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**INTRODUCTION**

Petitioner, Isabo Grimanese Labrador-Prato, is a young woman and citizen of Venezuela who entered the United States seeking protection from the escalating political repression, economic collapse, and targeted violence that has devastated her home country. She fled Venezuela to preserve her life and safety and has pursued her claims for asylum, withholding of removal, and protection under the Convention Against Torture with diligence and good faith. Petitioner has no criminal history, no record of violent conduct, and has complied with every requirement imposed by the Department of Homeland Security (DHS) and the immigration court.

In 2025, DHS apprehended Petitioner shortly after her arrival and subsequently transferred her to the California City Correctional Center in California City, California, where she remains detained under the supervision of the Los Angeles Field Office of Enforcement and Removal Operations. Through counsel, Petitioner requested a custody redetermination under section 236 of the Immigration and Nationality Act (INA), relying on the fact that DHS issued her a Form I-200 Warrant of Arrest and placed her in ordinary § 240 removal proceedings. On September 5, 2025, however, the Immigration Judge denied jurisdiction to consider bond after DHS sought to reclassify her as an “arriving alien” subject to mandatory detention under section 235 of the INA, relying solely on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025). Petitioner contested this characterization, explaining that DHS’s account of her apprehension was both factually disputed and legally insufficient to deprive her of access to a bond hearing.

Despite this, DHS continues to detain Petitioner indefinitely and has refused to provide her with any individualized custody determination. Her asylum proceedings remain pending before the Adelanto Immigration Court, with an individual merits hearing scheduled for January 16, 2026. Yet no statutory, constitutional, or regulatory basis exists for her continued confinement. Her

1 detention—civil in name but punitive in effect—has become arbitrary, indefinite, and wholly  
2 unsupported by any individualized finding of flight risk or danger.

3  
4 Petitioner suffers irreparable harm each day she remains detained. The government's refusal  
5 to provide her with a meaningful custody review contravenes the Immigration and Nationality Act,  
6 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment, and fundamental  
7 constitutional protections governing civil detention. She therefore seeks immediate judicial  
8 intervention.  
9

10 For these reasons, Petitioner respectfully requests that this Court: (1) enjoin Respondents  
11 from transferring her outside this District while this action is pending; (2) order her immediate  
12 release from custody, or in the alternative, direct Respondents to provide her with a constitutionally  
13 adequate bond hearing before a neutral Immigration Judge within three days at which DHS bears  
14 the burden of proof; and (3) grant such other and further relief as law and justice require.  
15

#### 16 STATEMENT OF FACTS

17

18 Petitioner repeats and incorporates by reference each Statement of Facts contained in the  
19 Petition for Writ of Habeas Corpus as if fully set forth herein.  
20

#### 21 I. HABEAS RELIEF

22

23 To obtain habeas corpus relief, a petitioner must demonstrate that he is "in custody in  
24 violation of the Constitution or laws or treaties of the United States." *See* 28 U.S.C. § 2241(c)(3).  
25 This Court has habeas corpus jurisdiction to consider the statutory and constitutional grounds for  
26  
27  
28

1 immigration detention that are unrelated to a final order of removal. *See Demore v. Kim*, 538 U.S.  
2 510, 517-18 (2003).

3  
4 **I. DETENTION AUTHORITY UNDER THE INA**

5 The Immigration and Nationality Act (“INA”) establishes three principal statutory bases for  
6 the detention of noncitizens in removal proceedings. First, 8 U.S.C. § 1226(a) authorizes the  
7 discretionary detention of noncitizens placed in standard removal proceedings under 8 U.S.C. §  
8 1229a. Individuals detained under § 1226(a) are entitled to an individualized custody determination  
9 before an Immigration Judge and may seek release on bond or conditional parole. See 8 C.F.R. §§  
10 1003.19(a), 1236.1(d). By contrast, noncitizens falling within certain enumerated criminal  
11 categories are subject to mandatory detention under § 1226(c).  
12

