

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRESCIA GARRO PINCHI, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 25-cv-05632-PCP

**ORDER GRANTING MOTION TO
SEVER**

Re: Dkt. No. 76

The government has moved to sever plaintiffs' individual habeas claims from plaintiffs' class claims. *See* Dkt. No. 76.¹ The government has also requested that the severed claims be randomly reassigned among the courts in this district. After concluding that joinder of all claims was proper and that reassignment of any severed claims would be inappropriate, the Court ordered plaintiffs to show cause why the Court should not exercise its discretion under Rule 21 to sever the class and habeas claims. *See* Dkt. No. 82. Plaintiffs filed a response stating that they do not oppose severance in the manner proposed by the Court. *See* Dkt. No. 83.

The Court therefore grants the motion to sever. Because several motions concerning plaintiffs' APA claims on behalf of the putative class and subclass are currently pending before the Court, those class claims shall remain under the existing case number for administrative convenience. Ms. Garro Pinchi, Ms. Galo Santos, and Mr. Teletor Sente's individual habeas claims shall proceed in three separate cases. The Clerk of the Court shall open a new case with a

¹ The government also moves to dismiss certain of the claims in plaintiffs' amended complaint or, in the alternative, to transfer the class claims to the U.S. District Court for the District of Columbia or consolidate them with *Pablo Sequen v. Albarran*, No. 25-cv-6487-PCP. While the motion to sever is suitable for resolution without oral argument, see Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b), the motions to dismiss, transfer, and consolidate are not. The Court therefore defers ruling on dismissal, transfer, and consolidation until after the January 22, 2026 hearing on those motions.

1 separate case number for each of the three new habeas actions. No additional filing fee is due. The
2 new cases shall be assigned to the undersigned, and this order shall be the first docket entry in
3 each of the new cases. Within seven days of the date of this order, Ms. Garro Pinchi, Ms. Galo
4 Santos, and Mr. Teletor Sente shall file an amended habeas petition in each new matter. Their
5 habeas actions shall be deemed to have been initiated as of the date on which their habeas claims
6 were filed in this action, and their claims shall relate back to the date of their pleadings in this case
7 to the same extent as if the claims had not been severed. Defendants in each new case shall
8 respond to the petition within 14 days of the filing thereof. This Court's prior order granting
9 preliminary injunctive relief on Ms. Garro Pinchi's habeas claim, Dkt. No. 33, shall remain in
10 effect pending final resolution of her claims.

11 **IT IS SO ORDERED.**

12 Dated: December 18, 2025

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15 P. Casey Pitts
16 United States District Judge
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