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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF NEVADA

11 Jorge Armando CARLOS,

12 Petitioner-Plaintiff,

13 v.

14 Kristi NOEM, in her Official Capacity, Secretary,  
15 U.S. Department of Homeland Security;

16 Pam BONDI, in her Official Capacity, Attorney  
17 General of the United States;

18 Todd M. LYONS, Acting Director, Immigration and  
19 Customs Enforcement, U.S. Department of Homeland  
20 Security;

21 Jason KNIGHT, Salt Lake City Field Office Director  
22 for Detention and Removal, U.S. Immigration and  
23 Customs Enforcement, Department of Homeland  
24 Security; and

25 John MATTOS, Warden, Nevada Southern Detention  
26 Center.

27 Respondents-Defendants.  
28

Agency No.

A 

**MOTION FOR  
TEMPORARY  
RESTRAINING  
ORDER**

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

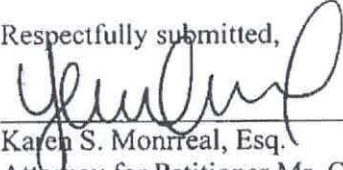
Challenge to Unlawful  
Incarceration; Request for  
Declaratory and Injunctive Relief

**NOTICE OF MOTION**

Petitioner, by and through undersigned counsel, respectfully moves this Court for a Temporary Restraining Order ("TRO") and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, enjoining Respondents from continuing his unlawful detention and ordering his immediate release, or in the alternative, a constitutionally adequate bond hearing within seven (7) days at which the government bears the burden of proving, by clear and convincing evidence, that his detention is necessary. If the Court deems oral argument necessary, Petitioner requests to appear by video.

Dated: October 10th, 2025

Respectfully submitted,

  
Karen S. Monreal, Esq.  
Attorney for Petitioner Mr. Carlos

1     **I. INTRODUCTION**

2             Petitioner Jorge Armando Carlos (“Mr. Carlos”), Agency Number [REDACTED] by and  
3 through undersigned counsel, respectfully moves this Court for a Temporary Restraining Order  
4 and preliminary injunctive relief to immediately halt his continued and unlawful detention by the  
5 U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement  
6 (ICE).

7             Mr. Carlos is currently detained at the Nevada Southern Detention Center pending the  
8 outcome of his immigration proceedings, despite the government’s failure to establish, by clear  
9 and convincing evidence, that he poses either a danger to the community or a flight risk, as  
10 required by the Due Process Clause of the Fifth Amendment.

11            Mr. Carlos has been in custody since July 18, 2025. ICE first encountered him while he  
12 was held at the Washoe County Jail (“WCJ”) following an arrest for domestic battery.  
13 Subsequently, ICE formally took him into custody and transferred him to the ERO Salt Lake City  
14 – Reno Sub Office for processing. He was subsequently housed at the Nevada Southern Detention  
15 Center, where he remains today.

16            A bond hearing was held on August 12, 2025, during which the Immigration Judge heard  
17 arguments from both Mr. Carlos and the Department of Homeland Security. After considering  
18 both sides, the Judge determined that Mr. Carlos did not pose a flight risk or a danger to the  
19 community and accordingly set bond at \$6,000.

20            The Department of Homeland Security reserved the right to appeal and contended that  
21 Mr. Carlos was ineligible for bond on the grounds that he was an applicant for admission and thus  
22 subject to mandatory detention. The Department of Homeland Security subsequently filed Form  
23 EOIR-43, which triggered an automatic stay of the Immigration Judge’s bond decision. As a  
24 result, Mr. Carlos was unable to post bond despite the Judge’s order permitting his release.

25            Mr. Carlos’s ongoing detention now exceeds three months. His detention, absent  
26 procedural protections and without lawful justification, violates the Fifth Amendment. Moreover,  
27 there is no legal basis to categorize him as subject to mandatory detention, and yet ICE has refused  
28 to release him.

1 Mr. Carlos respectfully asks this Court to issue a Temporary Restraining Order enjoining  
2 DHS and ICE from continuing his detention without due process. He seeks immediate release or,  
3 in the alternative, that his bond be reinstated and he be allowed to post.

4 Absent emergency relief from this Court, Mr. Carlos will continue to suffer irreparable  
5 harm as a result of his unjust and indefinite detention.

