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

Vasquez Alva, Brisa Yadira
Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; PAM BONDI, in her official capacity as Attorney General of the United States; Executive Office for Immigration Review; POLLY KAISER, in his official capacity as Acting Field Office Director of the Immigration and Customs Enforcement and Removal Operations, San Francisco; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; and CHRISTOPHER CHESTNUT, in his official capacity as Facility Administrator of California City Detention Facility.

Respondents.

Case No.

**PETITIONER'S NOTICE OF
MOTION AND EX PARTE
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, Brisa Yadira Vasquez Alva, applies to this Honorable Court for a temporary restraining order enjoining Respondents, Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and Pam Bondi, in her official capacity as the U.S. Attorney General, from revoking her parole from custody and detaining her without first conducting an individualized pre-deprivation bond hearing. Petitioner requests her immediate release from custody or a pre-deprivation bond hearing within seven (7) days where the government bears the burden of proof by clear and convincing evidence. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer her outside of the District.

If the Court deems oral argument necessary, Petitioner requests to appear by video.

Dated: November 20, 2025

Respectfully submitted,

/s/ Jessica Jaramillo Perez

Jessica Jaramillo Perez
Attorney for Petitioner

I. INTRODUCTION

Petitioner, Brisa Yadira Vasquez Alva, is a native and citizen of Peru who belonged to a rural Indigenous community in the Sierra of Peru. She was targeted by individuals of her own broader ethnic group who identified with the urban, non-Indigenous population due to her indigenous background, rural upbringing, and cultural practices. She was repeatedly targeted with derogatory comments and intimidation by members of the more urbanized “city” population of Lima, Peru. In March 2024, she fled to seek protection in the United States. Petitioner has resided in the United States since then and lives in Turlock, California.¹

After arriving in the United States, Petitioner was released on an Order of Supervision (OSUP) and required to report to ICE, which she did without fail. At her initial ICE check-in, she was referred to the Intensive Supervision Appearance Program (ISAP) and thereafter complied fully with weekly ISAP monitoring, submitting her photograph every week as instructed. She was placed into removal proceedings to appear before an IJ and was charged with INA §212(a)(7)(A)(i)(I), applying for admission without valid immigrant visa or travel documents. She applied for asylum and obtained her Employment Authorization Document (EAD) through her pending asylum application, but her Social Security card never arrived. When she inquired with the Social Security Administration (SSA), she was told she needed her passport to complete the process. As a result, Petitioner contacted ICE to request the return of her passport, and an officer instructed her to come to the office on September 17, 2025, to pick it up. Upon her arrival, and after informing officers that she was there to retrieve her passport, she was unexpectedly detained without explanation.²

From there, she was transferred to ICE’s Fresno Enforcement and Removal Operations (ERO) office before being moved to the Mesa Verde Detention Facility and subsequently to the California City Detention Facility where she currently remains. Petitioner is not a flight risk, as evidenced by her continuous compliance with her OSUP and the officer’s requests

¹ A declaration is attached hereto.

² A declaration is attached hereto.

1 during and after her arrest, and her ties to the community.

2 She is not a danger to the community, as she has no criminal history. Her application for
3 asylum is pending with the immigration court.

4 The only legitimate interests that civil immigration detention serves are mitigating flight
5 risk and preventing danger to the community. When those interests are absent, the Fifth
6 Amendment's Due Process Clause squarely prohibits detention. Additionally, by summarily
7 revoking Petitioner's parole from custody and re-detaining her without an individualized
8 determination that would support revocation of her initial release, the government violated
9 Petitioner's procedural due process rights.

10 As a result of her arrest and detention, Petitioner is suffering irreparable and ongoing
11 harm. The unconstitutional deprivation of "physical liberty" "unquestionably constitutes
12 irreparable injury." *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed,
13 "[f]reedom from imprisonment—from government custody, detention, or other forms of
14 physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."
15 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Since being detained, Petitioner has
16 suffered from sleep deprivation, lack of proper hygiene, and food deprivation. Petitioner is
17 currently detained at the California City detention facility. The detention has caused her severe
18 emotional distress, symptoms which have worsened given the deplorable conditions at the
19 California City detention facility.³ She deeply misses her partner, whom she resides with in
20 Turlock, California, and is eager to get back home to him. She is still unable to sleep properly.
21 Petitioner is suffering from being unable to spend time with her partner and community. Every
22 additional day Petitioner spends in unlawful detention subjects her to further irreparable harm.

