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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MIRNA ESTELA PEREZ MENDOZA,
Petitioner,

vs.

FERETI SEMAIA, WARDEN OF THE
GEO GROUP ADELANTO ICE
PROCESSING CENTER,

DAVID MARIN, DIRECTOR OF LOS
ANGELES FIELD OFFICE, U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT;

KRISTI NOEM, SECRETARY OF THE
U.S. DEPARTMENT OF HOMELAND
SECURITY; AND

PAM BONDI, ATTORNEY GENERAL OF
THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITIONER'S NOTICE OF MOTION AND
EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND REQUEST
FOR EXPEDITED HABEAS BRIEFING
SCHEDULE

POINTS AND AUTHORITIES IN
SUPPORT OF EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER AND MOTION FOR
PRELIMINARY INJUNCTION

Case No. 5:25-cv-02532-HDV-MAR

PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER AND REQUEST FOR EXPEDITED HABEAS BRIEFING SCHEDULE

NOTICE OF MOTION

Petitioner Ms. Mirna Mendoza applies to this Honorable Court for a temporary restraining order enjoining Respondents—the U.S. Department of Homeland Security (DHS), the Warden of Adelanto ICE Processing Center, the Field Office Director of ICE Enforcement and Removal Operations in Los Angeles, and the Attorney General of the United States— (1) from continuing to detain her based on an unlawful action by ICE; (2) ordering her immediate release from immigration detention; and (3) from re-arresting Petitioner until she is afforded a hearing before a neutral decisionmaker, as required by the Due Process Clause of the Fifth Amendment, to determine whether circumstances have materially changed such that her re-incarceration would be justified because there is clear and convincing evidence establishing that she is a danger to the community or a flight risk.

DATED: September 25, 2025

Respectfully submitted,

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INTRODUCTION

1. Respondents unlawfully re-detained Petitioner-Plaintiff Ms. Mirna Estela Perez Mendoza on July 2, 2025, immediately following her credible fear interview. ICE had previously released Ms. Mendoza on her own recognizance on December 4, 2023, and she lived openly and compliantly in California for nineteen months. During that time, she resided with her lawful permanent resident partner, worked to rebuild her life, and maintained deep ties to her family and community. She has no criminal record. Her sudden re-arrest and transfer to Adelanto ICE Processing Center—without any opportunity to contest her detention before a neutral decisionmaker—flout the Constitution and the Immigration and Nationality Act.

2. The deprivation of Ms. Mendoza’s liberty serves no legitimate purpose. Civil immigration detention is justified only to mitigate flight risk or danger to the community. DHS already determined in 2023 that she posed neither, releasing her under conditions she faithfully honored. Her return to custody absent changed circumstances is punitive, arbitrary, and unconstitutional. At a minimum, due process required the government to provide her with notice and a bond hearing before re-detention. Instead, ICE officers seized her directly from her asylum interview and denied her any meaningful process.

3. Ms. Mendoza’s unlawful detention causes profound and irreparable harm. Courts in this District have repeatedly recognized that confinement at Adelanto imposes “serious, immediate, and irreparable harm” due to its unsafe and inhumane conditions. Each additional day of detention inflicts lasting damage on her health, her relationship with her partner, and her ability to pursue lawful protection in the United States. “[F]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4. Faced with indistinguishable circumstances, courts in this Circuit have recently ordered immediate release or bond hearings. *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Maldonado Vasquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390 (E.D. Cal. Aug. 21, 2025).

5. Ms. Mendoza's case is no different. Because she is likely to succeed on the merits, faces irreparable harm every day she remains confined, and because the balance of equities and the public interest overwhelmingly favor relief, this Court should issue a temporary restraining order immediately releasing her or requiring a constitutionally adequate bond hearing.

STATEMENT OF FACTS

6. Petitioner Mirna Mendoza is a thirty-three-year-old woman from El Salvador who fled her country after enduring severe abuse at the hands of gang members and a Salvadoran policeman.

