1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 ALBERTINA RAMIREZ, as next friend of No. 2:16-cv-1511-TLN-EFB P P.A., a minor, 11 Petitioner, 12 ORDER AFTER HEARING v. 13 SYLVIA MATTHEWS BURWELL, et al., 14 Respondents. 15 16 17 Petitioner Albertina Ramirez, grandmother and next friend of P.A., a minor, is proceeding 18 through counsel with a petition for writ of habeas corpus and complaint for declaratory and 19 injunctive relief seeking P.A.'s release from custody under federal immigration authority. ECF 20 No. 5. The case was before the court for hearing on November 30, 2016, on petitioner's motion 21 for a preliminary injunction (ECF No. 38), and again on December 7, 2016, for hearing on 22 petitioner's motion for leave to file a supplemental pleading (ECF No. 43) and emergency motion 23 to either prevent a psychological examination or permit the presence of counsel at the 24 examination (ECF No. 49). Attorneys Carter White and Holly Cooper appeared on behalf of the 25 petitioner; Trial Attorney Vinita Andrapalliyal, from the United States Department of Justice, and 26 Assistant U.S. Attorney Audrey Hemesath appeared on behalf of respondents at the November 27 30, 2016. Ms. Andrapalliyal appeared telephonically on behalf of respondents at the December 7, 28 2016 hearing. 1

After hearing arguments on petitioner's motion for a preliminary injunction, which seeks an order either directing respondents to release petitioner to his mother or for a bond hearing before an immigration judge, the court ordered further briefing--upon the completion of which the matter would stand submitted. However, the court has now determined that all three motions are moot.

At the December 7, 2016 hearing, counsel for respondents represented that a determination has been made that P.A. will be released from custody and that the release will occur as soon as transportation can be arranged, which was estimated to be within a matter of days. Counsel for the petitioner were instructed to coordinate with respondents through respondents' counsel in working out the details for P.A.'s release and travel. All counsel agreed on the record that in light of petitioner's imminent release, the pending motions for a preliminary injunction, to file a supplemental pleading, and to prevent a psychological evaluation may be denied as moot. Counsel shall confer on whether a stipulation and proposed order disposing of the habeas petition can be agreed upon.

Accordingly, based on the representations of counsel at the hearing, it is hereby ORDERED that:

- 1. Petitioner's October 25, 2016 Motion for Preliminary Injunction (ECF No. 38) is denied as moot;
- Petitioner's November 9, 2016 Motion for Leave to File a Supplemental Petition (ECF No. 43) is denied as moot;
- 3. Petitioner's December 5, 2016 Motion Regarding Psychological Evaluation (ECF No. 49) is denied as moot;
- 4. The orders issued by the court on November 30, 2016 and December 1, 2016 soliciting supplemental briefing from the parties are hereby vacated; and

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5. Within seven days of the date of this order, the parties shall submit a joint status report informing the court of the status of P.A.'s custody and any progress the parties have made toward the ultimate resolution of the case.

DATED: December 8, 2016.

EDMUND F. BRENNAN

UNITED STATES MAGISTRATE JUDGE