

Julio J. Ramos (SBN. 189944)
LAW OFFICES OF JULIO J. RAMOS
35 Grove St, Suite 107
San Francisco, California 94102
Telephone: (415) 948-3015
Email: ramoslawgroup@yahoo.com

Attorney For Petitioner Jaqueline Antonia
Maconel-Arguello

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAQUELINE ANTONIA MACONEL-
ARGUELLO,

Petitioner,

- against -

CHRISTOPHER CHESTNUT, in his official
capacity as Warden California City Correctional
Facility;

POLLY KAISER, Acting Field Office Director
of the San Francisco Immigration and Customs
Enforcement Office

TODD M. LYONS, in his official capacity as
Acting Director, U.S. Immigration and Customs
Enforcement;

KRISTI NOEM, in her official capacity as
Secretary, U.S. Department of Homeland Security;

PAMELA BONDI, in her official capacity as
Attorney General of the United States.

Respondents.

Case No.: 1:25-cv-01588-KES-EPG (HC)

**NOTICE OF EX PARTE APPLICATION
FOR TEMPORARY RESTRAINING
ORDER: IMMEDIATE RELEASE FROM
CALIFORNIA CITY CORRECTIONS
CENTER**

**NOTICE OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING
ORDER**

INTRODUCTION

PLEASE TAKE NOTICE: Petitioner Jaqueline Antonia Maconel-Arguello (“Ms. Maconel-Arguello” or “Petitioner”) is physically detained at California City Corrections Center, located at 22844 Virginia Boulevard, California City, California 93505, in Kern County; she requests immediate release pursuant to this application for temporary restraining order and the reasons found in the Magistrates’ findings and recommendations dated January 15, 2026 (Dkt.12) granting the writ of habeas corpus. (A true and correct copy of the Magistrate’s Order is attached as Exhibit A to the declaration of Julio J. Ramos concurrently filed with this application). Under similar circumstances, courts in this District have recently granted temporary restraining orders and preliminary injunctions to individuals who, like Petitioner, were re-detained after long periods on supervision or parole, recognizing that there is no meaningful administrative avenue to adjudicate the due-process requirement of a pre-deprivation or prompt post-deprivation hearing and ordering release or a hearing with appropriate burdens. *See Maklad v. Murray, No. 17 Aug. 8, 2025*; *1:25-cv-00946 JLT SAB, 2025 U.S. Dist. LEXIS 153675 (E.D. Cal.)*; *Arzate v. Andrews, No. 1:25-cv-00942 KES-SKO (HC), 2025 U.S. Dist. LEXIS 161136 (E.D. Cal. Aug. 19, 2025)*; *Barrera v. Andrews, No. 1:25-cv-01006 JLT SAB, 2025 U.S. Dist. LEXIS 162825 (E.D. Cal. Aug. 21, 2025)*; *Castellon v. Kaiser, No. 1:25-cv-00968 JLT EPG, 2025 U.S. Dist. LEXIS 157841 (E.D. Cal. Aug. 14, 2025)*.

II. ARGUMENT

The standard for issuing a temporary restraining order is “substantially identical” to the standard for issuing a preliminary injunction. *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.,*

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1 240 F.3d 832, 839 n.7 (9th Cir. 2001). A plaintiff seeking injunctive relief must establish: (1)
2 likelihood of success on the merits; (2) likelihood of irreparable harm absent relief; (3) that the
3 balance of equities tips in the movant's favor; and (4) that an injunction is in public interest.
4 *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). The Ninth Circuit also
5 applies a sliding-scale approach under which "serious questions going to the merits" and a
6 balance of hardships sharply tipping in the movant's favor can support relief, so long as the other
7 Winter factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35
8 (9th Cir. 2011). When the government is a party, the balance-of-equities and public-interest
9 factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).
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13 **A. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS OR, AT MINIMUM,**
14 **RAISES SERIOUS QUESTIONS WARRANTING EMERGENCY RELIEF.**

15 **1. ICE's abrupt re-detention of Petitioner without notice or a custody hearing**
16 **violates procedural due process.**
17

18 The Due Process Clause protects "all persons" within the United States, including
19 noncitizens, and "freedom from physical restraint" lies at the core of the liberty it protects. *See*
20 *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001). Where the government releases an individual
21 into the community subject to conditions, that individual possesses a protected "conditional
22 liberty" interest that cannot be revoked without "some orderly process, however informal."
23 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).
24