6. On November 10, 2023, she crossed into the United States near Roma, Texas, by raft, seeking safety and protection. She was apprehended by Border Patrol the same day.

7. On November 11, 2023, DHS issued her a Notice and Order of Expedited Removal (Form I-860), charging her as inadmissible under INA § 212(a)(7)(A)(i)(I) for entering without valid documents.

8. During her expedited removal interview, Petitioner told officers she was afraid to return to El Salvador because of the violence she had suffered there.

9. On December 4, 2023, DHS released Petitioner on her own recognizance.

10. From December 2023 through July 2025, Petitioner lived openly and compliantly in California. She resided with her domestic partner, lawful permanent resident Wilber

1 Lemus Peraza, who provided housing, submitted financial documentation, and pledged to
2 support her. In addition, she developed strong community ties, as reflected in multiple letters
3 of support submitted with her bond filings. Petitioner has no criminal history and spent her
4 time on release working to establish stability and to prepare for eventual reunification with
5 her two children, who remain in El Salvador.

6 11. On March 26, 2025, Petitioner timely filed her Form I-589 Application for
7 Asylum and Withholding of Removal, further demonstrating her commitment to seeking
8 protection through lawful means.

9 12. DHS did not schedule her credible fear interview (“CFI”) until July 2, 2025.
10 Petitioner complied fully with the process and appeared for her interview.

11 13. At the CFI, Petitioner explained that she feared return to El Salvador because she
12 had been sexually abused by gang members and a Salvadoran policeman, and that she
13 believed she would face further violence if forced to return. The asylum officer found her
14 credible, but determined she was barred from asylum eligibility under DHS’s Circumvention
15 of Lawful Pathways (“CLP”) regulation.

16 14. Immediately after the CFI, ICE officers entered the interview room, detained
17 Petitioner on the spot, and transferred her first to Santa Ana and then to the Adelanto ICE
18 Processing Center, where she remains today.

19 15. On September 10, 2025, Petitioner appeared for a custody redetermination
20 hearing.

21 16. In support of bond, Petitioner’s counsel submitted a bond packet demonstrating
22 her nineteen months of demonstrated compliance in the community, her strong family and
23 community support, and her lack of criminal history (Exhibit A to Petitioner’s Habeas
24 Petition [ECF No. 9]). Despite this, the Immigration Judge declined jurisdiction, ruling that
25 Petitioner was detained under 8 U.S.C. § 1225(b).

17. The IJ's decision deprived Petitioner of the bond hearing to which she is entitled under § 1226(a).

18. Petitioner has now been detained at Adelanto for nearly three months. Conditions at Adelanto have been repeatedly documented as harsh, unsanitary, and inhumane, with reports of overcrowding, inadequate medical care, and abuse. For Petitioner, who had already proven her ability to live compliantly in the community with her lawful permanent resident partner and broader support network, continued detention is both unnecessary and unlawful. Absent Court intervention, she faces ongoing irreparable harm every day she remains confined.

LEGAL STANDARD

1. Petitioner Mirna Mendoza is entitled to a temporary restraining order if she establishes that she is “likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [her] favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining order standards are “substantially identical”).

2. Even if Petitioner does not show a likelihood of success on the merits, the Court may still grant a temporary restraining order if she raises “serious questions” as to the merits of her claims, the balance of hardships tips “sharply” in her favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

3. As set forth below, Petitioner overwhelmingly satisfies both standards.

1
2
3 **ARGUMENT**

4 **PETITIONER MENDOZA WARRANTS A TEMPORARY RESTRAINING ORDER**

5 4. A temporary restraining order should issue if “immediate and irreparable injury,
6 loss, or irreversible damage will result” absent relief. Fed. R. Civ. P. 65(b). The purpose is to
7 prevent irreparable harm before the Court can hold a preliminary-injunction hearing. *Granny*
8 *Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974). Here, without
9 intervention, Ms. Mendoza will remain in unlawful custody—detained under a statutory
10 regime that does not apply to her and without any bond hearing—in violation of the INA and
11 the Due Process Clause. Every additional day of confinement inflicts irreparable harm.
12 Mendoza’s continued detention violates substantive due process because she is neither a
13 danger nor a flight risk, and detention serves no legitimate purpose.