6 **II. STATEMENT OF FACTS AND CASE**

7 Petitioner Jorge Armando Carlos is a 51-year-old native and citizen of Mexico who  
8 entered the United States without inspection in or around February 2005. Since then, he has  
9 continuously resided in the United States for over twenty years without departure. The United  
10 States is his home.

11 Mr. Carlos has built deep and lasting ties to the Reno community, where he has lived and  
12 worked for many years. He is married to a Mexican citizen, Ms. Ma. Guadalupe Martinez Puentes,  
13 and together they share a 19-year-old son, Johnney, who is currently serving in the United States  
14 Marine Corps. Mr. Carlos also serves as a father figure to his 22-year-old stepson, Jonathan,  
15 whom he has raised and supported as his own. As the primary financial provider for his household,  
16 Mr. Carlos has worked consistently in the construction industry and is known for his dedication,  
17 reliability, and work ethic. He has filed federal income tax returns annually, including under an  
18 Individual Taxpayer Identification Number (ITIN), evidencing his compliance with civic  
19 responsibilities.

20 On July 16, 2025, Mr. Carlos was arrested in Reno, Nevada and charged with an alleged  
21 incident of domestic battery. The next day, on July 17, 2025, Immigration and Customs  
22 Enforcement (ICE) took custody of him, even though his criminal charges remained pending and  
23 he had not been convicted.

24 On July 31, 2025, Mr. Carlos requested a bond redetermination hearing before the Las  
25 Vegas Immigration Court. He submitted substantial documentation in support of his release,  
26 including letters from his wife and family members attesting to his positive character, strong  
27 community ties, and lack of any threat to public safety. He also provided proof of his son's active  
28 duty service in the U.S. military.

1 At the hearing held on August 12, 2025, Immigration Judge Lindsay Roberts rejected  
2 DHS's position that Mr. Carlos was subject to mandatory detention under 8 U.S.C. § 1225(b). The  
3 Court found that Mr. Carlos was not an "arriving alien," had not been placed in expedited removal  
4 proceedings, and had not recently entered the United States or been apprehended near the border.  
5 As such, the Judge determined that his detention fell under 8 U.S.C. § 1226(a), giving the Court  
6 jurisdiction to consider bond. Upon review, Judge Roberts concluded that Mr. Carlos was neither  
7 a danger to the community nor a flight risk, and ordered his release on a \$6,000 bond, with  
8 alternatives to detention at DHS's discretion.

9 However, within 24 hours of that ruling, DHS invoked an automatic stay under 8 C.F.R.  
10 § 1003.19(i)(2), thereby preventing Mr. Carlos's release despite the Immigration Judge's order.  
11 On August 25, 2025, DHS formally filed a notice of appeal with the Board of Immigration  
12 Appeals (BIA), arguing that Mr. Carlos should be subject to mandatory detention under § 1225(b)  
13 due to his manner of entry nearly two decades ago. The automatic stay remains in effect, and Mr.  
14 Carlos continues to be detained at the Nevada Southern Detention Center.

15 The invocation of the automatic stay has resulted in significant hardship for Mr. Carlos  
16 and his family. His prolonged detention has left his wife solely responsible for all household  
17 expenses and caregiving obligations. His son, currently deployed in the Marine Corps, has  
18 expressed difficulty focusing on his duties due to concerns about his father's detention and his  
19 mother's well-being. Mr. Carlos's continued custody also jeopardizes the pending parole-in-place  
20 application filed by his son and the Form I-130 petition filed by his stepson, both of which are  
21 critical to his potential eligibility for adjustment of status.

22 Despite the Immigration Judge's finding that he presents no danger or flight risk, Mr.  
23 Carlos remains detained. His incarceration—now exceeding three months—has caused  
24 considerable emotional, financial, and psychological strain on him and his loved ones. The  
25 government's use of the automatic stay to override an individualized judicial determination,  
26 without a meaningful opportunity to challenge that detention, violates Mr. Carlos's Fifth  
27 Amendment right to due process.

1 **III. JURISDICTION**

2 This Court has jurisdiction to review Mr. Carlos's TRO Application. Further,  
3 jurisdiction is not stripped by 8 U.S.C. §§ 1252(b)(9) or 1252(g).

