

Jordan Weiner (SBN 356297)
jordan@lrcl.org
La Raza Centro Legal
474 Valencia St., Ste. 295
San Francisco, CA 94103
Telephone: (415) 553-3435

Attorney for Petitioners

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ODTMAN ALFONSO CARDENAS
CASTELLANOS et al.,

Petitioners,

v.

SERGIO ALBARRAN ET AL.,

Respondents.

Case No. 3:25-cv-07962

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
PETITIONERS' EX PARTE
MOTION FOR TEMPORARY
RESTRAINING ORDER**

TABLE OF CONTENTS

1		
2	TABLE OF AUTHORITIES	3
3	INTRODUCTION	8
4	BACKGROUND	10
5	ARGUMENT	12
6	I. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS.	13
7	A. Petitioners’ detention violates substantive due process because they are neither	
8	flight risks nor dangers to the community.	13
9	B. The government violated procedural due process by depriving Petitioners the	
10	opportunity to contest their arrest and detention before a neutral decisionmaker.	15
11	C. Petitioners are Not Subject to Mandatory Detention.	18
12	II. PETITIONERS WILL CONTINUE TO SUFFER SERIOUS AND IRREPARABLE	
13	INJURY ABSENT A TRO.	19
14	III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH	
15	STRONGLY IN PETITIONERS’ FAVOR.	20
16	SECURITY	20
17	CONCLUSION	21
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

TABLE OF AUTHORITIES

Cases

<i>A.E. v. Andrews</i> , No. 1:25-cv-00107, 2025 WL 1424382 (E.D. Cal. May 16, 2025)	16, 17
<i>Acosta Roa et al v. Official Fulfilling the Duties of FOD</i> No. 3:25-cv-07802-RS (N.D. Cal. Sept. 12, 2025)	10
<i>All. for the Wild Rockies v. Cottrell</i> , 632 F.3d 1127 (9th Cir. 2011).....	12, 13, 19
<i>Baca v. Moreno Valley Unified Sch. Dist.</i> , 936 F. Supp. 719 (C.D. Cal. 1996)	21
<i>Caicedo Hinestroza, et al v. Kaiser</i> , No. 3:25-cv-07559-JD, 2025 U.S. Dist. LEXIS 176133 (N.D. Cal, Sept. 10, 2025)	10
<i>Caicedo Hinestroza, et al. v. Kaiser</i> , 3:25-cv-07559-JD (N.D. Cal, Sep. 10, 2025)	10
<i>California v. Azar</i> , 911 F.3d 558 (9th Cir. 2018).....	20
<i>Castellon v. Kaiser</i> No. 1:25-CV-00968 JLT EPG, 2025 U.S. Dist. LEXIS 157841 (E.D. Cal. Aug. 14, 2025	10
<i>Castellon v. Kaiser</i> , No. 1:25-CV-00968 JLT EPG, 2025 WL 2373425, (E.D. Cal. Aug. 14, 2025).....	10
<i>Clavijo v. Kaiser</i> , 2025 WL 2419263, (N.D. Cal. Aug. 21, 2025).....	10
<i>Cnty. of Sacramento v. Lewis</i> , 523 U.S. 833 (1998).....	13
<i>Demore v. Kim</i> , 538 U.S. 510 (2003).....	14
<i>Diaz v. Kaiser</i> , No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025).....	17, 18, 20
<i>Diep v. Wofford</i> , 2025 WL 6047444 (E.D. Cal. Feb. 25, 2025).....	16
<i>Doe v. Becerra</i> , No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664 (E.D. Cal. Mar. 3, 2025)	17, 18
<i>Doe v. Noem</i> , ___ F. Supp. 3d ___, 2025 WL 1141279 (W.D. Wash. Apr. 17, 2025)	18

1	<i>Env't Prot. Info. Ctr. v. Carlson,</i>	
2	968 F.3d 985 (9th Cir. 2020).....	20
3	<i>Gagnon v. Scarpelli,</i>	
4	411 U.S. 778 (1973).....	15
5	<i>Garcia Barrera v. Andrews</i>	
6	2025 WL 2420068 (E.D. Cal. Aug. 21, 2025)	10
7	<i>Garcia Barrera v. Andrews,</i>	
8	2025 WL 2420068, (E.D. Cal. Aug. 21, 2025)	10
9	<i>Garcia v. Bondi,</i>	
10	No. 3:25-CV-05070, 2025 WL 1676855 (N.D. Cal. June 14, 2025).....	18
11	<i>Garcia v. Kaiser,</i>	
12	No. 3:25-cv-06916 (N.D. Cal. Aug. 29, 2025)	10
13	<i>Garcia v. Kaiser,</i>	
14	No. 3:25-cv-06916, 2025 U.S. Dist. LEXIS 178531 (N.D. Cal. Aug. 29, 2025)	10
15	<i>Garro Pinchi v. Noem,</i>	
16	2025 WL 1853763, (N.D. Cal. July 4, 2025).....	10, 18
17	<i>GoTo.com, Inc. v. Walt Disney Co.,</i>	
18	202 F.3d 1199 (9th Cir. 2000).....	18
19	<i>Hernandez Nieves v. Kaiser,</i>	
20	No. 25-cv-06921 (N.D. Cal. Aug. 17, 2025).....	10
21	<i>Hernandez Nieves v. Kaiser,</i>	
22	No. 25-cv-06921-LB, 2025 U.S. Dist. LEXIS 171892 (N.D. Cal. Sept. 3, 2025).....	10
23	<i>Hernandez v. Sessions,</i>	
24	872 F.3d 976 (9th Cir. 2017).....	9, 13, 14, 20
25	<i>Hurd v. D.C., Gov't,</i>	
26	864 F.3d 671 (D.C. Cir. 2017)	15
27	<i>Index Newspapers LLC v. U.S. Marshals Serv.,</i>	
28	977 F.3d 817 (9th Cir. 2020).....	20
	<i>Jackson v. Indiana,</i>	
	406 U.S. 715 (1972)	13
	<i>Jaraba Oliveros v. Kaiser,</i>	
	No. 25-cv-07117 (N.D. Cal. Aug. 22, 2025).....	10
	<i>Jaraba Oliveros v. Kaiser,</i>	
	No. 25-cv-07117, 2025 U.S. Dist. LEXIS 164010 at (N.D. Cal. Aug. 22, 2025).....	10