14 5. The Fifth Amendment protects “all persons” in the United States—including
15 noncitizens—from arbitrary government action. *Zadvydas v. Davis*, 533 U.S. 678, 690–93
16 (2001); *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974); *Cnty. of Sacramento v. Lewis*, 523
17 U.S. 833, 846 (1998). Immigration detention is civil and “nonpunitive in purpose and effect”;
18 it is constitutionally justified only to prevent danger or secure appearance at proceedings.
19 *Zadvydas*, 533 U.S. at 690. When those rationales are absent, detention becomes punitive and
20 violates substantive due process. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972);
21 *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (“no legitimate interest” in
22 detaining people who are not dangerous and will appear under lesser restraints).

23 6. The undisputed record shows Ms. Mendoza has no criminal history; she lived in
24 California for nineteen months after DHS affirmatively released her; she maintained a stable
25 residence with her LPR partner; she built strong community support; and she voluntarily
26 appeared for DHS appointments—including the credible-fear interview where ICE abruptly
27 re-detained her. Those facts foreclose any credible claim of danger and establish that less

1 restrictive alternatives will ensure appearance. See *Hernandez*, 872 F.3d at 990–91
2 (government must consider alternatives; detention must be necessary to serve its goals).
3 Because her confinement serves no legitimate purpose, it violates substantive due process.

4 7. Recent decisions in this Circuit reinforce that point in materially indistinguishable
5 circumstances. In *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530,
6 at (C.D. Cal. Sept. 8, 2025), the court granted a TRO requiring release or § 1226(a) bond
7 hearings where DHS treated long-time interior arrestees as § 1225(b) “mandatory” detainees;
8 the court found that approach unlawful and emphasized individualized custody adjudications.
9 In *Maldonado Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D.
10 Nev. Sept. 17, 2025), the court granted a preliminary injunction and ordered release, rejecting
11 the government’s effort to shoehorn interior arrests into § 1225(b) to avoid bond hearings and
12 due process protections. Those holdings apply squarely here.

13
14 **Mendoza is Likely to Succeed on the Independent Due-Process Claim that the**
15 **Constitution Requires a Pre-Deprivation Hearing Before Re-Detention.**
16

17 8. Even if regulations purport to allow re-detention, the Constitution requires
18 procedural safeguards before liberty is taken. See *Hernandez*, 872 F.3d at 981 (“the
19 government’s discretion to incarcerate non-citizens is always constrained by the requirements
20 of due process”). The Ninth Circuit and district courts have repeatedly recognized that, where
21 a noncitizen has been living at liberty, due process requires notice and a hearing before a
22 neutral adjudicator, with the government bearing a clear and convincing burden to show
23 danger or flight risk, before re-incarceration.

24 9. This flows from settled law. The Supreme Court has long held that conditional
25 liberty—though revocable—carries a protected liberty interest and cannot be terminated
26 without due process. See *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *Gagnon v.*
27

1 *Scarpelli*, 411 U.S. 778, 781–82 (1973); *Young v. Harper*, 520 U.S. 143, 152 (1997) (pre-
2 parole liberty interest). The Ninth Circuit likewise recognizes that “freedom from bodily
3 restraint has always been at the core of the liberty protected by the Due Process Clause,”
4 requiring robust procedures. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992); *Singh v. Holder*,
5 638 F.3d 1196, 1203 (9th Cir. 2011).