4 **A. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(b)(9)**

5 Section 1252(b)(9) provides:

6  
7 "Judicial review of all questions of law and fact, including interpretation and  
8 application of constitutional and statutory provisions, arising from any action  
9 taken or proceeding brought to remove an alien from the United States... shall be  
available only in judicial review of a final order under this section..."

10 Mr. Carlos's detention is not so intertwined with the broader removal process that it can  
11 only be reviewed after a final removal order is issued. The Supreme Court addressed this precise  
12 issue in *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018), where it rejected an overly expansive  
13 reading of the phrase "arising from" in 8 U.S.C. § 1252(b)(9). The Court warned that interpreting  
14 the statute so broadly as to include constitutional challenges to detention—merely because they  
15 are tangentially related to removal—would lead to "absurd results" and deprive noncitizens of  
16 "any meaningful opportunity for judicial review." *Id.*

17 Here, Mr. Carlos is not seeking to challenge his removal proceedings, nor the decision to  
18 initiate them. Rather, he is challenging his continued detention as unlawful under the INA and  
19 U.S. Constitution. Moreover, as the Court in *Jennings* made clear, § 1252(b)(9) does not apply  
20 where the petitioner is "not asking for review of an order of removal," and where the claim does  
21 not "challenge the decision to detain them in the first place or to seek removal." *Id.* at 294. Mr.  
22 Carlos's challenge arises from the denial of a bond hearing, not the initiation of removal  
23 proceedings.

24 Accordingly, § 1252(b)(9) does not bar this Court from exercising jurisdiction over Mr.  
25 Carlos's TRO Application.

26 **B. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(g)**

27 8 U.S.C. § 1252(g) statute states:  
28

1 “...no court shall have jurisdiction to hear any cause or claim by or on behalf of  
2 any alien arising from the decision or action by the Attorney General to  
commence proceedings, adjudicate cases, or execute removal orders...”

3 However, the Supreme Court has explicitly interpreted § 1252(g) as a narrow  
4 jurisdictional limitation. In *Jennings*, the Court reiterated that § 1252(g) applies only to the three  
5 specific actions listed: the commencement of proceedings, adjudication of cases, and execution  
6 of removal orders. *Jennings*, 583 U.S. at 293.

7 Mr. Carlos’s claim does not arise from any of these three enumerated actions. Instead, it  
8 challenges the government’s decision to classify him as an “applicant for admission” and deny  
9 him access to a bond hearing under § 1226(a)—a procedural and constitutional due process  
10 violation. As *Jennings* reaffirmed, courts should not interpret the phrase “arising from” so  
11 broadly as to “sweep in any claim that can technically be said to ‘arise from’” removal  
12 proceedings. *Id.* Doing so would insulate virtually all governmental actions from judicial review,  
13 including those that raise serious constitutional questions—a result the Court expressly rejected.

14 Accordingly, because Mr. Carlos’s TRO Application does not challenge the  
15 government’s authority to commence proceedings, adjudicate removability, or execute a removal  
16 order, § 1252(g) does not apply.

17 **C. Jurisdiction Is Not Barred by 1226(e).**

18 § 1226 of the INA. 8 U.S.C § 1226(e) provides:

19  
20 The Attorney General's discretionary judgment regarding the application of this  
21 section shall not be subject to review. No court may set aside any action or  
22 decision by the Attorney General under this section regarding the detention of any  
23 alien or the revocation or denial of bond or parole.

24 As the Supreme Court made clear in *Demore v. Kim*, “§ 1226(e) does not apply to suits  
25 challenging the framework for decisions rather than a discretionary decision itself made under 8  
26 U.S.C. § 1226.” 538 U.S. 510, 516–17 (2003). Mr. Carlos does not challenge any discretionary  
27 determination made under § 1226. Rather, he contests the Respondents’ reliance on a regulatory  
28 framework—specifically 8 C.F.R. § 1003.19(i)(2)—to subject him to mandatory detention under

1 § 1225(b), despite the plain language of the INA, longstanding agency practice, and binding  
2 precedent indicating that § 1226(a) governs his detention.