1	<i>Jimenez v. Wolf,</i>	
2	No. 19-cv-07996-NC, 2020 WL 510347 (N.D. Cal. Jan. 30, 2020)	16
3	<i>Johnson v. Ryan,</i>	
4	55 F.4th 1167 (9th Cir. 2022).....	16
5	<i>Jones v. Blanas,</i>	
6	393 F.3d 918 (9th Cir. 2004).....	16
7	<i>Jorge M. F. v. Wilkinson,</i>	
8	No. 21-CV-01434-JST, 2021 WL 783561 (N.D. Cal. Mar. 1, 2021)	17, 18, 20
9	<i>Jorgensen v. Cassidy,</i>	
10	320 F.3d 906 (9th Cir. 2003).....	21
11	<i>Leon Espinoza, et al. v. Kaiser,</i>	
12	1:25-CV-01101 JLT SKO (E.D. Cal, Sep. 5, 2025)	10
13	<i>Leon Espinoza, et al. v. Kaiser,</i>	
14	No. 1:25-CV-01101 JLT SKO, 2025 U.S. Dist. LEXIS 173694 (E.D. Cal, Sept. 5, 2025)	10
15	<i>Mahdawi v. Trump,</i>	
16	No. 2:25-CV-389, 2025 WL 1243135 (D. Vt. Apr. 30, 2025)	13
17	<i>Martinez v. Clark,</i>	
18	124 F.4th 775 (9th Cir. 2024).....	17
19	<i>Mathews v. Eldridge,</i>	
20	424 U.S. 319 (1976).....	16
21	<i>Melendres v. Arpaio,</i>	
22	695 F.3d 990 (9th Cir. 2012).....	20
23	<i>Morrissey v. Brewer,</i>	
24	408 U.S. 471 (1972).....	15, 16
25	<i>Nielsen v. Preap,</i>	
26	586 U.S. 392 (2019).....	14
27	<i>Nozzi v. Hous. Auth. of City of Los Angeles,</i>	
28	806 F.3d 1178 (9th Cir. 2015).....	16
	<i>Ortega v. Bonnar,</i>	
	415 F. Supp. 3d 963 (N.D. Cal. 2019)	15, 16, 17
	<i>Pablo Sequen v. Kaiser</i>	
	No. 5:25-cv-06487, 2025 U.S. Dist. LEXIS 148751 (N.D. Cal. Aug. 1, 2025)	10
	<i>Pablo Sequen v. Kaiser,</i>	
	No. 5:25-cv-06487 (N.D. Cal. Aug. 1, 2025)	10

1	<i>Padilla v. Immigr. & Customs Enf't</i> , 953 F.3d 1134 (9th Cir. 2020).....	20
2	<i>Padilla v. U.S. Immigr. and Customs Enf't</i> , 704 F. Supp. 3d 1163 (W.D. Wash. 2023).....	14
4	<i>Paz Hernandez v. Kaiser</i> No. 1:25-cv-00986, 2025 U.S. Dist. LEXIS 163056 at (E.D. Cal. Aug. 21, 2025).....	10
6	<i>Paz Hernandez v. Kaiser</i> , No. 1:25-cv-00986 (E.D. Cal. Aug. 21, 2025).....	10
8	<i>People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Plan. Agency</i> , 766 F.2d 1319 (9th Cir. 1985).....	21
9	<i>Pineda Campos v. Kaiser</i> , No. 25-cv-06920 (N.D. Cal. Aug. 15, 2025).....	10
11	<i>Pineda Campos v. Kaiser</i> , No. 25-cv-06920, 2025 U.S. Dist. LEXIS 159038 (N.D. Cal. Aug. 15, 2025)	10
13	<i>Ramirez Clavijo v. Kaiser</i> 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025).....	10
14	<i>Romero v. Kaiser</i> , No. 22-CV-02508-TSH, 2022 WL 1443250 (N.D. Cal. May 6, 2022)	18
16	<i>Rosales-Mireles v. United States</i> , 585 U.S. 129 (2018).....	20
18	<i>Ruiz Otero v. Kaiser</i> , No. 5:25-cv-06536 (N.D. Cal. Aug. 3, 2025)	10
19	<i>Ruiz Otero v. Kaiser</i> , No. 5:25-cv-06536, 2025 U.S. Dist. LEXIS 167728 (N.D. Cal. Aug. 3, 2025)	10
21	<i>Salazar v. Kaiser</i> , No. 1:25-CV-01017-JLT-SAB, 2025 U.S. Dist. LEXIS 165942 (E.D. Cal. Aug. 26, 2025)....	10
22	<i>Salazar v. Kaiser</i> , No. 1:25-CV-01017-JLT-SAB, 2025 WL 2456232, (E.D. Cal. Aug. 26, 2025).....	10
24	<i>Salcedo Aceros v. Kaiser</i> , 3:25-cv-06924-EMC (N.D. Cal Sept. 21, 2025)	10
26	<i>Salcedo Aceros v. Kaiser</i> , No. 25-cv-06924-EMC, 2025 U.S. Dist. LEXIS 179594 (N.D. Cal. Sept. 12, 2025)	10
28	<i>Saravia v. Sessions</i> , 280 F. Supp. 3d 1168 (N.D. Cal. 2017)	14