13  
14 Second, the INA authorizes mandatory detention of certain arriving or recently arrived  
15 noncitizens placed in expedited removal or other admission-related proceedings under 8 U.S.C. §  
16 1225(b). Individuals encountered at or near the border are deemed “applicants for admission,” 8  
17 U.S.C. § 1225(a)(1), and must demonstrate that they are “clearly and beyond a doubt” entitled to  
18 be admitted. *Id.* § 1225(b)(2)(A). Those who cannot make such a showing “shall be detained”  
19 pending resolution of their cases, unless temporarily paroled under § 1182(d)(5)(A).  
20

21 Third, individuals subject to a final order of removal fall under the post-order detention  
22 scheme set forth in 8 U.S.C. § 1231(a)–(b), which authorizes detention only for a period reasonably  
23 necessary to effectuate removal. Sections 1226(a) and 1225(b)(2) were enacted through the Illegal  
24 Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), while § 1226(c) was  
25 most recently amended by the Laken Riley Act in 2025.  
26  
27  
28

1 Under this statutory framework, Petitioner's custody arises under § 1226(a). She is in  
2 standard § 240 removal proceedings before the Adelanto Immigration Court, has no criminal  
3 history, and is not subject to any final order of removal. DHS issued her a Form I-200 Warrant for  
4 Arrest, placing her squarely within the discretionary custody authority of § 1226(a), not mandatory  
5 detention. Nothing in § 1226(a) authorizes prolonged or indefinite detention of a noncitizen who  
6 poses no danger or flight risk; civil detention must remain reasonably related to the government's  
7 limited purposes of ensuring appearance and protecting public safety. See *Jennings v. Rodriguez*,  
8 138 S. Ct. 830 (2018); *Demore v. Kim*, 538 U.S. 510, 528–31 (2003).  
9  
10

11 Despite this statutory scheme, DHS has invoked the Board of Immigration Appeals'  
12 decision in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), to argue that Immigration Judges lack  
13 jurisdiction to conduct bond hearings for individuals who DHS asserts were apprehended "shortly  
14 after entry." Relying on that interpretation, the Immigration Judge declined to hear Petitioner's  
15 bond request, despite her placement in § 240 proceedings, her service of a Form I-200 warrant, and  
16 her eligibility for custody redetermination under 8 C.F.R. §§ 1003.19(a), 1236.1(d).  
17  
18

19 This position effectively deprives Petitioner—and similarly situated individuals—of the  
20 statutory and regulatory protections that Congress and the Executive have long provided to  
21 noncitizens in § 240 proceedings. It results in prolonged detention with no individualized  
22 assessment of necessity, contrary to the INA's structure and purpose and inconsistent with  
23 constitutional limits on civil confinement. Accordingly, Petitioner's continued detention falls  
24 outside the narrow detention authority conferred by the INA, which requires individualized custody  
25 review and prohibits arbitrary or indefinite detention—protections that Petitioner has been  
26 categorically denied.  
27  
28

**STANDARD OF REVIEW**

Temporary restraining orders and preliminary injunctions are evaluated under the same standard in the Ninth Circuit. Under the framework established by the Supreme Court in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008), a movant must demonstrate a likelihood of success on the merits, a likelihood of suffering irreparable harm in the absence of preliminary relief, that the balance of equities tips in the movant's favor, and that an injunction is in the public interest. The Ninth Circuit also recognizes a complementary "sliding scale" approach under which a movant may obtain relief by raising serious questions going to the merits and demonstrating that the balance of hardships tips sharply in her favor, so long as the remaining *Winter* factors are met. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011). A TRO is warranted where, as here, the petitioner faces ongoing constitutional violations and unlawful detention that threaten immediate, irreparable injury for which no adequate remedy exists at law.

**ARGUMENTS**

**I. PETITIONER HAS ESTABLISHED A LIKELIHOOD OF SUCCESS ON THE STATUTORY DETENTION**

**A. Petitioner's Prolonged Detention Without a Bond Hearing Is Unlawful Under the INA**

The Immigration and Nationality Act ("INA") authorizes civil immigration detention only when it serves a legitimate statutory purpose: ensuring appearance at future proceedings or protecting public safety. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005). When detention ceases to advance those purposes or becomes arbitrary or indefinite, it exceeds the government's statutory authority.