6 10. Applying *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), the balance decisively
7 favors pre-deprivation process here:

8 11. **Private interest:** Ms. Mendoza’s interest in avoiding erroneous incarceration is
9 profound. “Freedom from imprisonment—from government custody, detention, or other
10 forms of physical restraint—lies at the heart of the liberty” protected by the Constitution.
11 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Supreme Court has long recognized that
12 conditional liberty—whether through parole, probation, or release from immigration
13 detention—creates a settled expectation that cannot be extinguished without due process.
14 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782
15 (1973). Here, DHS affirmatively released Ms. Mendoza in December 2023 after determining
16 she was not a danger or flight risk. For the next nineteen months, she lived openly in
17 California with her lawful permanent resident partner, complied with all requirements, and
18 pursued her asylum application through lawful channels. Having “formed the other enduring
19 attachments of normal life,” *Morrissey*, 408 U.S. at 482, Ms. Mendoza holds a weighty
20 liberty interest in remaining free from unjustified re-incarceration. Terminating that liberty
21 without a neutral hearing inflicts a grievous loss on her, her partner, and her children abroad.

22 12. **Risk of erroneous deprivation:** ICE’s The risk of erroneous deprivation is
23 intolerably high when ICE unilaterally re-detains a compliant noncitizen under the mistaken
24 theory that custody remains mandatory under § 1225(b). Ms. Mendoza was seized
25 immediately after appearing for her scheduled credible fear interview, without notice or
26 opportunity to contest her loss of liberty. Federal courts have rejected this approach. In
27

1 *Hernandez v. Wofford*, the court held that a noncitizen who had lived in the community could
2 not lawfully be re-detained under § 1225(b) without due process. No. 1:25-CV-00986, 2025
3 WL 2420390, at *12–15 (E.D. Cal. Aug. 21, 2025). Likewise, *Pinchi v. Noem* and *Espinoza*
4 *v. Kaiser* confirm that once DHS affirmatively releases an individual, § 1226(a) governs and
5 re-detention requires a bond hearing before a neutral adjudicator. A bond hearing with the
6 government bearing the clear-and-convincing burden, as required under § 1226(a),
7 dramatically reduces the risk of erroneous deprivation. See *Diouf v. Napolitano (Diouf II)*,
8 634 F.3d 1081, 1091–92 (9th Cir. 2011).

9 13. **Government interest / burdens:** The government’s interest in jailing a non-
10 dangerous, fully compliant resident without a hearing is minimal. As the Ninth Circuit has
11 explained, “the government has no legitimate interest in detaining individuals who have been
12 determined not to be a danger to the community and whose appearance at future immigration
13 proceedings can be reasonably ensured by a lesser bond or alternative conditions.”
14 *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017). DHS itself determined Ms.
15 Mendoza was neither a danger nor a flight risk when it released her in 2023. Providing a
16 prompt bond hearing is already contemplated in the statutory scheme of § 1226(a), and
17 imposes only *de minimis* administrative costs. See *Jennings v. Rodriguez*, 583 U.S. 281, 306
18 (2018). Against Ms. Mendoza’s bodily liberty and family integrity, the government’s
19 asserted interest is negligible.

20 14. Courts in this Circuit have repeatedly required such pre-deprivation safeguards in
21 analogous contexts—enjoining re-detentions absent notice and a hearing or requiring
22 immediate bond hearings with the proper burden on the government. See, e.g., *Ortega v.*
23 *Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, 2020 WL 5074312 (N.D.
24 Cal. Aug. 23, 2020); *Romero v. Kaiser*, 2022 WL 1443250 (N.D. Cal. May 6, 2022). Ms.
25 Mendoza received no hearing at all—the IJ declined jurisdiction on the mistaken premise that
26 § 1225(b) controls—so she is likely to succeed on this claim.

