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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDRES FELIPE OME OSORIO,

Petitioner,

v.

SERGIO ALBARRAN, Field Office Director of the San Francisco Immigration and Customs Enforcement Office; DAVID J. VENTURELLA, Acting Director of United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the United States Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States, acting in their official capacities,

Respondents.

CASE No. 3:26-cv-08783

OPPOSITION TO MOTION TO DISSOLVE

OPPOSITION TO RESPONDENTS' MOTION TO DISSOLVE

Petitioner Andres Felipe Ome Osorio, by and through undersigned counsel, respectfully opposes Respondents' Motion to Dissolve the Temporary Restraining Order and Preliminary Injunction, filed this date. This opposition addresses Respondents' mischaracterizations and material omissions, and demonstrates that Respondents are currently in violation of this Court's explicit release order.

I. RESPONDENTS ARE CURRENTLY IN VIOLATION OF THIS COURT'S RELEASE ORDER

This Court issued an order directing that Petitioner be released no later than 2:00 p.m. on August 22, 2026. As of the filing of this opposition, Respondents remain in violation of that order. This morning at 1:34 p.m., counsel for Respondents advised undersigned counsel via email that "The Court's 2:00PM release order is not safely possible under the circumstances." Respondents' own counsel has conceded that compliance with this Court's explicit release directive is not feasible. This ongoing violation of a direct court order is dispositive of any question regarding dissolution of the TRO and preliminary injunction.

II. UNDERSIGNED COUNSEL DID NOT OMIT MATERIAL FACTS; RESPONDENTS HAVE

Respondents argue that undersigned counsel omitted material facts regarding Petitioner's criminal history. This argument is objectively incorrect and hypocritical. Respondents have themselves omitted the material fact that both the September 2024 and March 2025 arrests—the very matters they cite as evidence of danger—are sealed and dismissed juvenile dispositions, as detailed in the Notice of Supplemental Information and Declaration filed by

undersigned counsel earlier today, prior to Respondents' filing of this motion. The record demonstrates that undersigned counsel provided accurate information and supplemented the record with complete documentation well before Respondents filed their instant motion. Respondents' claim of material omission rings hollow when they themselves have strategically omitted the dispositive fact that these matters are juvenile cases that have been sealed and dismissed. Furthermore, Respondents' motion fails to acknowledge that undersigned counsel filed a comprehensive Correction of Record and Declaration on the docket earlier today—well before this motion was filed—thereby mooting much of Respondents' argument.

III. PETITIONER'S CRIMINAL HISTORY DOES NOT ALTER THE DUE PROCESS VIOLATION

Even accepting Respondents' characterization of Petitioner's criminal history (which undersigned counsel does not), Petitioner's alleged prior conduct does not cure the fundamental constitutional violation at issue. Petitioner faces detention without notice and a pre-deprivation hearing, without medical safety protocols for a documented life-threatening cardiac condition requiring continuous device monitoring. Whether Petitioner has prior juvenile arrests—sealed and dismissed—does not change these due process violations or justify detention in an ICE facility unable to provide the cardiac monitoring his medical device requires.

IV. GROUNDS FOR THE TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION REMAIN UNCHANGED

The grounds for the habeas petition, the temporary restraining order, and the preliminary injunction remain unchanged by Respondents' motion. Petitioner continues to face imminent medical danger. The Court's 2:00 p.m. release order remains unexecuted. Respondents' own counsel has advised that the Court's order is "not safely possible." These facts, combined with

Respondents' bad faith omissions and strategic misrepresentations, amply support the continuation of the TRO and grant of the preliminary injunction.

V. CONCLUSION

Undersigned counsel is prepared to address all issues raised in this matter should the Court determine that a hearing will be held. However, the facts speak for themselves: Respondents are currently violating this Court's explicit release order; Respondents have omitted material facts regarding Petitioner's juvenile dispositions, and Petitioner remains in custody at this late hour. These circumstances demonstrate the urgent necessity of the TRO and preliminary injunction and the complete lack of justification for dissolution.

Respectfully submitted,

/s/ Elizabeth Knowles

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