1           Petitioner has now been detained for several months without any individualized  
2 determination regarding the necessity of her confinement. She was served with a Form I-200 arrest  
3 warrant and placed in standard § 240 removal proceedings, making her detention subject to the  
4 discretionary framework of 8 U.S.C. § 1226(a). Petitioner has no criminal history, does not pose a  
5 danger to the community, and has consistently complied with the requirements imposed by DHS  
6 and the Adelanto Immigration Court. Despite these facts, she has been denied access to a bond  
7 hearing before a neutral adjudicator and remains confined at the California City Correctional  
8 Center.

9           Courts have repeatedly held that prolonged civil detention without an individualized bond  
10 hearing violates both the INA and the Due Process Clause. See *Hernandez v. Sessions*, 872 F.3d  
11 976, 991 (9th Cir. 2017) (requiring individualized assessments for prolonged detainees); see also  
12 *Sajous v. Decker*, 2018 WL 2357266, at \*11 (S.D.N.Y. May 23, 2018) (holding detention  
13 unreasonable where government failed to justify continued confinement). Because Petitioner's  
14 detention no longer serves any legitimate governmental interest, it has become arbitrary, excessive,  
15 and unlawful under the INA.  
16

17  
18           B.     DHS's Reliance on a Jurisdictional Technicality Has Deprived Petitioner of a  
19 Custody Review Mechanism.

20           DHS asserts that Petitioner is subject to mandatory detention under § 1225(b) of the INA  
21 based on disputed allegations that she was apprehended "shortly after entry." That assertion is  
22 contradicted by the government's own actions: Petitioner was served with a Form I-200 Warrant  
23 for Arrest and placed in § 240 removal proceedings, which are governed by § 1226(a). Under these  
24 circumstances, bond jurisdiction lies with the Immigration Judge. See 8 C.F.R. §§ 1003.19(a),  
25 1236.1(d).  
26

27           Nevertheless, on September 5, 2025, the Immigration Judge declined jurisdiction based  
28 solely on *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), which DHS invoked to reclassify

1 Petitioner as an “arriving alien.” This categorical approach—grounded entirely in DHS’s untested  
2 characterization of her apprehension—has deprived Petitioner of any mechanism to seek release.  
3 She cannot request a bond hearing before the Immigration Judge, and DHS has declined to consider  
4 parole or other discretionary custody options.  
5

6 This bureaucratic reclassification has placed Petitioner in administrative limbo: she is  
7 treated as an “arriving alien” for detention purposes but as a § 240 respondent for removal purposes.  
8 The statute does not authorize DHS to deny her access to a custody review process by manipulating  
9 jurisdictional labels. This misclassification is contrary to the INA, the governing regulations, and  
10 established precedent requiring individualized assessments of custody.  
11

12  
13 C. Continued Detention Violates Petitioner’s Fifth Amendment Right to Due Process

14 The Fifth Amendment guarantees that no person shall be deprived of liberty without due  
15 process of law, a protection that extends to all persons within the United States regardless of  
16 immigration status. *Zadvydas*, 533 U.S. at 693; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).  
17 Petitioner’s prolonged detention—without a bond hearing, without individualized assessment, and  
18 based solely on a disputed jurisdictional classification—violates these core constitutional  
19 protections.  
20

21 The Supreme Court has emphasized that “[f]reedom from imprisonment—from government  
22 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due  
23 Process] Clause protects.” *Zadvydas*, 533 U.S. at 690 (quoting *Foucha v. Louisiana*, 504 U.S. 71,  
24 80 (1992)). Applying the three-part balancing test of *Mathews v. Eldridge*, 424 U.S. 319, 335  
25 (1976), Petitioner’s due process claim easily prevails.  
26

27 First, the private interest at stake—freedom from physical confinement—is among the most  
28 fundamental recognized in constitutional law.

1 Second, the risk of erroneous deprivation is extraordinarily high given DHS's unilateral  
2 reclassification and the Immigration Judge's refusal to evaluate Petitioner's actual danger or flight-  
3 risk profile.