Mendoza Is Also Likely to Succeed on Her Statutory Claim: Once DHS Released Her, § 1226(A) Governs; § 1225(B) Does Not

15. The INA draws a sharp line between § 1225(b) (initial inspection/expedited removal at or near the border) and § 1226(a) (custody during removal proceedings for persons living in the interior). See *Jennings v. Rodriguez*, 583 U.S. 281, 303–05 (2018) (describing detention schemes). Where DHS affirmatively releases a person and she then lives in the interior for many months, the detention authority for any later custody is § 1226(a)—with individualized bond determinations—not § 1225(b) “mandatory” detention.

16. Courts addressing the government’s recent attempt to reclassify interior arrestees as § 1225(b) “applicants for admission” have rejected that position. In *Mosqueda*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025), the court granted a TRO requiring release or bond hearings under § 1226(a), holding the government’s § 1225(b) theory unlawful when applied to noncitizens long at liberty in the interior. In *Maldonado*, 2025 WL 2676082 (D. Nev. Sept. 17, 2025), the court entered a preliminary injunction and ordered release, likewise holding that the government cannot evade § 1226(a)’s framework and bond procedures by relabeling interior arrests as “mandatory” § 1225(b) detention. Those rulings are directly on point: because DHS released Ms. Mendoza and she lived in California for nineteen months, § 1226(a) controls and she is entitled to a bond hearing with the government bearing the clear-and-convincing burden. See also *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) (bond factors under § 1226(a)).

17. Even the Supreme Court decisions the government sometimes cites preserve as-applied constitutional challenges and do not foreclose relief here. See *Demore v. Kim*, 538 U.S. 510, 532–33 (2003) (Kennedy, J., concurring) (unreasonable delay/detention raises due-

process concerns); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019) (reserving as-applied challenges).

18. Because Respondents lack statutory authority to detain Ms. Mendoza under § 1225(b), and because due process independently requires a hearing they refused to provide, she is likely to succeed on the merits.

Petitioner Mendoza Will Suffer Irreparable Harm Absent Injunctive Relief

19. Petitioner Mendoza will suffer irreparable harm were she to remain detained after being deprived of her liberty and subjected to unlawful incarceration by immigration authorities without being provided the constitutionally adequate process that this motion for a temporary restraining order seeks. Detainees in ICE custody are held in “prison-like conditions.” *Preap v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016). As the Supreme Court has explained, “[t]he time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972); accord *Nat’l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984).

20. Moreover, the Ninth Circuit has recognized in “concrete terms the irreparable harms imposed on anyone subject to immigration detention,” including “subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained.” *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017).

21. Courts within this Circuit have likewise found that detention at Adelanto under these circumstances causes immediate and irreparable harm. See *Hernandez v. Wofford*, No. 1:25-CV-00986, 2025 WL 2420390, at *2 (E.D. Cal. Aug. 21, 2025) (noting that petitioner detained in Adelanto “faces irreparable harm absent a temporary restraining order”). See also

1 *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at *6 (C.D. Cal.
2 Sept. 8, 2025) (petitioners would be immediately and irreparably harmed by their continued
3 deprivation of liberty without bond hearings that they are entitled to under section 1226(a)).

4 22. These judicial findings are consistent with extensive public reporting. A June
5 2025 Los Angeles Times investigation¹ described Adelanto as “unsanitary, overcrowded, and
6 inhumane,” with inspectors raising red flags about medical neglect and prolonged solitary
7 confinement. Disability Rights California’s investigative report, *Inside the Adelanto ICE*
8 *Processing Center*,² documented systemic failures, including inadequate mental health
9 treatment, unsanitary conditions, and the overuse of segregation, concluding that detainees
10 are exposed to serious and ongoing harm.

11 23. Petitioner Mendoza’s circumstances underscore these dangers. She has no
12 criminal history, demonstrated nineteen months of lawful compliance while at liberty, and
13 resides with her lawful permanent resident partner who provides support. There is no
14 justification for subjecting her to confinement in a facility that courts in this District and
15 federal oversight bodies have recognized as dangerous and harmful. Continued detention is
16 bound to result in irreversible harm to her physical and psychological well-being, her family,
17 and her community ties.