1	<i>Singh v. Andrews,</i>	
2	2025 WL 1918679, (E.D. Cal. July 11, 2025)	10
3	<i>Singh v. Holder,</i>	
4	638 F.3d 1196 (9th Cir. 2011).....	17
5	<i>Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.,</i>	
6	240 F.3d 832 (9th Cir. 2001).....	12
7	<i>Valdez v. Joyce,</i>	
8	No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025).....	17, 18
9	<i>Valencia Zapata et al v. Kaiser et al</i>	
10	No. 3:25-cv-07492, 2025 U.S. Dist. LEXIS 173992 at (Sept. 5, 2025)	10
11	<i>Valera Chuquillanqui v. Kaiser</i>	
12	No. 3:25-cv-06320 (N.D. Cal. July 29, 2025).....	10
13	<i>Vargas v. Jennings,</i>	
14	No. 20-CV-5785-PJH, 2020 WL 5074312 (N.D. Cal. Aug. 23, 2020).....	18
15	<i>Vasquez Garcia et al. v. Noem</i>	
16	2025 WL 2549431 at *10-13 (S.D. Cal. Sept. 3, 2025).....	19
17	<i>Warsoldier v. Woodford,</i>	
18	418 F.3d 989 (9th Cir. 2005).....	20
19	<i>Winter v. Nat. Res. Def. Council, Inc.,</i>	
20	555 U.S. 7 (2008).....	12
21	<i>Wolff v. McDonnell,</i>	
22	418 U.S. 539 (1974).....	13
23	<i>Young v. Harper,</i>	
24	520 U.S. 143 (1997).....	15
25	<i>Zadvydas v. Davis,</i>	
26	533 U.S. 678 (2001).....	9, 13, 15
27	<i>Zinerman v. Burch,</i>	
28	494 U.S. 113 (1990).....	15
	Other Authorities	
	Arelis R. Hernández & Maria Sacchetti, <i>Immigrant Arrests at Courthouses Signal New Tactic in Trump’s Deportation Push</i> , Wash. Post, May 23, 2025.....	10
	Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, <i>How ICE is Seeking to Ramp Up</i>	

1	<i>Deportations Through Courthouse Arrests</i> , N.Y. Times, May 30, 2025.....	10
2	Joshua Goodman and Gisela Saloman, <i>ICE Agents Wait in Hallways of Immigration Court as</i>	
3	<i>Trump Seeks to Deliver on Mass Arrest Pledge</i> , LA Times, May 22, 2025	10
4	Margaret Kadifia, <i>Immigrants Fearful as ICE Nabs at Least 15 in S.F., Including Toddler,</i>	
5	<i>Mission Local</i> , June 5, 2025	10
6	Sarah Ravani, <i>ICE Arrests Two More at S.F. Immigration Court, Advocates Say</i> , S.F. Chron.,	
7	June 12, 2025	10
8	Tomoki Chien, <i>Undercover ICE Agents Begin Making Arrests at SF Immigration Court</i> , S.F.	
9	<i>Standard</i> , May 27, 2025	10
10	Regulations	
11	8 C.F.R. § 239.2(a)(7), (c).....	10

INTRODUCTION

Petitioners went to the San Francisco Immigration Court on September 18, 2025, expecting routine preliminary hearings in which they would discuss their cases with the immigration judge and schedule further proceedings on the merits of their applications for relief. So they were surprised when, during the hearings, the Department of Homeland Security (DHS) lawyer orally moved to dismiss their cases altogether. The Immigration Judge did not grant the motions to dismiss. Instead, the judge gave Petitioners time to respond and reset their hearings for another date. Minutes after each Petitioner exited the courtroom, a group of DHS agents waiting outside arrested them before they could leave the courthouse.

Nothing about Petitioners' immigration cases justified this arrest and detention. When Petitioners entered the country, federal immigration officers released them within days on their own recognizance under USC § 1226a and with no ankle shackle or intrusive supervision conditions. The government thus necessarily determined that they did not pose a flight risk or danger to the community—let alone one warranting detention. Since then, Petitioners' exemplary conduct has only confirmed the government's prediction. They complied with all of their ICE and immigration court obligations and almost all of them filed applications for asylum, withholding of removal, and protection under the Convention Against Torture. None of them have a criminal

1 history.

2 None of this mattered to the government. Rather than determining that Petitioners posed
3 a flight risk or danger to the community, federal immigration agents arrested them pursuant to a
4 new, sweeping, and unlawful policy targeting people for arrest at immigration courthouses for the
5 purpose of placing them in expedited-removal proceedings. This enforcement campaign is
6 specifically intended to increase ICE arrest numbers to satisfy internal agency quotas.

7 Petitioners' summary arrest and indefinite detention flout the Constitution. The *only*
8 legitimate interests that civil immigration detention serves are mitigating flight risk and
9 preventing danger to the community. When those interests are absent, the Fifth Amendment's
10 Due Process Clause squarely prohibits detention. Additionally, by summarily arresting and
11 detaining Petitioners without making any affirmative showing of changed circumstances, the
12 government violated Petitioners' procedural due process rights. At the very least, they were
13 constitutionally entitled to a hearing before a neutral decisionmaker at which the government
14 should have justified his detention.

15 As a result of their arrest and detention, Petitioners are suffering irreparable and ongoing
16 harm. The unconstitutional deprivation of "physical liberty" "unquestionably constitutes
17 irreparable injury." *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed,
18 "[f]reedom from imprisonment—from government custody, detention, or other forms of physical
19 restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v.*
20 *Davis*, 533 U.S. 678, 690 (2001). Petitioners also face numerous additional irreparable harms due
21 to her detention, including difficulties with vertigo and panic and being in enclosed spaces.

