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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALIAKSANDRA DANILCHYK,

Petitioner,

v.
MULLIN, et al.,

Case No.: **3:26-cv-02455-RSH-MMP**

Related Case:
3:26-cv-02454-RSH-MSB

**MOTION TO CONSOLIDATE
RELATED HABEAS ACTIONS
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 42(a)**

I. INTRODUCTION

Petitioners in the above-captioned matters are sisters who entered the United States on the same date, are detained at the same detention facility, and are pursuing materially similar immigration and asylum proceedings. Both actions present substantially identical constitutional and legal questions concerning prolonged mandatory detention under 8 U.S.C. § 1225(b) without individualized custody review. Both cases are assigned to the Honorable Robert S. Huie, involve the same detention framework, and are represented by the same counsel.

Accordingly, pursuant to Federal Rule of Civil Procedure 42(a), Petitioners respectfully request consolidation of Case No. 3:26-cv-02454-RSH-MSB into Case No. 3:26-cv-02455-RSH-MMP, with Case No. 3:26-cv-02455-RSH-MMP designated as the lead case for all further proceedings.

II. FACTUAL AND PROCEDURAL OVERLAP

The two habeas actions involve extensive overlap in both factual allegations and legal issues. Petitioners are sisters who entered the United States on the same day and are currently detained at the Otay Mesa Detention Center pursuant to the same statutory detention framework under 8 U.S.C. § 1225(b). Both Petitioners sought asylum and were placed into removal proceedings after receiving positive credible fear determinations.

The legal issues presented in both actions are likewise substantially identical. Both Petitioners challenge the constitutionality of their continued mandatory detention without individualized custody review and seek habeas relief pursuant to 28 U.S.C. § 2241. The government's returns in both matters raise materially identical arguments concerning *Jennings v. Rodriguez*, *Department of Homeland Security v. Thuraissigiam*, *Shaughnessy v. United States ex rel. Mezei*, and the mandatory detention provisions of 8 U.S.C. § 1225(b).

Additionally, both matters are assigned to the same District Judge, and the Court has already recognized the cases as related through the previously filed Notice of Related Case and transfer order.

III. CONSOLIDATION IS APPROPRIATE UNDER RULE 42(a)

Federal Rule of Civil Procedure 42(a) authorizes consolidation of actions involving common questions of law or fact. Consolidation is appropriate where it promotes judicial economy, avoids unnecessary duplication of proceedings, conserves party and judicial resources, and minimizes the risk of inconsistent rulings.

Those considerations strongly favor consolidation here. The two actions involve nearly identical factual circumstances, overlapping records, substantially identical constitutional claims, and materially indistinguishable legal arguments. Separate briefing and adjudication would unnecessarily duplicate effort for both the parties and the Court and could create a risk of inconsistent rulings concerning the same detention framework and constitutional issues.

1 Consolidation would therefore promote efficient and consistent adjudication of the
2 related habeas matters without prejudicing any party.

3 **IV. CASE NO. 3:26-CV-02455-RSH-MMP SHOULD**
4 **REMAIN THE LEAD CASE**

5 Petitioners respectfully request that Case No. 3:26-cv-02455-RSH-MMP remain the lead
6 case for consolidated proceedings. That matter is procedurally more developed and currently
7 contains substantial briefing concerning the constitutional issues presented in both actions.

8 Maintaining Case No. 3:26-cv-02455-RSH-MMP as the lead case will promote efficient
9 docket administration and avoid unnecessary duplication of filings.

10 **V. CONCLUSION**

11 For the foregoing reasons, Petitioners respectfully request that the Court consolidate Case
12 No. 3:26-cv-02454-RSH-MSB into Case No. 3:26-cv-02455-RSH-MMP pursuant to Federal
13 Rule of Civil Procedure 42(a), designate Case No. 3:26-cv-02455-RSH-MMP as the lead case,
14 and direct that all future filings be docketed in the lead case unless otherwise ordered by the
15 Court.

16 Respectfully Submitted.

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