25 Here, DHS released Petitioner under *INA* § 236 on Form I-220A and allowed her to
26 rebuild her life in the community. That release created a constitutionally protected liberty interest
27

1 in remaining out of custody. As Court's have explained, "after [an] individual is released from
2 custody, she has a protected liberty interest in remaining out of custody." *Martinez Hernandez*,
3 *2025 U.S. Dist. LEXIS 168147*, at *19-21 (quoting *Pinchi*, *2025 WL 2084921*, at *3). ICE could
4 not summarily revoke that conditional liberty and impose jail-like confinement at a check-in
5 without, at minimum, prompt notice of the reasons for re-detention and a meaningful opportunity
6 to contest the custody decision before a neutral decision-maker.
7

8 Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts balance "(1) the private interest
9 affected; (2) the risk of erroneous deprivation through the procedures used and the probable value
10 of additional safeguards; and (3) the Government's interest." *Id.* at 335. Each factor favors
11 Petitioner.
12

13 Petitioner's private interest is her physical liberty. Civil immigration detention is a severe
14 deprivation; even a short period of unlawful confinement inflicts irreparable harm.
15

16 The risk of error is especially high where ICE provides no written notice of the factual
17 basis for re-detention, does not disclose the evidence relied upon, and provides no prompt forum
18 to contest allegations before a neutral adjudicator. Here, the record reflects that Petitioner was
19 seized at a check-in after her appointment was moved up, and her family received no explanation
20 for why she was re-detained despite years of compliance. A prompt custody hearing would
21 substantially reduce the risk of erroneous deprivation by requiring ICE to articulate its grounds,
22 present evidence, and allow Petitioner to respond.
23

24 The government's legitimate interests are ensuring appearance and protecting the
25 community. But ICE previously determined Petitioner was "not a mandatory detainee" and could
26 be safely managed in the community under conditions of supervision. The government therefore
27

1 has little interest in continued incarceration without prompt individualized determination,
2 particularly where less restrictive alternatives are readily available.

3 **2. Conditional Liberty Interests and Re-Detention After Release on Parole or**
4 **Supervision**
5

6 Although immigration detention is nominally “civil,” the Supreme Court has repeatedly
7 recognized that freedom from physical restraint lies at the core of the liberty protected by the
8 Due Process Clause. *See Zadvydas*, 533 U.S. at 690. Once the government has made a considered
9 decision to release a noncitizen into the community under a parole, order of supervision, or
10 alternative-to-detention (“ATD”) program, and the individual lives for years under such
11 conditions—working, building relationships, and complying with supervision—she acquires a
12 significant liberty interest in remaining at liberty absent a lawful and individualized
13 determination that detention is necessary.
14

15 In analogous contexts, the Supreme Court has held that individuals on parole or probation
16 possess a “conditional liberty” interest that cannot be revoked without due process. *Morrissey v.*
17 *Brewer*, 408 U.S. 471, 482 (1972) (parole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)
18 (probation). As *Morrissey* explained, the “liberty of a parolee, although indeterminate, includes
19 many of the core values of unqualified liberty” and “its termination calls for some orderly process,
20 however informal.” 408 U.S. at 482. Immigration courts and federal courts have applied this
21 framework to noncitizens released on immigration parole or supervision and later re-detained.
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23
24 Petitioner’s situation is analogous. After being found to have a credible fear of
25 persecution, DHS exercised its discretion to release her on parole under *INA* § 212(d)(5)(A). For
26 nearly three years she lived and worked in Seaside, California, complied with ISAP/SmartLINK
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1 supervision, and pursued her defensive asylum case with valid work authorization and no
2 criminal record. Having allowed Petitioner to rebuild her life in the community under supervision,
3 the government cannot now revoke that conditional liberty by abruptly re-detaining her at a
4 routine check-in based on alleged “administrative violations” of a notoriously glitch-prone
5 mobile application, without affording her meaningful notice or an opportunity to be heard before
6 a neutral decision-maker.
7