22 In light of this irreparable harm, and because they are likely to succeed on the merits of
23 their due process claims, Petitioners respectfully request that this Court issue an *ex parte*
24 temporary restraining order ("TRO") immediately releasing them from custody and enjoining the
25 government from re-arresting them absent the opportunity to contest that arrest at a hearing before
26 a neutral decision maker. **Since DHS started this new policy, a "tsunami" of Courts in this**
27 **circuit have granted preliminary relief, including in multi-petitioner cases, when confronted**
28 **with substantially identical facts and legal issues.** *Caicedo Hinestroza et al., v. Kaiser*, No.

3:25-cv-07559-JD, 2025 LX 333950 at *4 (Sept. 9, 2025).¹ In recent months, district courts have also uniformly rejected Respondents' new position that Petitioners, and millions of people like them, are subject to mandatory detention under § 1225(b)(2)(A)). *See, e.g., Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924-EMC at *13-21 (N.D. Cal. Sept. 21, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025). To maintain this Court's jurisdiction, the Court should also prohibit the government from transferring Petitioners out of this District and removing them from the country until these proceedings have concluded.

BACKGROUND

Petitioners fled Colombia and entered the United States in 2023. Petitioners' Habeas Petition ("Pet.") ¶¶ 51-65. They were apprehended by immigration officials at the border and released on Orders of Release of Recognizance under 8 USC § 1226a. *Id.* The immigration officials determined that they posed little if any flight or danger to the community and released them into the community to wait for their immigration court dates. *Id.* They all moved to California. *Id.* All of them filed applications for asylum, withholding of removal, and protection under the Convention Against Torture. *Id.* They also complied with all of their ICE and

¹ *See Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025) (granting preliminary injunction); *Garro Pinchi v. Noem*, 2025 WL 1853763 at *4 (N.D. Cal. July 4, 2025), converted to preliminary injunction at ___ F. Supp. 3d ___, 2025 WL 2084921 (N.D. Cal. July 24, 2025); *Castellon v. Kaiser*, No. 1:25-CV-00968 JLT EPG, 2025 U.S. Dist. LEXIS 157841 at *33 (E.D. Cal. Aug. 14, 2025) (granting preliminary injunction); *Garcia Barrera v. Andrews*, 2025 WL 2420068 at *3 (E.D. Cal. Aug. 21, 2025) (same); *Ramirez Clavijo v. Kaiser*, 2025 WL 2419263 at *25 (N.D. Cal. Aug. 21, 2025) (same); *Paz Hernandez v. Kaiser*, No. 1:25-cv-00986, 2025 U.S. Dist. LEXIS 163056 at *26 (E.D. Cal. Aug. 21, 2025) (same); *Salazar v. Kaiser*, No. 1:25-CV-01017-JLT-SAB, 2025 U.S. Dist. LEXIS 165942 at *33 (E.D. Cal. Aug. 26, 2025) (same); *Garcia v. Kaiser*, No. 3:25-cv-06916, 2025 U.S. Dist. LEXIS 178531 at *17 (N.D. Cal. Aug. 29, 2025) (same); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 U.S. Dist. LEXIS 171892 at *10 (N.D. Cal. Sept. 3, 2025) (same); *Salcedo Aceros v. Kaiser*, No. 25-cv-06924-EMC, 2025 U.S. Dist. LEXIS 179594 at *39 (N.D. Cal. Sept. 12, 2025) (same); *Valera Chuquillanqui v. Kaiser*, No. 3:25-cv-06320 (N.D. Cal. July 29, 2025) (granting ex parte TRO); *Pablo Sequen v. Kaiser*, No. 5:25-cv-06487, 2025 U.S. Dist. LEXIS 148751 at *9 (N.D. Cal. Aug. 1, 2025) (same); *Ruiz Otero v. Kaiser*, No. 5:25-cv-06536, 2025 U.S. Dist. LEXIS 167728 at *9 (N.D. Cal. Aug. 3, 2025) (same); *Pineda Campos v. Kaiser*, No. 25-cv-06920, 2025 U.S. Dist. LEXIS 159038 at *8 (N.D. Cal. Aug. 15, 2025) (same); *Jaraba Oliveros v. Kaiser*, No. 25-cv-07117, 2025 U.S. Dist. LEXIS 164010 at *10 (N.D. Cal. Aug. 22, 2025) (same); *Leon Espinoza, et al. v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 U.S. Dist. LEXIS 173694 at *37 (E.D. Cal. Sept. 5, 2025) (same); *Caicedo Hinestroza, et al v. Kaiser*, No. 3:25-cv-07559-JD, 2025 U.S. Dist. LEXIS 176133 at *5 (N.D. Cal. Sept. 10, 2025) (same); *Valencia Zapata et al v. Kaiser et al*, No. 3:25-cv-07492, 2025 U.S. Dist. LEXIS 173992 at *13 (Sept. 5, 2025) (same); *Acosta Roa et al v. Official Fulfilling the Duties of FOD*, No. 3:25-cv-07802-RS (N.D. Cal. Sept. 12, 2025) (same).