3 It is well-established that § 1226(e) does not strip federal courts of jurisdiction to review  
4 habeas petitions that challenge the statutory basis for a noncitizen's detention. Courts may hear  
5 claims attacking "the statutory framework that permits [a petitioner's] detention without bail."  
6 *Demore*, 538 U.S. at 517. Moreover, where Congress intends to preclude judicial review of  
7 constitutional or habeas claims, the Supreme Court has consistently required "a particularly clear  
8 statement" of such intent. *Id.* Section 1226(e) contains no such clear and unequivocal language.  
9 It does not bar judicial review of claims that DHS's interpretation and application of its detention  
10 authority violates both the Immigration and Nationality Act and the U.S. Constitution.  
11 The Ninth Circuit has similarly recognized that while a noncitizen may not challenge a  
12 discretionary *judgment* under § 1226(e), constitutional and legal challenges to the *process* by  
13 which such judgments are made are "cognizable in federal court on habeas because they fit  
14 comfortably within the scope of § 2241." *Gutierrez-Chavez v. INS*, 298 F.3d 824, 829 (9th Cir.  
15 2002).

16 This Court's jurisdiction is further confirmed by the Supreme Court's decision in  
17 *Jennings v. Rodriguez*, where a class of noncitizens challenged their prolonged detention without  
18 bond under §§ 1225(b), 1226(a), 1226(c), and 1231(a). The Court held that such challenges to  
19 "the extent of the Government's detention authority under the statutory framework as a whole"  
20 were not barred by § 1226(e). 583 U.S. 281, 295 (2018) (citing *Demore*, 538 U.S. at 516).  
21 Accordingly, because Mr. Carlos's claims challenge the legality of Respondents' policy  
22 interpreting § 1225(b) as applying to individuals like him—who have long resided in the United  
23 States and were not apprehended at or near the border—§ 1226(e) poses no jurisdictional bar.

24 In sum, the basic federal habeas corpus statute grants this Court authority to resolve  
25 Petitioner's challenge to the lawfulness of his detention under the INA, APA, and Constitution,  
26 and none of the jurisdictional stripping provisions of the INA apply to Petitioner's challenge to  
27 Respondents' detention policy before this Court. *See Zadvydas*, 533 U.S. at 699 (citing 28 U.S.C.  
28

1 § 2241(c)(3) (granting courts authority to determine whether detention is "in violation of the ...  
2 laws ... of the United States").

3 This Court therefore retains jurisdiction to review his claims and grant the requested  
4 temporary restraining order.

#### 5 **IV. LEGAL STANDARD**

6 Pursuant to Federal Rule of Civil Procedure 65, a court may grant preliminary injunctive  
7 relief to prevent "immediate and irreparable injury." Fed R. Civ. P. 65(b). A preliminary  
8 injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the  
9 plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22, 129 S.  
10 Ct. 365, 172 L. Ed. 2d 249 (2008). To obtain a preliminary injunction, a plaintiff must establish  
11 four elements: "(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer  
12 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its  
13 favor, and (4) that the public interest favors an injunction." *Wells Fargo & Co. v. ABD Ins. &*  
14 *Fin. Servs. Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014), as amended (Mar. 11, 2014) (citing *Winter*,  
15 555 U.S. at 20).

16 In the Ninth Circuit, a preliminary injunction may also issue under the "serious  
17 questions" test. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)  
18 (affirming the continued viability of this doctrine post-*Winter*). According to this test, "serious  
19 questions going to the merits and a balance of hardships that tips sharply towards the plaintiff  
20 can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a  
21 likelihood of irreparable injury, and that the injunction is in the public interest." *Id.* at 1135.  
22 Courts in the Ninth Circuit evaluate "these factors on a sliding scale, such that a stronger  
23 showing of one element may offset a weaker showing of another." *Recycle for Change v. City of*  
24 *Oakland*, 856 F.3d 666, 669 (9th Cir. 2017).

#### 25 **V. ARGUMENT**

##### 26 **Mr. Carlos warrants a Temporary Restraining Order.**

27 A temporary restraining order should be issued if "immediate and irreparable injury, loss,  
28 or irreversible damage will result" to the applicant in the absence of an order. Fed. R. Civ. P.

1 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a  
2 preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*  
3 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). Mr. Carlos is likely  
4 to remain in unlawful custody in violation of his due process rights without intervention by this  
5 Court. Mr. Carlos will continue to suffer irreparable injury if he continues to be detained without  
6 due process.