23 In light of this irreparable harm, and because she is likely to succeed on the merits of her
24 due process claims, Petitioner respectfully requests that this Court issue an Ex-Parte temporary
25 restraining order ("TRO") either immediately releasing her from custody or requiring the

26
27 ³ <https://www.disabilityrightsca.org/reports/california-city-ice-processing-center-a-dangerous-expansion-of-immigration-detention-in>

1 government to immediately hold a pre-deprivation hearing in front of a neutral decision-maker
2 where the government bears the burden of proof by clear and convincing evidence.

3 To maintain this Court's jurisdiction, the Court should also prohibit the government from
4 transferring Petitioner out of this District and removing her from the country until these
5 proceedings have concluded.

6 II. STATEMENT OF FACTS AND CASE

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8 Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
9 targeting people who are in regular removal proceedings in immigration court, many of whom
10 have pending applications for asylum or other relief. This "coordinated operation" is "aimed
11 at dramatically accelerating deportations" by arresting people at the courthouse or at the ICE
12 office and placing them into expedited removal. The Trump administration implemented a
13 policy to drastically increase immigration arrests to a target of at least 3,000 per day.
14 According to White House officials like Stephen Miller, this directive prioritized arrest
15 numbers over the individuals' criminal history, encouraging agents to conduct mass round-
ups in public spaces rather than targeted investigations.

16 As a result, arrests of non-citizens with no criminal record surged by over 800%, and two-
17 thirds of those deported had no criminal history. This focus on quantity over public safety led
18 to a new and aggressive tactic: systematically arresting immigrants at courthouses and
19 ICE appointments, regardless of the status of their legal cases. This has created a climate of
20 fear, discouraging people from attending their mandatory hearings or ICE appointments.

21 In addition, individuals are now held for extended periods, sometimes days, in temporary
22 holding cells that are not designed for overnight or prolonged detention, often under inhumane
23 conditions. Government officials have justified these harsh conditions not as a matter of
24 necessity, but as an intentional deterrent, which is not a constitutionally permissible reason
for detention.

25 It is the position of the Executive Office for Immigration Review (EOIR), which
26 houses both the BIA and immigration judges, that 8 U.S.C. § 1225(b)(2)(A) applies to all
27 individuals who arrived in the United States without documents, regardless of how long
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1 they have lived in the United States and regardless of how far they were apprehended from
2 the border. However, § 1225(b)(2)(A) does not apply to individuals, like Petitioner, who are
3 present in the United States. Instead, such individuals are subject to detention under a
4 different statute, § 1226(a), and eligible for release on bond. Nevertheless, earlier in July
5 2025, ICE released a memorandum instructing its attorneys to coordinate with the
6 Department of Justice, the agency housing EOIR, to reject bond redetermination hearings
7 for applicants who arrived in the United States without documents.

8 Petitioner came to the United States seeking refuge. She has established a life in
9 Turlock, California where she lives with her partner. Petitioner has maintained a clean
10 criminal record. Petitioner has applied for asylum with the immigration court. Upon arriving
11 in the United States, Petitioner was released on an OSUP and required to report to ICE,
12 which she did every Monday without fail. At her initial ICE check-in, she was referred to
13 ISAP and thereafter complied fully with ISAP monitoring, submitting her photograph every
14 week as instructed. She would even submit her photograph twice to ensure it went through.
15 She filed her application for asylum in a timely manner and obtained her EAD through her
16 pending asylum application. When her Social Security card failed to arrive, she inquired
17 with the SSA and was told she needed her passport to complete the process. As a result,
18 Petitioner contacted ICE to request the return of her passport, and an officer instructed her to
19 come to the office on September 17, 2025, to pick it up. Upon her arrival, and after
20 informing officers that the purpose of her visit was to retrieve her passport, she was
21 unexpectedly detained without explanation.⁴

22 From there, she was transferred to ICE's Fresno ERO office before being moved to
23 the Mesa Verde Detention Facility and subsequently to the California City Detention Facility
24 where she currently remains.⁵

25 Petitioner was scared but complied with every one of immigration's requests. She
26 asked officers why she was being detained but got no answers until she arrived at the Mesa
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28 ⁴ A declaration is attached hereto.

⁵ A declaration is attached hereto.