1 immigration court requirements. None of them have been convicted of a crime. *Id.*

2 Petitioners were all scheduled for immigration court hearings in San Francisco on
3 September 18, 2025 before Immigration Judge Patrick O'Brien. *Id.* ¶¶ 51-73; Declaration of
4 Jennifer Friedman. ¶¶ 4-11. During their hearings, the government orally made motions to
5 dismiss. *Id.* The Immigration Judge did not rule on the motions at those hearings. *Id.* He gave
6 Petitioners time to respond and reset their hearings for a future date. *Id.*

7 Upon leaving the courtroom, ICE agents arrested Petitioners and took them into custody
8 at 630 Sansome, where they currently remain. *Id.* Petitioners' arrests did not have anything to do
9 with their individual cases. Instead, they are part of a new, nationwide DHS strategy of sweeping
10 up people who attend their immigration court hearings, detaining them, and seeking to re-route
11 them to fast-track deportations.² Since mid-May, DHS has implemented a coordinated practice of
12 immigration detention to strip people like Petitioners of their substantive and procedural rights
13 and pressure them into deportation. DHS is aggressively pursuing this arrest and detention
14 campaign at courthouses throughout the country, including Northern California. At the San
15 Francisco Immigration Court, where Petitioners were arrested, dozens of people have been
16 arrested in the last couple of months after attending their routine immigration hearings.³

17 This "coordinated operation" is "aimed at dramatically accelerating deportations" by
18 arresting people at the courthouse and placing them into expedited removal.⁴ The first step of the
19

20 ² Joshua Goodman and Gisela Saloman, *ICE Agents Wait in Hallways of Immigration Court as*
21 *Trump Seeks to Deliver on Mass Arrest Pledge*, LA Times, May 22, 2025,
<https://www.latimes.com/world-nation/story/2025-05-22/ice-agents-wait-in-hallways-of-immigration-court-as-trump-seeks-to-deliver-on-mass-arrest-pledge>.

22 ³ Sarah Ravani, *ICE Arrests Two More at S.F. Immigration Court, Advocates Say*, S.F. Chron.,
23 June 12, 2025, <https://www.sfchronicle.com/bayarea/article/sf-immigration-court-arrests-20374755.php>; Margaret Kadifia, *Immigrants Fearful as ICE Nabs at Least 15 in S.F., Including Toddler*, Mission Local, June 5, 2025, <https://missionlocal.org/2025/06/ice-arrest-san-francisco-toddler/>; Tomoki Chien, *Undercover ICE Agents Begin Making Arrests at SF Immigration Court*, S.F. Standard, May 27, 2025, <https://sfstandard.com/2025/05/27/undercover-ice-agents-make-arrests-san-francisco-court/>.

24 ⁴ Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in*
25 *Trump's Deportation Push*, Wash. Post, May 23, 2025,
26 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>;
27 *see also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
28 *Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html> (updated June 1, 2025).

1 operation typically takes place inside the immigration court. When people arrive in court for their
2 master calendar hearings, DHS attorneys orally file a motion to dismiss the proceedings—without
3 any notice to the affected individual. Although DHS regulations do not permit such motions to
4 dismiss absent a showing that the “[c]ircumstances of the case have changed,” 8 C.F.R. §
5 239.2(a)(7), (c), DHS attorneys are not conducting any case-specific analysis of changed
6 circumstances before filing these motions to dismiss.

7 The next step takes place outside the courtroom. ICE officers, in consultation with DHS
8 attorneys and officials, station themselves in courthouse waiting rooms, hallways, and elevator
9 banks. When an individual exits their immigration hearings, ICE officers—typically masked and
10 in plainclothes—immediately arrest the person and detain them. The officers execute these arrests
11 regardless of how the IJ rules on the government’s motion to dismiss. Once the person is detained,
12 DHS attorneys often unilaterally transfer venue to a “detained” immigration court where they renew
13 their motion to dismiss and seek to place individuals in expedited removal. That is what happened
14 to Petitioners here.

15 Petitioners suffer serious and ongoing harm every day they remain in detention. Prior to
16 their detention, Petitioners were living peacefully with their families and in their communities.

17 ARGUMENT

18 To warrant a TRO, a movant must show (1) they are “likely to succeed on the merits,” (2)
19 they are “likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance
20 of equities tips in [their] favor,” and that (4) “an injunction is in the public interest.” *All. for the*
21 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def.*
22 *Council, Inc.*, 555 U.S. 7, 20 (2008)); *see Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240
23 F.3d 832, 839 n.7 (9th Cir. 2001) (noting the analysis for issuing a temporary restraining order
24 and a preliminary injunction is substantially the same). Even if the movant raises only “serious
25 questions” as to the merits of their claims, the court can grant relief if the balance of hardships
26 tips “sharply” in their favor. *All. for the Wild Rockies*, 632 F.3d at 1135. All factors here weigh
27 decisively in Petitioner’s favor.
28

1 **I. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS.**

2 **A. Petitioners' detention violates substantive due process because they are neither**
 3 **flight risks nor dangers to the community.**

4 The Due Process Clause applies to "all 'persons' within the United States, including
 5 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*,
 6 533 U.S. at 693. "The touchstone of due process is protection of the individual against arbitrary
 7 action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of
 8 power without any reasonable justification in the service of a legitimate government objective,"
 9 *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). "Freedom from imprisonment—from
 10 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty
 11 that Clause protects." *Zadvydas*, 533 U.S. at 690.

12 To comply with substantive due process, the government's deprivation of an individual's
 13 liberty must be justified by a sufficient purpose. Therefore, immigration detention, which is "civil,
 14 not criminal," and "nonpunitive in purpose and effect," must be justified by either
 15 (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at 690; *see Hernandez*, 872 F.3d at 994
 16 ("[T]he government has no legitimate interest in detaining individuals who have been determined
 17 not to be a danger to the community and whose appearance at future immigration proceedings can
 18 be reasonably ensured by a lesser bond or alternative conditions."). When these rationales are
 19 absent, immigration detention serves no legitimate government purpose and becomes
 20 impermissibly punitive, violating a person's substantive due process rights. *See Jackson v. Indiana*,
 21 406 U.S. 715, 738 (1972) (detention must have a "reasonable relation" to the government's interests
 22 in preventing flight and danger); *see also Mahdawi v. Trump*, No. 2:25-CV-389, 2025 WL
 23 1243135, at *11 (D. Vt. Apr. 30, 2025) (ordering release from custody after finding petitioner may
 24 "succeed on his Fifth Amendment claim if he demonstrates *either* that the government acted with
 25 a punitive purpose *or* that it lacks any legitimate reason to detain him").

