickly adopted the General Order, which in
10 turn is leading to more uniform expeditious resolution of habeas petitions and a
11 reduction of duplicative briefing within the same case. In one of the first decisions to
12 apply the General Order, the Honorable Magistrate Judge McCormick explained the risk
13 to case administration if the General Order were not applied in cases like this: “The harm
14 Petitioner alleges is the same detention she challenges in her underlying habeas petition
15 If the generalized harm of detention were sufficient to bypass the standard briefing
16 schedule, nearly every immigration habeas petition filed in this District would warrant an
17 emergency TRO.” *Tang v. Warden*, 5:26-cv-01595-DFM, Dkt. 5 (C.D. Cal. Apr. 2,
18 2026) (denying TRO based on General Order 26-05); *see also Argueta v. Sec’y of*
19 *Homeland Sec.*, 5:26-cv-01687-JLS-E, Dkt. 7 (C.D. Cal. Apr. 7, 2026) (similar); *Liu v.*
20 *Mullin*, 5:26-cv-01697-SSC, Dkt. 6 (C.D. Cal. Apr. 7, 2026) (similar); *Chen v. Mullin*,
21 5:26-cv-01684-MCS-PVC, Dkt. 7 (C.D. Cal. Apr. 8, 2026) (similar); *Hernandez-Gomez*
22 *v. Semaia*, 5:26-cv-01673-FWS-E, Dkt. 10 (C.D. Cal. Apr. 8, 2026) (similar); *Franco v.*
23 *U.S. Dep’t of Justice*, 2:26-cv-03678-SP, Dkt. 6 (C.D. Cal. Apr. 8, 2026) (complaints of
24 inadequate medical treatment for bronchitis, coughing fits, and a nosebleed not sufficient
25 to meet the standard under the General Order).

26 Moreover, the General Order requires Respondents to provide two court days’
27 notice to Petitioner and the Court of its intent to remove him from this District. Dkt. 6.
28 Accordingly, Petitioner’s allegations fail to meet the standard of “imminent, irreparable

1 harm” that cannot be addressed on the expedited briefing schedule entered in this case
2 under the General Order. *Id.* The TRO Application does not assert that there is an
3 emergency and should be denied for failing to meet the General Order’s standard.
4 Furthermore, Petitioner has not shown why he “should be allowed to go to the head of
5 the line in front of all other [habeas] litigants and receive special treatment.” *Mission*
6 *Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995); *see also*
7 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

8 Given that the General Order sets a briefing schedule that provides for expeditious
9 adjudication of the Petition, the TRO Application should be denied on this basis. There
10 is no extraordinary urgency identified in the claims set forth in that TRO Application
11 that cannot be resolved pursuant to the General Order schedule.

12 **B. Petitioner’s Complaints About His Health Conditions and their Care in**
13 **Detention Are Not a Basis for a Habeas Claim, Much Less for *Ex Parte***
14 **TRO Relief Granting Such A Claim.**

15 In his recent TRO Application, Petitioner, through counsel, complains about alleged
16 medical neglect during detention. Dkt. 11, ¶¶ 1-11. Petitioner suggests that he did not
17 receive timely or adequate medical treatment for this injury. *Id.* While medical care for
18 detainees is indeed important, it is not a basis for release. Detention centers can provide
19 extensive medical services to detainees, including medication, and including outpatient
20 services for extraordinary needs if that is warranted. *See, e.g.*,
21 <https://www.ice.gov/detain/detention-management/2025>. More importantly here, the
22 remedy for any such deficiency would be to provide the treatment, not to order release.

23 It is well-established that habeas claims cannot be premised on complaints about
24 conditions of confinement. *See Pinson v. Carvajal*, 69 F.4th 1059, 1073 (9th Cir. 2023).
25 As the Ninth Circuit held, such claims lie outside the historic core of habeas corpus, for
26 which the only available remedy is release, and thus the district court lacked jurisdiction
27 to hear the petition regarding conditions of confinement. *Id.* at 1075. *See also Rhodes v.*
28 *Pfeiffer*, No. CV 14-7687-JGB-KK, 2020 WL 4018608, at *2 (C.D. Cal. May 6, 2020)

1 (“Petitioner’s Motion essentially presents a challenge to the conditions of his confinement,
2 which may not be addressed in this habeas corpus action.”).

3 **C. Petitioner Cannot Show a Likelihood of Success on the Merits**

4 Although they do not present a habeas claim, Petitioner’s complaints about his
5 health condition are also substantively defective. As stated in the Declaration of D.O.
6 Miguel Russi, the Petitioner has been receiving significant medical attention related to
7 his knee while in ICE detention. *See* Russi Decl. ¶¶ 1-14. He was evaluated by a
8 physician in the ED of the VVGMC on the day of his “severe pain or pop” injury
9 complaint. *Id.*, ¶ 9. After he was seen at the hospital, he was fitted with a knee brace, an
10 Echocardiogram was conducted and returned as normal. *Id.*, ¶ 11. Further, Petitioner’s
11 surgery was stopped because the procedure was classified as an “outpatient surgery.” *Id.*,
12 ¶11.

13 **D. Petitioner Has Not Shown He Will Suffer Irreparable Harm**

14 Petitioner suggests that being subjected to unjustified detention itself constitutes
15 irreparable injury. However, Petitioner’s detention is “common to all [noncitizens]
16 seeking review of their custody or bond determinations.” *See Resendiz v. Holder*, 2012
17 WL 5451162, at *5 (N.D. Cal. Nov. 7, 2012). He faces the same alleged irreparable
18 harm as any habeas corpus petitioner in immigration custody, and he has not shown
19 extraordinary circumstances warranting the emergency relief requested. *See Caribbean*
20 *Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988); *Winter*, 555
21 U.S. 7 at 22 (2008).

22 Furthermore, the Petitioner’s complaints about the alleged medical neglect he has
23 suffered during detention, issues with his knee, [*See generally* Dkt. 11] does not entitle
24 him to immediate release either, much less an order barring or delaying his removal in
25 derogation of the stringent jurisdictional limitations imposed by Section 1252(g).
26 Petitioner suggests that he did not receive timely or adequate medical treatment for this
27 injury. *Id.* While medical care for detainees is indeed important, it is not a basis for
28 release. Further, D.O. Russi reports that while in ICE custody, the Petitioner is indeed

1 receiving adequate medical attention.

2 **E. The Balance of Interests Favors the Respondents**

3 The public interest in enforcement of the immigration laws is significant. *United*
4 *States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Blackie's House of Beef, Inc. v.*
5 *Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) (same); *see also Ubiquity Press Inc. v.*
6 *Baran*, No 8:20-cv-01809-JLS, 2020 WL 8172983, at *4 (C.D. Cal. Dec. 20, 2020) ("the
7 public interest in the United States' enforcement of its immigration laws is high"); *see*
8 *also Sanchez v. Bondi*, No. 5:25-cv-02530-AB, 2025 U.S. Dist. LEXIS 196639, at *13
9 (C.D. Cal. Oct. 3, 2025) (denying TRO seeking release even though the balance of
10 equities and public interest favored petitioner). That is particularly true when a final
11 removal order has been issued. This public interest outweighs Petitioner's private
12 interest here.

13 **V. CONCLUSION**

14 Petitioner's TRO application should be denied.

15 Dated: May 8, 2026

Respectfully submitted,

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27 * The undersigned, counsel of record for the Federal Respondents certifies that this
28 brief contains 2,249 words, which complies with the word limit of L.R. 11-6.1.