7 **A. Likelihood of Success on the Merits.**

8 Under the clear terms of the statute and well-established case law, 8 U.S.C. § 1226(a)  
9 governs the detention of individuals who, like Mr. Carlos, are physically present within the United  
10 States and are undergoing removal proceedings. Given that Mr. Carlos has lived in the United  
11 States for more than 20 years and was not apprehended at the border or upon entry, his case is  
12 governed by § 1226(a). As such, he is entitled to a bond hearing that complies with the due process  
13 protections afforded under that provision.

14 Section 1226 distinguishes between two classes of individuals in immigration detention.  
15 Section 1226(a) applies to individuals within the United States pending removal proceedings and  
16 allows for discretionary release on bond. In contrast, § 1226(c) applies to a narrow category of  
17 so-called “criminal aliens” and imposes mandatory detention under more limited circumstances.

18 Critically, individuals detained under § 1226(a) are entitled to an initial bond hearing  
19 before an immigration judge, with the opportunity to present evidence, be represented by counsel,  
20 and seek subsequent bond redeterminations if circumstances materially change. *See Rodriguez*  
21 *Diaz v. Garland*, 53 F.4th 1189, 1201 (9th Cir. 2022).

22 Here however, it was alleged that Mr. Carlos is not detained under § 1226(a), but rather  
23 under § 1225(b)(2), based on the claim that he qualifies as an “applicant for admission” due to  
24 his entry without inspection. That provision mandates detention for arriving noncitizens unless  
25 they are “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). The  
26 government suggest that this provision applies not only to arriving aliens at ports of entry but also  
27 to individuals already physically present in the country without having been formally “admitted.”  
28

1 This argument, however, misreads the statute. If Congress had intended § 1225 to apply  
2 universally to all individuals who entered without inspection—even those long-settled in the  
3 interior of the country—§ 1226 would serve no meaningful function, particularly with respect to  
4 noncitizens charged under § 1226(c). Respondents' position improperly creates an irreconcilable  
5 conflict where none exists.

6 In *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018), the Supreme Court clarified that  
7 § 1225 applies at the Nation's borders and ports of entry, where the government determines  
8 admissibility of arriving noncitizens. In contrast, § 1226 governs individuals already inside the  
9 United States, including those who may be removable but have developed significant ties to the  
10 country. As the Court explained, § 1226 applies to “aliens who are already present in the United  
11 States but who have not been admitted and are nonetheless subject to removal,” while § 1225  
12 applies to aliens at the border seeking admission.

13 Accepting Respondents' interpretation would render large portions of § 1226 superfluous,  
14 violating the canon of statutory construction that requires giving effect to all parts of a statute.  
15 See *Corely v. United States*, 556 U.S. 303, 314 (2009) (“A statute should be construed so that no  
16 part will be inoperative or superfluous, void or insignificant.”).

17 Because Mr. Carlos is a long-term resident of the United States who was not apprehended  
18 at a port of entry, and because he does not fall within the limited scope of § 1226(c), he is plainly  
19 detained under § 1226(a) and is entitled to a bond hearing with full due process protections.  
20 Further the automatic stay violates procedural due process as applied to Petitioner. Where, as  
21 here, a noncitizen is detained after having been ordered released, without any process provided  
22 by the Government for challenging his continued detention, detention becomes arbitrary and  
23 violates due process. See e.g., *Rodriguez v. Marin*, 909 F.3d 252, 256-57 (9th Cir. 2018)  
24 (“[L]iberty is the norm, and detention prior to trial or without trial is the carefully limited  
25 exception.”) (quoting *Salerno*, 481 U.S. at 755).

26 Accordingly, Mr. Carlos is likely to succeed on the merits of his claim that the government  
27 has wrongfully denied him a bond hearing in violation of § 1226(a) and the Fifth Amendment.

28 **B. Irreparable Harm**

1 To obtain a temporary restraining order, a petitioner must show that they are likely to  
2 suffer irreparable harm in the absence of preliminary relief. *Winter v. Natural Resources Defense*  
3 *Council, Inc.*, 555 U.S. 7, 20 (2008).