26 The Supreme Court has recognized that noncitizens may bring as-applied challenges to
 27 detention, including so-called "mandatory" detention. *Demore v. Kim*, 538 U.S. 510, 532-33 (2003)
 28 (Kennedy, J., concurring) ("Were there to be an unreasonable delay by the INS in pursuing and

1 completing deportation proceedings, it could become necessary then to inquire whether the
2 detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to
3 incarcerate for other reasons.”); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019) (“Our decision today
4 on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—that is, constitutional
5 challenges to applications of the statute as we have now read it.”).

6 Petitioners, who have no criminal record and who are diligently pursuing their immigration
7 cases, are neither dangers nor flight risks. Therefore, their detention is both punitive and not
8 justified by a legitimate purpose, violating their substantive due process rights. Indeed, when
9 Respondents chose to release Petitioners from custody, that decision represented their finding that
10 they were neither dangerous nor a flight risk. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176
11 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)
12 (“Release reflects a determination by the government that the noncitizen is not a danger to the
13 community or a flight risk.”). Nothing has transpired since to disturb that finding.

14 *First*, because Petitioners have no criminal history, and have had no intervening criminal
15 convictions since their releases, there is no credible argument that they are dangers to the
16 community.

17 *Second*, as to flight risk, the question is whether custody is reasonably necessary to secure
18 a person’s appearance at immigration court hearings and related check-ins. *See Hernandez*, 872
19 F.3d at 990-91. There is no basis to argue that Petitioners, who were arrested by Respondents *while*
20 *appearing in immigration court* for master calendar hearings, are flight risks. Petitioners have
21 attended all of their immigration court hearings and ICE check-ins. Moreover, Petitioners have a
22 viable path toward immigration relief and a pathway to lawful permanent residence, further
23 mitigating any risk of flight. *See Padilla v. U.S. Immigr. and Customs Enf’t*, 704 F. Supp. 3d 1163,
24 1173 (W.D. Wash. 2023) (holding that there is not a legitimate concern of flight risk where
25 plaintiffs have bona fide asylum claims and desire to remain in the United States). At the time of
26 their arrests, almost all Petitioners had filed applications for asylum, withholding of removal, and
27 protection under the Convention Against Torture. They have every intention of continuing to pursue
28 their applications for immigration relief.

1 In sum, Petitioners' actions since Respondents first released them confirm that they are
2 neither danger nor flight risks. Indeed, their ongoing compliance and community ties compel the
3 conclusion that they are even *less* of a danger or flight risk than when they were originally released.
4 Accordingly, Petitioners' ongoing detention is unconstitutional, and substantive due process
5 principles require their immediate release.

6 **B. The government violated procedural due process by depriving Petitioners the**
7 **opportunity to contest their arrest and detention before a neutral**
8 **decisionmaker.**

9 Noncitizens living in the United States like Petitioners have a protected liberty interest in
10 their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. The Supreme Court
11 "usually has held that the Constitution requires some kind of a hearing *before* the State deprives
12 a person of liberty or property." *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so even in
13 cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d 671, 683 (D.C.
14 Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that re-detention after pre-
15 parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S.
16 778, 782 (1973) (holding the same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482
17 (1972) (same, in parole context).

18 Accordingly, the Supreme Court has repeatedly held that individuals released from
19 custody on bond, parole, or other forms of conditional release have a protected interest in their
20 ongoing liberty, because "[t]he parolee has relied on at least an implicit promise that parole will
21 be revoked only if he fails to live up to the parole conditions." *Morrissey*, 408 U.S. at 482. "By
22 whatever name, the[ir] liberty is valuable and must be seen within the protection of the [Due
23 Process Clause]." *Id.* This liberty interest also applies to noncitizens, including those who have
24 been conditionally released from immigration custody. *See Ortega v. Bonnar*, 415 F. Supp. 3d
25 963, 970 (N.D. Cal. 2019). Petitioners thus have a protected liberty interest in their freedom from
26 physical custody.

27 Once a petitioner has established a protected liberty interest, as Petitioners have done here,
28 courts in this circuit apply the *Mathews* test to determine what procedural protections are due. *See*

1 *Johnson v. Ryan*, 55 F.4th 1167, 1179-80 (9th Cir. 2022) (citing *Mathews v. Eldridge*, 424 U.S.
 2 319, 335 (1976)). Under that test, the court weighs: (1) the private interest affected; (2) the risk
 3 of erroneous deprivation and probable value of procedural safeguards; and (3) the government's
 4 interest. *Id.* In this case, the factors weigh heavily in favor of releasing Petitioners and prohibiting
 5 their re-detention without a custody hearing at which the government bears the burden of proof.

6 *First*, the private interest affected in this case is profound. When considering this factor,
 7 courts look to “the degree of potential deprivation.” *Nozzi v. Hous. Auth. of City of Los Angeles*,
 8 806 F.3d 1178, 1193 (9th Cir. 2015) (citing *Mathews*, 424 U.S. at 341). The degree of deprivation
 9 here is high. Petitioners have been completely deprived of their physical liberty. Petitioners’
 10 detention has ripped from them the “free[dom] to be with family and friends and to form the . . .
 11 enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482. Cutting someone off from the
 12 “core values of unqualified liberty”—for Petitioners creates a “grievous loss.” *Id.* Moreover,
 13 because Petitioners face *civil detention*, “[their] liberty interest is arguably greater than the interest
 14 of the parolees in *Morrissey*.” *See Ortega*, 415 F. Supp. 3d at 970. As people in civil detention,
 15 therefore, “it stands to reason that [Petitioners] [are] entitled to protections at least as great as
 16 those afforded to a[n] . . . individual . . . accused but not convicted of a crime.” *See Jones v.*
 17 *Blanas*, 393 F.3d 918, 932 (9th Cir. 2004).

