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10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE DISTRICT OF ARIZONA**

12 Erianny Yarubi Rodriguez Balza,
 13
 14 Petitioner,
 15 v.
 16 John Cantu, *et al.*,
 17
 18 Respondents.

No. CV-26-02472-PHX-AMM (DMF)

**RESPONSE TO PETITION FOR WRIT
 OF HABEAS CORPUS**

19 Respondents hereby respond to the Petition for Writ of Habeas Corpus (Doc. 1)
 20 (“Petition”). Petitioner Erianny Yarubi Rodriguez Balza, a Venezuelan national, claims that
 21 she was granted temporary protected status (“TPS”), which prevents immigration officials
 22 from detaining her. Petition at ¶ 1 (citing 8 U.S.C. § 1254a(a)(1)(A)). Petitioner notes that
 23 former Secretary of Homeland Security Kristi Noem (“Secretary Noem”) purported to
 24 revoke TPS from all Venezuelans, Petition at ¶¶ 22–26, she implies that a lawsuit filed by
 25 individual plaintiffs of whom she is not one, alongside a group she does not claim to be a
 26 member of, determined that her TPS designation is still valid. *See* Petition at ¶ 25–26 (citing
 27 *Nat’l TPS All. v. Noem*, No. 25-CV-01766-EMC (N.D. Cal.) (“*NTPSA*”) and *Nat’l TPS All.*
 28 *v. Noem*, ___ F.4th ___, 2026 U.S. App. LEXIS 2164 (9th Cir. 2026)). Though the Supreme

1 Court has stayed almost all relief issued in *NTPSA*, and it has done so twice, the document
2 that Petitioner attached to her Petition reveals that she falls into a small class of Venezuelans
3 for whom the *NTPSA*'s orders are *not* stayed. Accordingly, Petitioner has correctly stated
4 that she has valid TPS, and Respondents do not oppose her release.

5 On February 19, 2025, several individual Venezuelan nationals, alongside an
6 organization called the National TPS Alliance, which purports to be “a member-led
7 organization representing TPS holders across the country,” filed a lawsuit against the federal
8 government in the United States District Court for the Northern District of California. *See*
9 *NTPSA*, Doc. 1 at ¶ 2. In that action, the plaintiffs asked the court to vacate Secretary Noem’s
10 rescission of temporary protected status (“TPS”) for all Venezuelan nationals. *NTPSA*, Doc.
11 1, at 44–45. The *NTPSA* plaintiffs did not seek to certify a class. They moved the court to
12 postpone the challenged agency action on a preliminary basis. *NTPSA*, Doc. 16. On March
13 31, 2025, the *NTPSA* court granted the motion to postpone, functionally enjoining the
14 rescission of TPS for all Venezuelans as of the date of its order. *NTPSA*, Doc. 93. The
15 defendants sought a stay of that order pending appeal, first from the Ninth Circuit, then from
16 the Supreme Court. *See Nat’l TPS All. v. Noem*, No. 25-2120, Doc. 21 (9th Cir. Apr. 18,
17 2025); *Nat’l TPS All. v. Noem*, No. 24A1059 (May 19, 2025). The Supreme Court stayed the
18 *NTPSA* court’s order pending disposition of the appeal in the Ninth Circuit. *Nat’l TPS All. v.*
19 *Noem*, No. 24A1059 (May 19, 2025). However, the Supreme Court did not stay the *NTPSA*
20 court’s order for those Venezuelan TPS holders with “EADs, Forms I-797, Notices of
21 Action, and Forms I-94 issued with October 2, 2026 expiration dates.” *Id.* Meanwhile, the
22 parties below filed cross motions for summary judgment, and on September 5, 2025, the
23 *NTPSA* court granted summary judgment to the plaintiffs and vacated Secretary Noem’s
24 rescission of TPS for all Venezuelan TPS recipients. *NTPSA*, Doc. 279, at 68–69. Again, the
25 defendants sought a stay of the *NTPSA* court’s ruling, and again, the Supreme Court granted
26 it, determining that the “same result that [it] reached in May” was still appropriate. *Nat’l TPS*
27 *All. v. Noem*, No. 25A326 (Oct. 3, 2025). This stay is currently in place and will not expire
28 until the Supreme Court disposes of any petition for certiorari that may be filed. *Id.*

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On January 28, 2026, a three-judge panel of the Ninth Circuit affirmed the *NTPSA* court’s September 5, 2025, order that granted summary judgment and vacated Secretary Noem’s rescission. *Nat’l TPS All. v. Noem*, ___ F.4th ___, 2026 U.S. App. LEXIS 2164 (9th Cir. 2026). The defendants moved the Ninth Circuit to rehear the appeal *en banc*, but the Ninth Circuit denied that motion. *Nat’l TPS All. v. Noem*, ___ F.4th ___, 2026 U.S. App. LEXIS 7278 (9th Cir. 2026).

As discussed above, the *NTPSA* court’s orders remain valid for those Venezuelan TPS recipients with “Notices of Action . . . issued with October 2, 2026 expiration dates.” *Nat’l TPS All. v. Noem*, No. 24A1059 (May 19, 2025). Petitioner has presented such a document. *See* Doc. 1-1 at 1. Thus, she continues to have valid TPS, and she cannot be detained on the basis of her immigration status while she has valid TPS. 8 U.S.C. § 1254a(a)(1)(A). Respondents do not oppose Petitioner’s release.

RESPECTFULLY SUBMITTED this 15th day of April, 2026.

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