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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Juan Carlos Hernandez Hernandez;

Case No. 8:25-cv-01928

Plaintiff,

**PLAINTIFF'S EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER:
AFFIDAVIT UNDER OATH BY
COUNSEL IN SUPPORT
THEREOF.**

v.

Department of Homeland Security; Kristi Noem, in her official capacity as Secretary, Department of Homeland Security; **U.S. Customs and Border Protection; Rodney S. Scott**, in his official capacity as Commissioner, U.S. Customs and Border Protection; **Michael W. Banks**, in his official capacity as Chief of U.S. Border Protection; **U.S. Immigration and Customs Enforcement; Todd M. Lyons**, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; **Ernesto Santacurz JR.**, in his official capacity as Acting Field Office Director for Los Angeles, U.S. Immigration and Customs Enforcement; and **DOE ICE Agents 1 to 15.**

Defendants.

1 Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Local
2 Rule 65-1, Plaintiff Juan Carlos Hernandez Hernandez respectfully asks this
3 court for emergency relief in the form of a temporary restraining order directing
4 that Defendants should be immediately restrained from continuing to deprive
5 Plaintiff from his freedom and liberty. That he be immediately released from the
6 custody of the Defendants, under appropriate conditions as may be deemed
7 necessary by the Court, in light of the illegality of his arrest, the physical attacks
8 and the wrongful continuous detention in which the Defendants have placed him
9 without due process. This Application is supported by the accompanying Petition
10 for Writ of Habeas Corpus & Complaint for Injunctive Relief, Declaratory
11 Relief, and Damages under Bivens, and by Declarations and Exhibits filed
12 concurrently.

13 On August 27, 2025, at 3:00 pm, the undersigned Counsel went to
14 Huntington Beach Hospital and asked security personnel to allow access to Mr.
15 Hernandez to speak to counsel. Security Personnel from the hospital
16 professionally and kindly went to the room where Mr. Hernandez is being held
17 under the custody of ICE Agents. The Defendants Does 1-2 were asked for
18 permission to allow counsel to speak to Mr. Hernandez.

19 Defendants refused to allow Mr. Hernandez to speak to counsel.
20 Furthermore, Defendants specifically instructed Security personnel to advise Mr.
21 Hernandez's counsel that they would have nothing to tell him either and refused
22 to even come to the lobby to speak to counsel themselves. Indicating that any
23 lawyer seeking to see or speak to Plaintiff should go to Los Angeles or Orange
24 County Federal Government agencies and "*do or say whatever they want to*".

25 It is reasonably believed that in absence of an immediate order of the court,
26 Mr. Hernandez may be forcefully taken away by the Defendants from his current
27 location at Hospital to an unknown location continuing the wrongs executed by
28 the Defendants in violation of the US Constitution and fundamental freedoms.

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Dated: 08/28/2025

Respectfully Submitted by:

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S/ Jesus Eduardo Arias LL.M. Esq.

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Attorney for Plaintiff Juan Carlos Hernandez Hernandez

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LAW OFFICES OF JESUS EDUARDO ARIAS

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