18 *Second*, “the risk of an erroneous deprivation [of liberty] is high” where, as here, “[the
 19 petitioners] ha[ve] not received any bond or custody redetermination hearing.” *A.E. v. Andrews*,
 20 No. 1:25-cv-00107, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025) (quoting *Jimenez v. Wolf*,
 21 No. 19-cv-07996-NC, 2020 WL 510347, at *3 (N.D. Cal. Jan. 30, 2020)); *see also Diep v.*
 22 *Wofford*, No. 1:24-cv-01238, 2025 WL 6047444, at *5 (E.D. Cal. Feb. 25, 2025). Respondents
 23 grabbed Petitioners by surprise as they left their immigration court hearings, detaining them with
 24 no notice and no opportunity to contest their re-detention before a neutral arbiter. In such
 25 circumstances, when Respondents have provided *no* procedural safeguards, “the probable value
 26 of additional procedural safeguards, i.e., a bond hearing, is high.” *A.E.*, 2025 WL 1424382, at *5.
 27 This is especially true here, where there is no change in Petitioners’ circumstances suggesting that
 28 Petitioners now pose a flight risk or danger to the community. Their re-detention instead appears

1 to be motivated instead by Respondents' new arrest quotas and practice of leveraging detention
2 to secure dismissal of ongoing proceedings under Section 240 of the Immigration and Nationality
3 Act, to initiate expedited removal. Neither constitutes a lawful justification to re-detain a person
4 who does not pose a flight risk or danger to the community.

5 Because the private interest in freedom from immigration detention is substantial, due
6 process also requires that in cases like this one, the government bears the burden of proving "by
7 clear and convincing evidence that the [noncitizen] is a flight risk or danger to the community."
8 *Singh v. Holder*, 638 F.3d 1196, 1203-04 (9th Cir. 2011); see *Martinez v. Clark*, 124 F.4th 775,
9 785-86 (9th Cir. 2024) (holding that government properly bore burden by clear and convincing
10 evidence in court-ordered bond hearing); *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025
11 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025) (ordering pre-deprivation bond hearing in which
12 government bears burden by clear and convincing evidence).

13 *Third*, the government's interest in detaining Petitioners without first providing notice and
14 submitting to a custody hearing is minimal. Immigration courts routinely conduct custody
15 hearings, which impose a "minimal" cost to the government. See *Doe*, 2025 WL 691664, at *6;
16 *A.E.*, 2025 WL 1424382, at *5. Petitioners have an impeccable record of complying with their
17 immigration obligations; there is no reason to believe that between the date of their release and
18 their custody hearings, their compliance will change. Indeed, courts regularly hold that the
19 government's interest in re-detention without a custody hearing is low when the petitioner "has
20 long complied with his reporting requirements." *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL
21 1676854, at *3-*4 (N.D. Cal. June 14, 2025) (granting TRO prohibiting re-detention of noncitizen
22 without a pre-deprivation bond hearing); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021
23 WL 783561, at *3-*4 (N.D. Cal. Mar. 1, 2021) (same); *Ortega*, 415 F. Supp. 3d at 970 (granting
24 habeas petition ordering the same); see also *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL
25 1707737, at *4-*5 (S.D.N.Y. June 18, 2025) (granting habeas petition and immediately releasing
26 petitioner who had been detained without process, who had "voluntarily attended his scheduled
27 immigration court proceedings" and "established ties" through his work and volunteering with
28 the church).

1 In similar cases, courts in this Circuit regularly hold that re-detaining noncitizens without
 2 a pre-deprivation hearing in which the government bears the burden of proof violates due process,
 3 and grants the emergency relief Petitioners seek here. *See Garro Pinchi v. Noem*, __ F. Supp. 3d
 4 __, 2025 WL 2084921, at *7 (converting TRO requiring release of asylum seeker arrested at her
 5 immigration court hearing into preliminary injunction prohibiting the government from re-
 6 detaining her without a hearing); *Singh v. Andrews*, 2025 WL 1918679, *8-10 (E.D. Cal. July 11,
 7 2025) (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at *8 (granting TRO
 8 over one month after petitioner's initial detention); *see also, e.g., Diaz*, 2025 WL 1676854, at *3-
 9 *4; *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025);
 10 *Jorge M. F.*, 2021 WL 783561, at *4; *Romero v. Kaiser*, No. 22-CV-02508-TSH, 2022 WL
 11 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL
 12 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

13 In short, Respondents violated Petitioners' due process rights when they detained them
 14 without notice and without a custody hearing before a neutral arbiter. Here, only an order releasing
 15 Petitioners and enjoining re-detention—unless Respondents provide Petitioners with a custody
 16 hearing where the government bears the burden of proof—would return the parties to the “last
 17 uncontested status which preceded the pending controversy.” *Doe v. Noem*, __ F. Supp. 3d __,
 18 2025 WL 1141279, at *9 (W.D. Wash. Apr. 17, 2025) (quoting *GoTo.com, Inc. v. Walt Disney*
 19 *Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)); *see also Valdez*, 2025 WL 1707737, at *4-*5 (ordering
 20 petitioner's immediate release as remedy for procedural due process violation).

