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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 FRESCIA GARRO PINCHI, JUANY GALO
19 SANTOS, and JOSE TELETOR SENTE, on
behalf of themselves and others similarly
20 situated,

Plaintiffs-Petitioners,

21 v.

22 SERGIO ALBARRAN, Field Office Director
of the San Francisco Immigration and
23 Customs Enforcement Office; KRISTI
NOEM, Secretary of the United States
24 Department of Homeland Security; TODD
LYONS, Acting Director of United States
25 Immigration and Customs Enforcement,
acting in their official capacities; U.S.
26 DEPARTMENT OF HOMELAND
SECURITY; U.S. IMMIGRATION AND
27 CUSTOMS ENFORCEMENT,

28 Defendants-Respondents.

Case No. 5:25-cv-5632-PCP

**NOTICE OF OPPOSITION TO
REQUEST TO MOVE HEARING DATE**

Date: January 22, 2026
Time: 10:00 a.m.
Dept: Courtroom 8 - 4th Floor
Judge: Hon. P. Casey Pitts

Date Filed: July 3, 2025

1 JUDY RABINOVITZ (admitted pro hac vice)
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I. INTRODUCTION

Defendants' Motion to Sever, Transfer and Consolidate, filed November 28, 2025 (ECF 76), requests that this Court consolidate the hearing set for December 9, 2025 on Plaintiffs' motions for Provisional Class Certification and Stay of Agency Action (ECF 49 and 48), with the hearing set for January 22, 2026 on Defendants' Motion to Sever. Plaintiffs will file their Opposition to Defendants' Motion to Sever on or before December 19, 2025, but separately file this Notice to make the Court aware of Plaintiffs' Opposition to Defendants' improper request to continue the December 9 hearing.

II. ARGUMENT

The parties previously negotiated and stipulated to a briefing schedule for Defendants' Motion to Sever. In the stipulation, Plaintiffs agreed to file Opposition briefs to the Motion to Sever by December 19, 2025. The Court issued an order approving this briefing schedule on November 24, 2025 (ECF 73) and set a hearing on the motion to sever for January 22, 2026. That stipulation did not make any request to alter the previously set hearing for Plaintiffs' Motions for Provisional Class Certification and Stay of Agency Action. Defendants' last-minute request to depart from the schedule they negotiated and agreed to is improper and prejudicial, because Defendants' request would require the Court to grant or deny the requested continuance prior to the previously negotiated date for Plaintiffs to oppose the Motion to Sever.

In any event, Defendants have failed to make the necessary showing of good cause for modifying the existing schedule. *See* Fed. R. Civ. P. 16(b)(4). Defendants offer only a generalized assertion that the jurisdiction and venue issues raised in the Motion to Sever "should be heard in conjunction with the pending motions to dismiss and class certification." ECF 76 at 14.¹ This unsupported claim does not constitute good cause. Moreover, Defendants had ample opportunity to raise such issues in their response to Plaintiffs' Motion for Stay of Agency Action and chose not to. Thus, Defendants have failed to provide sufficient reason to justify a departure

¹ Defendants appear to have made a mistake in referring to the pending Motion to Dismiss, (ECF 66). We believe Defendants intended to refer to the pending Motion for Stay of Agency Action, (ECF 48). The Motion to Dismiss is set to be heard on January 22, 2026, (ECF 73), and the Motions for Provisional Class Certification and Stay of Agency Action are set to be heard December 9, 2025, (ECF 56).

1 from the schedule previously stipulated to by the parties and ordered by this Court.

2 Moreover, the upcoming December 9, 2025 hearing relates to Plaintiffs’ Motion for Stay
3 of Agency Action. Plaintiffs Garro Pinchi, Galo Santos, and Teletor Sente, along with other
4 proposed class members, continue to suffer irreparable harm as a result of Defendants’ unlawful
5 Re-Detention Policy. As explained in detail in Plaintiffs’ Motion for Stay of Agency Action,
6 pursuant to Defendants’ ongoing and unlawful Re-Detention Policy, the Plaintiffs and the
7 proposed class remain at risk of arbitrary re-detention that imperils their employment, housing,
8 and access to medical care. *See* ECF 48-4, 48-12, 48-13, 48-16. Plaintiffs and members of the
9 proposed class fear separation from family and are terrified of attending regular immigration
10 hearings, immigration-related appointments, and scheduled check-ins; for example, Plaintiff Galo
11 Santos has both a check-in and an immigration court hearing in the next two months. *See* ECF 48-
12 3. Postponing the hearing would shield the Re-Detention Policy from judicial scrutiny for over six
13 additional weeks, during which time Plaintiffs and members of the proposed class remain at risk
14 of unlawful re-arrest and re-detention.

15 **III. CONCLUSION**

16 For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants’
17 request to consolidate and move the hearing date and hold the hearing as scheduled on December
18 9, 2025.

19
20
21
22 Dated: December 1, 2025

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Dated: December 1, 2025

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