18 24. As the Ninth Circuit has explained, “the deprivation of constitutional rights
19 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th
20 Cir. 2012) (cleaned up). Thus, a temporary restraining order is necessary to prevent Petitioner
21 Mendoza from suffering irreparable harm by being subject to unlawful and unjust detention
22 at Adelanto.

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27 ¹ <https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center>

28 ² <https://www.disabilityrightsca.org/drc-advocacy/investigations/inside-the-adelanto-ice-processing-center>
PETITIONER’S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER AND REQUEST FOR EXPEDITED HABEAS BRIEFING SCHEDULE

The Balance of Equities and The Public Interest Favor Granting the Temporary Restraining Order

25. The last two Winter factors merge when the Government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009). While the government has a general interest in enforcing the immigration laws, that interest “is not furthered by allowing violations of federal law to continue.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)

26. Here, the balance of equities and the public interest undoubtedly favor granting this temporary restraining order.

27. First, the balance of hardships strongly favors Ms. Mendoza. The government cannot suffer harm from an injunction that prevents it from engaging in an unlawful practice. See *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“[T]he INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations.”). Therefore, the government cannot allege harm arising from a temporary restraining order or preliminary injunction ordering it to comply with the Constitution.

28. Further, any burden imposed by requiring ICE to release Ms. Mendoza from unlawful custody and refrain from re-arrest unless and until she is provided a hearing before a neutral is both de minimis and clearly outweighed by the substantial harm she will suffer if she remains detained. See *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) (“Society’s interest lies on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required.”).

29. Courts in this district have recognized this precise harm: in *Mosqueda v. Noem*, the Central District granted TRO relief to detainees in Adelanto whose detention under § 1225(b) deprived them of bond hearings guaranteed by § 1226(a), emphasizing that continued detention without process inflicts irreparable harm No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at *6 (C.D. Cal. Sept. 8, 2025). Similarly, in *Maldonado Vasquez*

1 v. *Feeley*, the court found that “the balance of the equities and public interest “tip sharply
2 towards” Petitioner” 2:25-CV-01542-RFB-EJY, 2025 WL 2676082, at *23 (D. Nev. Sept.
3 17, 2025).

4 30. A temporary restraining order is also in the public interest. First and most
5 importantly, “it would not be equitable or in the public’s interest to allow [a party] . . . to
6 violate the requirements of federal law, especially when there are no adequate remedies
7 available.” *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (quoting
8 *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)). If a temporary restraining
9 order is not entered, the government would effectively be granted permission to detain Ms.
10 Mendoza in violation of the requirements of Due Process. “The public interest and the
11 balance of the equities favor ‘prevent[ing] the violation of a party’s constitutional rights.’”
12 *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002); see also
13 *Hernandez*, 872 F.3d at 996 (“The public interest benefits from an injunction that ensures
14 that individuals are not deprived of their liberty and held in immigration detention because of
15 bonds established by a likely unconstitutional process.”); cf. *Preminger v. Principi*, 422 F.3d
16 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated when a
17 constitutional right has been violated, because all citizens have a stake in upholding the
18 Constitution.”).

19 31. Accordingly, both the balance of equities and the public interest weigh decisively
20 in Mendoza’s favor. At minimum, they “tip sharply” toward her, warranting injunctive relief
21 even under the “serious questions” standard. *Alliance for the Wild Rockies v. Cottrell*, 632
22 F.3d 1127, 1135 (9th Cir. 2011).

23 CONCLUSION

24 32. For the foregoing reasons, Petitioner respectfully requests that this Court grant her
25 motion for a temporary restraining order. Petitioner has shown a clear likelihood of success
26 on the merits, or at minimum raised serious questions going to the merits; she faces
27

1 irreparable harm with every additional day of unlawful detention at Adelanto; and the
2 balance of equities and public interest overwhelmingly favor immediate relief.