21 **C. Petitioners are Not Subject to Mandatory Detention.**

22 For decades, when immigration authorities arrested and released people on Orders of
 23 Recognizance at the border, like they did with Petitioners, those people were subject to
 24 discretionary detention under 8 USC § 1226(a). In the last few months, however, Respondents
 25 have reversed course and now take the dramatic and implausible new position that these
 26 individuals are subject to mandatory detention under 8 USC § 1226(b). *Matter of Yajure Hurtado*,

29 I&N Dec. 216, 220 (B.I.A. 2025). District courts in recent months have uniformly rejected the government's new position. *See, e.g., Salcedo Aceros v. Kaiser*, No. 3:25-cv-06924-EMC (N.D. Cal. Sept. 21, 2025) at *13-21; *Cuevas Guzman v. Andrews*, No. 1:25-cv-01015-KES-SKO at *6-9 (E.D. Cal. Sep. 9, 2025); *Vasquez Garcia et al. v. Noem*, 2025 WL 2549431 at *10-13 (S.D. Cal. Sept. 3, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025); *Garcia v. Kaiser*, No. 4:25-cv-06916-YGR at *9 (N.D. Cal. Aug. 29, 2025); *Lopez Benitez v. Francis*, No. 25-cv-5937, 2025 WL 2371588, at *11-12 (S.D.N.Y. Aug. 13, 2025); *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 LX 341363, at *15 (E.D. Cal. July 28, 2025); *Martinez v. Hyde*, No. 25-cv-11613, 2025 WL 2084238, at *4 (D. Mass. July 24, 2025). Although not necessary to grant preliminary relief in this case, should the Court reach the detention statute question, it should join the other courts in finding that Petitioners are subject to discretionary detention under 8 USC § 1226a. *See id.*

* * * * *

For the foregoing reasons, Petitioners are likely to succeed on the merits of their claims. But even if the Court disagrees, they present at least "serious question[s] going to the merits," alongside a "balance of hardships" tipping decidedly in their favor. *All. for the Wild Rockies*, 632 F.3d at 1135. Indeed, the constitutional concerns delineated above are of the weightiest order and beyond colorable. This Court should therefore enter the requested TRO.

II. PETITIONERS WILL CONTINUE TO SUFFER SERIOUS AND IRREPARABLE INJURY ABSENT A TRO.

Without a temporary restraining order, Petitioners will suffer immense irreparable injury. Indeed, they face such injury every day they remain in detention in violation of their Fifth Amendment rights. "It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Hernandez*, 872 F.3d at 994-95 (citing *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary."

1 *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (internal quotation marks
 2 omitted). And the unlawful deprivation of physical liberty is the quintessential irreparable harm.
 3 *See Hernandez*, 872 F.3d at 994 (holding that plaintiffs were irreparably harmed “by virtue of the
 4 fact that they [we]re likely to be unconstitutionally detained for an indeterminate period of time”);
 5 *see also, e.g., Rosales-Mireles v. United States*, 585 U.S. 129, 139 (2018) (recognizing that “[a]ny
 6 amount of actual jail time is significant, and has exceptionally severe consequences for the
 7 incarcerated individual” (cleaned up)).

8 **III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH** 9 **STRONGLY IN PETITIONERS’ FAVOR.**

10 When the government is the party opposing the request for emergency relief, the balance
 11 of the equities and the public interest merge. *Env’t Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 991
 12 (9th Cir. 2020) (citing *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018)). Here, the balance
 13 of equities overwhelmingly favors Petitioners, who face irreparable injury in the form of ongoing
 14 constitutional violations and continued additional suffering if the TRO is not granted. *See* Section
 15 II, *supra*; *Hernandez*, 872 F.3d at 996 (when “[f]aced with ... preventable human suffering, ...
 16 the balance of hardships tips decidedly in plaintiffs’ favor”) (internal citation omitted).

17 The public interest likewise weighs strongly in Petitioners’ favor. As another California
 18 district court recently concluded, “[t]he public has a strong interest in upholding procedural
 19 protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the
 20 public of immigration detention are staggering.” *Diaz*, 2025 WL 1676854, at *3 (citing *Jorge M.*
 21 *F.*, 2021 WL 783561, at *3). More fundamentally, “[i]t is always in the public interest to prevent
 22 the violation of a party’s constitutional rights.” *Index Newspapers LLC v. U.S. Marshals Serv.*,
 23 977 F.3d 817, 838 (9th Cir. 2020) (citing *Padilla v. Immigr. & Customs Enf’t*, 953 F.3d 1134,
 24 1147-48 (9th Cir. 2020) (internal quotation marks omitted)).

25 **SECURITY**

26 No security is necessary here. Courts “may dispense with the filing of a bond when,” as
 27 here, “there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.”
 28 *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). It is also proper to waive the bond

1 requirement in cases raising constitutional claims, because “to require a bond would have a negative
 2 impact on plaintiff’s constitutional rights, as well as the constitutional rights of other members of
 3 the public.” *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996).
 4 Finally, Plaintiff’s showing of a high likelihood of success on the merits supports the court’s
 5 waiving of bond in this case. *See, e.g., People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg’l*
 6 *Plan. Agency*, 766 F.2d 1319, 1326 (9th Cir.), *amended*, 775 F.2d 998 (9th Cir. 1985).

7 CONCLUSION

8 For the foregoing reasons, Petitioners respectfully requests the Court grant a TRO to
 9 restore the *status quo ante* that (1) immediately releases them from Respondents’ custody without
 10 electronic monitoring and enjoins Respondents from re-detaining them absent further order of this
 11 Court; (2) in the alternative, immediately releases them from Respondents’ custody and enjoins
 12 Respondents from re-detaining them unless they demonstrate at a pre-deprivation bond hearing,
 13 by clear and convincing evidence, that Petitioners are a flight risk or danger to the community
 14 such that their physical custody is required; and (3) prohibits the government from transferring
 15 them out of this District and/or removing them from the country until these habeas proceedings
 16 have concluded.

17
18
19 Date: September 18, 2025

Respectfully submitted,

20 /s/ Jordan Weiner
 21 Jordan Weiner
 22 La Raza Centro Legal
 23 474 Valencia St., Ste. 295
 24 San Francisco, CA 94103
 Telephone: (415) 553-3435
 E-mail: jordan@lrcl.org

25 *Attorney for Petitioners*
 26
 27
 28