4  
5 Third, the government's interest in maintaining custody is minimal here, as Petitioner has no  
6 criminal history, substantial community ties, and has complied with every requirement imposed  
7 upon her. Because the government has provided no constitutionally adequate procedure to review  
8 the lawfulness or necessity of Petitioner's detention, her continued confinement violates the Due  
9 Process Clause. At a minimum, due process requires a prompt bond hearing before a neutral  
10 adjudicator at which DHS bears the burden of establishing, by clear and convincing evidence, that  
11 continued detention is necessary.

12  
13 **II. PETITIONER WILL SUFFER IRREPARABLE HARM UNLESS THE COURT**  
14 **ISSUES A TEMPORARY RESTRAINING ORDER**

15 Under *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008), Petitioner must  
16 demonstrate that she will suffer irreparable harm in the absence of immediate injunctive relief. In  
17 the immigration detention context, courts have consistently recognized that ongoing, unlawful  
18 deprivation of physical liberty constitutes irreparable harm as a matter of law. See *Rodriguez v.*  
19 *Robbins*, 804 F.3d 1060, 1080–81 (9th Cir. 2015), rev'd on other grounds sub nom. *Jennings v.*  
20 *Rodriguez*, 138 S. Ct. 830 (2018); *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 191 (D.D.C. 2015) (“the  
21 deprivation of physical liberty for even one day constitutes irreparable harm”). Petitioner's  
22 continued confinement—despite the absence of any individualized custody review—inflicts  
23 exactly the sort of harm that the *Winter* standard contemplates.

24  
25  
26 Petitioner has been detained for several months at the California City Correctional Center  
27 in a secure civil detention facility whose conditions closely resemble those of a penal institution.  
28 She is deprived of freedom of movement, placed under strict institutional control, separated from

1 her support network, and subjected to continuous monitoring. Every additional day of confinement  
2 deepens the constitutional injury she suffers from being denied access to a bond hearing or any  
3 meaningful opportunity to challenge the legality of her detention.  
4

5 Courts have recognized that “[p]rolonged detention without an individualized determination  
6 of dangerousness or flight risk inflicts irreparable injury on detainees.” *Sajous v. Decker*, 2018 WL  
7 2357266, at \*12 (S.D.N.Y. May 23, 2018). The harm here is neither hypothetical nor remote; it is  
8 ongoing, acute, and directly attributable to Respondents’ refusal to provide Petitioner with a  
9 custody determination. See also *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 WL 327685,  
10 at \*37 (D. Md. Aug. 24, 2025) (finding irreparable harm where petitioner remained detained  
11 without any lawful process or review).  
12

13  
14 Petitioner’s continued incarceration has also caused significant emotional and  
15 psychological harm. Her declaration and supporting records reflect escalating anxiety, depression,  
16 insomnia, and fear stemming from the uncertainty of her circumstances, separation from family,  
17 and the stressful, punitive conditions of confinement. Such mental and emotional injuries cannot  
18 be undone after the fact, nor can they be compensated monetarily. The Ninth Circuit has recognized  
19 that “every day of detention is another day of lost liberty that cannot be recovered.” *Hernandez v.*  
20 *Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).  
21

22  
23 The public interest likewise favors immediate intervention. Preventing constitutional  
24 violations is always in the public interest. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).  
25 Allowing DHS to continue detaining Petitioner indefinitely without lawful authority or  
26 individualized review undermines the integrity of the immigration system and erodes public  
27 confidence in the rule of law.  
28

1 Accordingly, Petitioner has demonstrated irreparable harm of the highest order. Immediate  
2 judicial intervention is necessary to prevent further unlawful deprivation of liberty and to ensure  
3 compliance with the statutory and constitutional safeguards governing civil detention.  
4

5 **III. THE BALANCE OF HARMS WEIGHS IN FAVOR OF PETITIONER**

6 The final two *Winter* factors—the balance of equities and the public interest—strongly favor  
7 granting injunctive relief. Where the government is a party, these factors merge. *Nken v. Holder*,  
8 556 U.S. 418, 435 (2009). Together, they require the Court to consider whether the harm to  
9 Petitioner from continued detention outweighs any harm to the government arising from her release  
10 or from providing a prompt bond hearing, and whether such relief advances or undermines the  
11 public interest.  
12