8 **3. Procedural Due Process and the *Mathews v. Eldridge* Framework**

9 The Fifth Amendment’s Due Process Clause applies to “all persons” within the United
10 States, including noncitizens, and prohibits the federal government from depriving any person of
11 liberty without due process of law. *See Zadvydas, 533 U.S. at 693*. To assess what process is due
12 when the government seeks to deprive an individual of a protected liberty interest, courts apply
13 the balancing test set forth in *Mathews v. Eldridge, 424 U.S. 319 (1976)*, which weighs: (1) the
14 private interest affected; (2) the risk of erroneous deprivation under the procedures used, and the
15 probable value of additional safeguards; and (3) the government’s interest, including the function
16 involved and the burdens that additional procedures would entail.
17

18 The Ninth Circuit has applied *Mathews* in the immigration detention context to hold that
19 when a noncitizen is detained for a prolonged period, due process requires an individualized
20 hearing at which the government bears the burden of justifying continued detention by clear and
21 convincing evidence, and the adjudicator must consider less restrictive alternatives. *See e.g.,*
22 *Singh v. Holder, 638 F.3d 1196, 1203–04 (9th Cir. 2011); Hernandez v. Sessions, 872 F.3d 976,*
23 *991–92 (9th Cir. 2017)*. Those principles apply with particular force when the government seeks
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1 not merely to maintain an existing custodial status, but to revoke an individual's long-standing
2 release on supervision or ATD and re-incarcerate her after years in the community.

3 Applying *Mathews* to the re-detention of supervised noncitizens like Petitioner, courts in
4 this District have recognized that: (1) the private interest in remaining in the community after
5 years of compliance with parole, supervision, or ATD is substantial; (2) the risk of erroneous
6 deprivation is significant when re-detention decisions are made unilaterally by enforcement
7 officers without any adversarial process, particularly where alleged "violations" may reflect
8 technological errors or minor lapses rather than true noncompliance; and (3) the government's
9 interest in bypassing a neutral custody hearing is slight where the individual has been previously
10 deemed suitable for release and has no serious criminal history.
11

12
13 Petitioner's case illustrates exactly these concerns. Her liberty interest is especially
14 weighty: she has lived in Seaside, California for nearly three years, worked two jobs, supported
15 her children and mother, and pursued a meritorious asylum claim after a positive credible-fear
16 finding. The risk of erroneous deprivation is high where, as here, ICE revoked her parole and
17 ISAP supervision based on alleged "administrative violations" of a SmartLINK application that
18 public reports and empirical studies have documented as frequently malfunctioning and prone to
19 erroneous noncompliance alerts. And the government's interest in re-detaining a noncitizen with
20 no criminal record, strong community ties, and a pending asylum case—without any prior notice
21 or a prompt, meaningful custody hearing—is minimal at best.
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24 Under *Mathews*, due process therefore requires, at a minimum, that before (or promptly
25 after) revoking Petitioner's conditional liberty and re-detaining her, the government provide: (1)
26 notice of the alleged violations; (2) an opportunity to contest those allegations and present
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1 evidence, including evidence of SmartLINK malfunctions; and (3) a custody hearing before a
2 neutral decision-maker at which the government bears the burden of proving that detention is
3 necessary because no set of conditions can reasonably assure Petitioner's appearance and the
4 safety of the community. Respondents' failure to provide these basic safeguards renders
5 Petitioner's ongoing detention unconstitutional.

7 **B. REQUESTED RELIEF**

8 WHEREFORE, Petitioner respectfully requests that this Court:

9 IMMEDIATELY RELEASE Petitioner from civil immigration detention at California
10 City Corrections Center, under such reasonable conditions of supervision as the Court deems
11 appropriate, including but not limited to parole, continued participation in an alternatives-to-
12 detention program or ther reporting;

14 Enjoin Respondents, their officers, agents, servants, employees, attorneys, and all persons
15 acting in concert or participation with them from transferring Petitioner outside the Eastern
16 District of California or removing her from the United States while this Petition, and any related
17 motion for temporary or preliminary relief, is pending, absent further order of this Court; and
18 Grant such other and further relief as the Court deems just and proper.

20 Dated: January 15, 2026, San Francisco, California

22
23 Respectfully Submitted,

24 JULIO J. RAMOS

25 /s/ Julio J. Ramos

26 Julio J Ramos

LAW OFFICES OF JULIO J. RAMOS
35 Grove St, Suite 107
San Francisco, California 94102
Telephone: (415) 948-3015
Email: ramoslawgroup@yahoo.com