4 Mr. Carlos has been detained by U.S. Immigration and Customs Enforcement since July  
5 17, 2025, even though the Immigration Judge ordered his release. The Supreme Court has long  
6 recognized that “[f]reedom from imprisonment— from government custody, detention, or other  
7 forms of physical restraint—lies at the heart of the liberty [the Due Process] Clause protects.”  
8 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The ongoing deprivation of this fundamental  
9 liberty, without an individualized bond determination, constitutes a clear and continuing  
10 constitutional injury.

11 The Ninth Circuit has emphasized that the loss of constitutional rights “unquestionably  
12 constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting  
13 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). This principle squarely applies here. Mr. Carlos  
14 remains detained without due process, in violation of his Fifth Amendment rights.

15 Moreover, his detention has caused severe and ongoing harm not only to him, but also to  
16 his family. As recognized in *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017), such  
17 detention imposes not only liberty deprivations but also emotional, financial, and familial  
18 hardship, all of which further establish irreparable harm.

19 Mr. Carlos’s ongoing detention violates well-established constitutional protections and  
20 causes him—and his loved ones—serious and immediate injury. This satisfies the second prong  
21 of the TRO standard.

### 22 **C. Balance of the Equities and Public Interest**

23 The Balance of Equities and Public Interest Strongly Favor Mr. Carlos. When the  
24 government is the opposing party, the final two TRO factors—the balance of equities and the  
25 public interest—merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In this case, both weigh  
26 decisively in favor of Mr. Carlos.

27 As outlined above, Mr. Carlos’s continued detention—under the government’s current  
28 interpretation of 8 U.S.C. § 1225—likely violates federal statutory and constitutional law. A

1 violation of federal law, particularly one that deprives a person of liberty without due process, is  
2 inherently inequitable and not in the public interest. *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006,  
3 1029 (9th Cir. 2013) (“It is clear that it would not be equitable or in the public’s interest to allow  
4 the state to violate the requirements of federal law.”).

5 While the government undoubtedly has an interest in the consistent application of  
6 immigration policy, this interest does not extend to the unlawful denial of liberty in contravention  
7 of statutory protections. As the Ninth Circuit has recognized, “there is no public interest in the  
8 perpetuation of unlawful agency action.” *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C.  
9 Cir. 2016) (internal citation omitted).

10 The hardships faced by Petitioner and the public interest in granting injunctive relief  
11 weigh strongly in his favor. Detention has separated Petitioner from his family, employment, and  
12 community and imposed increased financial, caregiving, and emotional burdens on his wife and  
13 children. *Hernandez*, 872 F.3d at 996 (“in addition to the potential hardships facing [the plaintiff]  
14 in the absence of the injunction, the court may consider the indirect hardship to their friends and  
15 family members) (quotation marks and citation omitted).

16 Accordingly, both the balance of equities and the public interest support the issuance of a  
17 temporary restraining order in Mr. Carlos’s favor.

## 18 **VI. CONCLUSION**

19 For the reasons set forth above, Mr. Carlos respectfully requests that this Court issue a  
20 Temporary Restraining Order enjoining Respondents from continuing to detain him. Petitioner  
21 has demonstrated a high likelihood of success on the merits, as his detention falls squarely within  
22 the scope of 8 U.S.C. § 1226(a), not § 1225.

23 His continued incarceration without any individualized determination of flight risk or  
24 danger to the community violates both statutory authority and the Due Process Clause of the  
25 Fifth Amendment. Each day of detention without due process constitutes irreparable harm,  
26 stripping him of his liberty and imposing unnecessary emotional and financial burdens on his  
27 family and broader community.

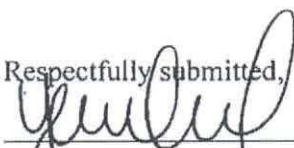
28 Moreover, the balance of equities and the public interest strongly favor immediate relief.

1 There is no public benefit in the unlawful and indefinite detention of a long-term resident who  
2 poses no threat and whose continued incarceration is premised on a legally flawed interpretation  
3 of immigration statutes.

4 Accordingly, this Court should grant Mr. Carlos's request for a Temporary Restraining  
5 Order and order his immediate release, or alternatively, reinstate his bond.

6  
7 Dated: October 10th, 2025

Respectfully submitted,

  
8  
9 Karen S. Monrreal, Esq.  
Attorney for Petitioner-Plaintiff