13 Here, the equities tilt sharply in Petitioner’s favor. Every additional day of confinement  
14 inflicts a profound deprivation of liberty and exacerbates the psychological and emotional harm  
15 that Petitioner has already suffered during her months-long incarceration at the California City  
16 Correctional Center. Petitioner has no criminal history, poses no danger to the community, and has  
17 consistently complied with every requirement imposed by DHS and the Immigration Court. Her  
18 continued detention serves no legitimate purpose under the Immigration and Nationality Act  
19 (“INA”) and directly contradicts the government’s stated interest in detaining only those who  
20 present a genuine risk of flight or public safety threat.  
21

22 By contrast, the government faces minimal—if any—harm if relief is granted. Releasing  
23 Petitioner under reasonable supervision or providing her with a constitutionally adequate bond  
24 hearing does not impede any lawful enforcement objective. As courts have observed, “[t]he  
25 government suffers no harm when it is required to adhere to the Constitution.” *O’Donnell v. Harris*  
26  
27  
28

1 County, 892 F.3d 147, 155 (5th Cir. 2018). Administrative convenience cannot justify prolonged,  
2 unlawful detention that exceeds statutory authority or violates constitutional protections.  
3

4 The public interest also strongly favors Petitioner. The public has an overriding interest in  
5 ensuring that immigration detention is conducted lawfully, in accordance with due process, and  
6 only for legitimate statutory purposes. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (warning  
7 that indefinite civil detention “would raise serious constitutional concerns”); *Beltran v. Smith*, 458  
8 F. Supp. 3d 1139, 1145 (D. Colo. 2020) (ordering release where detention no longer served INA  
9 objectives). Upholding constitutional safeguards for individuals in civil immigration custody  
10 reinforces the integrity of the justice system and affirms that the government must operate within  
11 the bounds of law and necessity.  
12

13  
14 Balancing these considerations, both the equities and the public interest weigh decisively in  
15 favor of Petitioner’s release or, at minimum, a prompt bond hearing before a neutral adjudicator.  
16 Granting relief will prevent further irreparable harm to Petitioner and promote the public’s  
17 compelling interest in ensuring that the government complies with statutory and constitutional  
18 constraints governing civil detention.  
19

## 20 CONCLUSION

21 For the reasons set forth above, Petitioner Isabo Grimanese Labrador-Prato has  
22 demonstrated a clear likelihood of success on the merits of her claims, will suffer irreparable  
23 harm in the absence of immediate relief, and has shown that the balance of equities and the public  
24 interest overwhelmingly favor granting a temporary restraining order. Her continued detention—  
25 without a bond hearing, an individualized custody determination, or any meaningful judicial  
26 review—violates the Immigration and Nationality Act and the Due Process Clause of the Fifth  
27 Amendment.  
28

1 Accordingly, Petitioner respectfully requests that this Honorable Court:

- 2
- 3 1. Enjoin Respondents and their agents from transferring Petitioner outside the
- 4 jurisdiction of this Court while this matter is pending;
- 5 2. Order Petitioner's immediate release from custody or, in the alternative, direct
- 6 Respondents to provide her with a constitutionally adequate bond hearing before a neutral
- 7 Immigration Judge within three (3) days, at which the government bears the burden of
- 8 proving, by clear and convincing evidence, that continued detention is necessary; and
- 9 3. Grant such other and further relief as the Court deems just and proper.
- 10

11

12 Dated: November 19, 2025

Respectfully Submitted,

13 /S/ Cynthia Bautista

14

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28 Attorney for Petitioner

*Pending Pro Hac Vice Admission*

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, ISABO LABRADOR-PRATO, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for TRO are true and correct to the best of my knowledge.

Dated: November 19, 2025

/S/ Cynthia Bautista  
Cynthia Bautista

/s/Luis Angeles  
Luis Angeles

**CERTIFICATE OF SERVICE**

I hereby certify that on November 19, 2025, I filed the foregoing petition for TRO electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/S/ Cynthia Bautista  
Cynthia Bautista

/s/Luis Angeles  
Luis Angeles