3
4 **PRAYER FOR RELIEF**

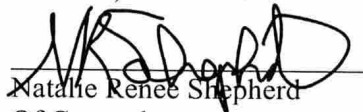
- 5
6 33. Petitioner therefore respectfully asks this Court to:
- 7 a. Order her immediate release from custody under reasonable conditions of
8 supervision; or, in the alternative,
 - 9 b. Require Respondents to provide a constitutionally adequate bond hearing under 8
10 U.S.C. § 1226(a), before a neutral adjudicator, at which the Government must
11 justify continued detention by clear and convincing evidence of danger or flight
12 risk; and
 - 13 c. Grant such further relief as this Court deems just and proper.
- 14

15 DATED: September 26, 2025

16
17 Respectfully Submitted,

18 

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REQUEST FOR EXPEDITED HABEAS BRIEFING SCHEDULE

34. In addition to temporary injunctive relief, Petitioner respectfully requests that the Court expedite briefing and adjudication of her habeas petition. The Court’s September 25, 2025 order set a standard return deadline nearly a month away, which risks leaving Petitioner in custody without judicial review despite the ongoing irreparable harm she suffers each day she remains detained. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

35. “There is no question that these protections extend to noncitizens present in the United States.” *Maldonado Vazquez v. Feeley*, No. 2:25-cv-01542, 2025 WL 2676082, at *16 (D. Nev. Sept. 17, 2025). The Ninth Circuit has further recognized in concrete terms the irreparable harms “imposed on anyone subject to immigration detention (or other forms of imprisonment).” *Id.* at *22. In the absence of Petitioner’s requested injunction, “harms such as these will continue to occur needlessly on a daily basis.” *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017).

36. The habeas statute itself emphasizes urgency. A district court is explicitly directed to “summarily hear and determine the facts, and dispose of [a habeas petition] as law and justice require.” 28 U.S.C. § 2243. The statute provides that a return must ordinarily be filed within three days, absent good cause, and that the court should hold a prompt hearing thereafter. *Id.* The Supreme Court has long described habeas corpus as “perhaps the most important writ known to the constitutional law ... affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963); see also *Carafas v. LaVallee*, 391 U.S. 234, 238 (1968) (habeas provides a “prompt and efficacious remedy” for unlawful detention). The Ninth Circuit has likewise emphasized that habeas is intended to be a “speedy remedy,” *Ruby v. United States*, 341 F.2d 585, 587

(9th Cir. 1965), and that a habeas application “receives prompt action” and priority on the court’s docket. *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000).

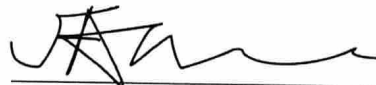
37. District courts applying these principles in the immigration detention context have recognized that habeas petitions raising ongoing liberty deprivations warrant expedited treatment. See *Herrera v. Knight*, 2025 WL 2581792, at *6 (D. Nev. Sept. 5, 2025); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 967 (N.D. Cal. 2019); *Ortiz Vargas v. Jennings*, 2020 WL 5074312, at *1 (N.D. Cal. Aug. 23, 2020).

38. Accordingly, every additional day of Petitioner’s confinement inflicts an ongoing and irreparable deprivation of her fundamental liberty interest. Expedited habeas review is therefore not just authorized under § 2243 but consistent with binding precedent.

39. Should the Court decline to grant Petitioner’s immediate release or bond hearing through the TRO, Petitioner respectfully requests, in the alternative, that the Court order Respondents to file their return to the habeas petition within seven (7) days, allow Petitioner three (3) days to reply, and set the matter for hearing at the earliest practicable date.

DATED: September 26, 2025

Respectfully Submitted,



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PETITIONER’S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND REQUEST FOR EXPEDITED HABEAS BRIEFING SCHEDULE