

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Jose Pedro Ortega v. Kristi Noem, et al.

Ortega · No. 1:25-cv-01663-DJC-CKD · Decided December 30, 2025

SUMMARY

The United States District Court for the Eastern District of California denies Respondents’ motion for reconsideration of its prior order granting Jose Pedro Ortega’s motion for a preliminary injunction. The court holds that Respondents’ failure to submit parole-violation records earlier does not justify reconsideration under Federal Rule of Civil Procedure 59(e). The court further concludes that consideration of the records would not alter its determination that due process required a constitutionally adequate hearing and that Ortega satisfied the requirements for preliminary injunctive relief.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Daniel J. Calabretta                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                              |
| DECIDED               | December 30, 2025                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | 1:25-cv-01663-DJC-CKD                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Respondents moved for reconsideration under Federal Rule of Civil Procedure 59(e), and alternatively under Rule 60(b), of the Court's prior order granting Petitioner a preliminary injunction.                                                                                                                                                                  |
| STANDARD OF REVIEW    | A Rule 59(e) motion for reconsideration is an extraordinary remedy to be used sparingly and may not present arguments or evidence that could reasonably have been raised earlier. Rule 60(b) does not provide a basis for reconsideration of a preliminary injunction because such an injunction is not a final judgment, order, or proceeding within that rule. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                                                                                                                                          |

TOPICS

motion for reconsideration

injunctions

due process

immigration detention

civil procedure

## PRACTICE AREAS

civil procedure

constitutional law

immigration detention

habeas corpus

remedies

## QUESTIONS PRESENTED

1. Whether reconsideration under Federal Rule of Civil Procedure 59(e) was warranted based on a parole-violation log that could have been submitted earlier.
2. Whether consideration of the parole-violation log would change the Court's prior legal conclusion granting a preliminary injunction.
3. Whether Federal Rule of Civil Procedure 60(b) provided a basis for reconsidering the preliminary injunction.

## HOLDINGS

1. Reconsideration was not warranted because the parole-violation log was not new evidence and Respondents had prior opportunities to supplement the factual record.
2. Even if the Court considered the parole-violation log, it would not change the prior conclusion that due process required a constitutionally adequate hearing before the alleged violations could support detention and that Ortega satisfied the preliminary-injunction requirements.
3. Rule 60(b) did not provide a sufficient basis for reconsideration because a preliminary injunction is not a final judgment, order, or proceeding subject to a Rule 60(b) motion.

## KEY QUOTATIONS

*“Although [Federal Rule of Civil Procedure] 59(e) permits a district court to reconsider and amend a previous order, the rule offers an ‘extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.’” (1)*

*“A Rule 59(e) motion may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation.” (1)*

*“due process requires that assertion [of alleged violations] be tested at a hearing that meets constitutional requirements.” (1)*

*“a preliminary injunction is not a ‘final judgment, order, or proceeding’ that may be addressed by a motion under Rule 60(b).” (2)*

## FACTUAL BACKGROUND

Respondents sought reconsideration after their counsel realized that a parole-violation log had not been attached to their response to the Court's order to show cause. Counsel acknowledged that the alleged violations were not new facts or newly discovered evidence. The Court had previously found that Ortega possessed a substantial liberty interest in continued freedom from detention and satisfied the requirements for a preliminary injunction.

PROCEDURAL HISTORY

The Court previously granted Jose Ortega's motion for a preliminary injunction. Respondents sought reconsideration based on a parole-violation log that had allegedly been omitted from their response to the order to show cause. The Court denied reconsideration, concluding that the information was not new and that, even if considered, it would not alter the prior conclusion that Ortega was entitled to preliminary injunctive relief.

DISPOSITION

other

CASES CITED

- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890 (9th Cir. 2000)
- Prudential Real Est. Affiliates, Inc. v. PPR Realty, Inc., 204 F.3d 867, 880 (9th Cir. 2000)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF  
CALIFORNIA 10 11 JOSE PEDRO ORTEGA, No. 1:25-cv-01663-DJC-CKD 12 Petitioner, 13 v.  
ORDER 14 KRISTI NOEM, et al., 15 Respondents. 16 17 18 Respondents Kristi Noem, et al.,  
move for reconsideration of this Court’s 19 December 23, 2025 order granting Petitioner Jose  
Ortega’s motion for a preliminary 20 injunction.

For the reasons stated below, the motion for reconsideration is denied. 21 Respondents contend  
that reconsideration is warranted because “the Court’s 22 ruling rested on an incomplete factual  
record, due to counsel’s mistaken belief that 23 the parole-violation log had been attached to  
Respondent’s response to the Order to 24 Show Cause.” (Motion (ECF No. 16).)

Respondents’ counsel acknowledges that the 25 purported violations “are not new facts and not  
newly discovered evidence[,]” but that 26 correcting the omission “is necessary to prevent clear  
error and manifest injustice.” 27 (Id.) 28 1 The Court disagrees. “Although [Federal Rule of Civil  
Procedure] 59(e) permits 2 | a district court to reconsider and amend a previous order, the rule  
offers an 3 | ‘extraordinary remedy, to be used sparingly in the interests of finality and  
conservation 4 | of judicial resources.” Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 877, 890  
(9th 5 | Cir.

2000). Relevant here, “[a] Rule 59(e) motion may not be used to raise arguments 6 | or present  
evidence for the first time when they could reasonably have been raised 7 | earlier in the  
litigation.” Id. Respondents’ counsel had previous opportunities to 8 | supplement the factual  
record, particularly given that Petitioner's Reply (ECF No. 14 at 9 | 1) noted the omission of the  
parole records from Respondents’ Response (ECF No. 10 | 13), and the failure to do so is not a  
sufficient basis to warrant reconsideration. ' 11 Even if the Court were to exercise its discretion to

consider the parole violations 12 | log, however, it would not change the Court's legal conclusion that “due process 13 | requires that assertion [of alleged violations] be tested at a hearing that meets 14 | constitutional requirements.” (ECF No. 11 at 5.)

The Court thus affirms its prior 15 | findings that Petitioner had a substantial liberty interest in his continued freedom from 16 | detention and satisfied the requirements for a preliminary injunction under the 17 | Winters factors. (ECF No. 15.) 18 Accordingly, Respondents’ Motion for Reconsideration (ECF No. 16) is denied. 19 50 IT IS SO ORDERED. 21 | Dated: \_ December 29, 2025 “Daal A CoO □□□□ Hon. Daniel alabretta 22 UNITED STATES DISTRICT JUDGE 23 24 25 26 ' Federal Rule of Civil Procedure 60(b) does not provide a sufficient basis for reconsideration either.

57 | The Ninth Circuit has said that “a preliminary injunction is nota ‘final judgment, order, or proceeding’ that may be addressed by a motion under Rule 60(b).” Prudential Real Est. Affiliates, Inc. v. PPR Realty, 28 Inc., 204 F.3d 867, 880 (9th Cir. 2000) (citations omitted).