
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 5:25-cv-02976-FWS-PD

Date: December 3, 2025

Title: Francisco Eduardo Ixtos Ajqui v. Kristi Noem *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Petitioner:

Attorneys Present for Respondents:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER DENYING AS MOOT PRELIMINARY
INJUNCTION; REFERRING FURTHER PROCEEDINGS,
INCLUDING ISSUE OF WHETHER CASE SHOULD BE
DISMISSED AS MOOT, TO ASSIGNED MAGISTRATE JUDGE**

On November 6, 2025, Petitioner Francisco Eduardo Ixtos Ajqui filed this Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 against Respondents Kristi Noem, Secretary of the Department of Homeland Security (“DHS”); Pamela Bondi, Attorney General of the United States; Todd Lyons, Acting Director of Immigration and Customs Enforcement (“ICE”); Ernesto Santacruz Jr., Acting Director of the Los Angeles Field Office of ICE, Enforcement and Removal Operations; Fereti Semaia, Warden of Adelanto ICE Processing Center; Executive Office for Immigration Review; ICE; and DHS. (Dkt. 1 (“Petition” or “Pet.”).) Among other relief, Petitioner sought a writ requiring that he be released from custody unless Respondents provided him with a bond hearing pursuant to 8 U.S.C. § 1226(a). (*Id.* at 20.)

Concurrent with the Petition, Petitioner filed an Application for Temporary Restraining Order that would require Respondents to release him from custody or to provide him with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days of the issuance of a TRO. (Dkt. 2 (“Application”).) On November 10, 2025, the court granted the Application, enjoining Respondents “from continuing to detain Petitioner unless Petitioner is provided an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) on or before November 17, 2025.” (Dkt. 8 (“TRO”) at 10.) The

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court also ordered Respondents to show cause in writing on or before November 19, 2025, as to why the court should not issue a preliminary injunction. (*Id.*)

Petitioner then filed a Submission in Support of Preliminary Injunction and Compliance with Temporary Restraining Order. (Dkt. 9 (“Submission”).) In the Submission, Petitioner explained that an Immigration Judge performed a bond hearing on November 14, 2025, and denied Petitioner bond. (*Id.* at 3.) However, Petitioner contends that the bond hearing was insufficient, arguing “[t]he IJ’s introductory remarks showing irritation, if not some hostility to the Court’s Order requiring a bond hearing, coupled with the IJ’s failure to consider probative evidence regarding lack of flight risk and failure to provide a reasoned explanation for the bond denial demonstrates that Petitioner was not provided with a bond hearing that complied with the law, specifically 8 U.S.C. §1226(a), and the Fifth Amendment.” (*Id.* at 5-6.) Accordingly, Petitioner argues “the Court should issue the Preliminary Injunction requiring Respondents[] to release Petitioner pursuant to any terms that may be set by the Court, or, in the alternative, requiring compliance with the Court’s previous Order to provide Petitioner with an individualized bond hearing pursuant to 8 U.S.C. §1226(a) that complies with the law and with the Fifth Amendment.” (*Id.* at 6.)

In the government’s extremely late response to the order to show cause regarding a preliminary injunction,¹ the government maintains “[p]roviding Petitioner with the 1226(a) bond hearing moots the requested preliminary injunction and this habeas petition more generally.” (Dkt. 13 at 1.)

¹ When the government had not filed a response a week after the deadline to do so, the court ordered the government to show cause why sanctions should not issue. (Dkt. 10.) The government’s response to the order to show cause regarding sanctions was disappointingly weak. (Dkt. 12 (explaining that counsel failed to calendar the deadline and then went out of the country for eight days without reviewing emails, and the government is overloaded with “an unprecedented number of TRO applications at the same time as it is undergoing staffing shortages”).) Nevertheless, in its discretion, the court **DISCHARGES** the order to show cause regarding sanctions.

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“A case becomes moot when interim relief or events have deprived the court of the ability to redress the party’s injuries.” *United States v. Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987); *see also NASD Disp. Resol., Inc. v. Jud. Council*, 488 F.3d 1065, 1068 (9th Cir. 2007) (finding appeal to be moot when the plaintiffs had already been granted the relief they sought). Courts have an obligation to consider mootness *sua sponte*, and should deny requested relief where it is superfluous. *In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005). The “basic question in determining mootness is whether there is a present controversy as to which effective relief can be granted.” *Nw. Envtl. Def. Ctr. v. Gordon*, 849 F.2d 1241, 1244 (9th Cir. 1988).

Here, the relief Petitioner sought in the TRO was to receive a bond hearing or be released from custody. (Pet. at 20.) Now that Petitioner has received a bond hearing, the court finds Petitioner fails to make an adequate showing that a preliminary injunction is warranted. (*See* Submission at 3; Dkt. 13 at 1.) The court is not persuaded that Petitioner’s arguments regarding the insufficiency of the bond hearing he received warrant issuance of a preliminary injunction; those arguments are more appropriately addressed to the BIA, not this court. *See, e.g., Leonardo v. Crawford*, 646 F.3d 1157, 1159 (9th Cir. 2011) (“Once an alien has received a *Casas–Castrillon* bond hearing before an immigration judge (IJ), he may appeal the IJ’s decision to the Board of Immigration Appeals (BIA). If the alien is dissatisfied with the BIA’s decision, he may then file a habeas petition in the district court, challenging his continued detention. The district court’s decision on the habeas petition may be appealed to this court. Because Leonardo did not follow this course here, and thus did not exhaust administrative remedies before pursuing habeas relief, we remand to the district court with instructions to dismiss his petition without prejudice.”).

Accordingly, the court **DENIES AS MOOT** Petitioners’ request for a preliminary injunction.² *See, e.g., Jose Monteroso Agustin et al v. Fereti Semaia et al.*, Case No. 5:25-cv-

² The court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b) (“By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings.”); C.D. Cal. L.R. 7-15 (authorizing courts to “dispense with oral argument on any motion except where an oral hearing is required by statute”). Accordingly, the hearing set for December 4, 2025, is **VACATED** and off calendar.

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02788-SRM-JDE, Dkt. 14 (denying as moot the petitioner’s request for a preliminary injunction after they received a bond hearing pursuant to a TRO even when the petitioner argued “the Immigration Judge used an incorrect burden of proof to determine whether he should be released on bond that did not afford him Due Process,” and issuing OSC why the case in its entirety should not be dismissed as moot); *Javier Gonzales et al. v. Kristi Noem et al.*, Case No. 5:25-cv-02054-ODW-BFM, Dkt. 16 (similar); *Moises Salomon Zaragoza Mosqueda v. Kristi Noem et al.*, Case No. 5:25-cv-002304-CAS-BFM, Dkt. 15 (similar).

Finally, the court observes that this case has been referred to Magistrate Judge Patricia Donahue. (Dkt. 5.) **Pursuant to General Order No. 05-07, further proceedings on the merits of the Petition—including the issue of whether this case should be dismissed as moot—are REFERRED to Magistrate Judge Donahue for decision.**

cc: Magistrate Judge Patricia Donahue’s