1 Verde Detention facility and was told by an officer that she had failed to submit her
2 photograph on **one** occasion, something Petitioner vehemently denies but if it were true,
3 would not be sufficient cause to revoke her release from detention. Petitioner was extremely
4 frightened and sad during and after her arrest. The agents took Petitioner from the Sacramento
5 ICE office to the ICE office in Fresno, California before transferring her to the Mesa Verde
6 Detention Facility and subsequently to the California City Detention facility where she
7 currently remains detained. At California City, she is housed in a large room with
8 approximately 100 other women. The toilets have no privacy. The shower area is communal
9 and offers no privacy. The food portions are insufficient and do not provide adequate
10 nourishment. The temperature is always freezing and requests for medical assistance are
11 routinely ignored. Individuals are constantly ill with flu-like symptoms.

12 Since arriving, Petitioner has been sick multiple times, each time requesting medical
13 assistance that never arrives. She also suffered a moderate allergic reaction that required
14 medical attention that never came. She was forced to obtain medication from another detainee
15 to ease the symptoms that were already spreading throughout her body and causing her chest
16 to tighten up, making it difficult for her to breathe. She was scolded and threatened with
17 disciplinary action for cutting tube socks to put around her forearms in an attempt to keep
18 warm. The conditions at California City are so terrible and inhumane, a class action lawsuit
19 has been filed by detainees.⁶

20 Petitioner's arrest and detention have caused her, her family, and her community
21 tremendous and ongoing harm. Since being detained, Petitioner has suffered from
22 sleep deprivation, lack of proper hygiene, and food deprivation. The detention has caused her
23 severe emotional distress, and she feels sad and depressed. She misses her partner and their
24 home deeply. She is unable to sleep properly. Every additional day Petitioner spends in
25 unlawful detention subjects her and others to further irreparable harm.

26 Petitioner is not a flight risk, as evidenced by her compliance with her OSUP and the

27 ⁶ [https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-](https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-californias-largest-immigration-detention-center)
28 [californias-largest-immigration-detention-center](https://www.aclu.org/press-releases/immigrants-sue-trump-administration-over-inhumane-conditions-at-californias-largest-immigration-detention-center)

1 officer's requests during and after her arrest, and her ties to the community. She is not a danger
2 to the community, as she has no criminal history. Her application for asylum was timely filed
3 and is pending with the immigration court. Therefore, her detention serves no legitimate
4 purpose.

5 This case has substantial factual and legal support to be granted, resulting in
6 Petitioner's release from custody or a custody redetermination hearing. Intervention from this
7 Court is therefore required.

8 **III. LEGAL STANDARD**

9
10 Petitioner is entitled to a temporary restraining order if she establishes that she is
11 "likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of
12 preliminary relief, that the balance of equities tips in [her] favor, and that an injunction is in
13 the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg*
14 *Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that
15 preliminary injunction and temporary restraining order standards are "substantially
16 identical"). Even if Petitioner does not show a likelihood of success on the merits, the Court
17 may still grant a temporary restraining order if she raises "serious questions" as to the merits
18 of his claims, the balance of hardships tips "sharply" in her favor, and the remaining equitable
19 factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).
20 As set forth in more detail below, Petitioner overwhelmingly satisfies both standards.

21 Furthermore, the requirements for issuing a temporary restraining order without notice
22 are met here. *See* Fed. R. Civ. P. 65(b). Petitioner notified respondents' counsel on November
23 20, 2025, that she would be filing the motion by email to the U.S. Attorney's Office email
24 address for habeas petition filings. Petitioner also set out specific facts demonstrating that
25 immediate and irreparable injury, loss, or damage may result before respondents can be heard
26 in opposition. *See Pinchi v. Noem*, No. 25-cv-05632-RML, 2025 WL 1853763, at *4 (N.D.
27 Cal. July 4, 2025)(granting ex parte temporary restraining order).

28 **IV. ARGUMENT**

A. PETITIONER WARRANTS AN EX-PARTE

TEMPORARY RESTRAINING ORDER

A temporary restraining order should be issued if “immediate and irreparable injury, loss, or irreversible damage will result” to the applicant in the absence of an order. Fed. R. Civ. P.65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974).

Petitioner is likely to remain in unlawful custody in violation of her due process rights without intervention by this Court. Petitioner will continue to suffer irreparable injury if she continues to be detained without due process.

B. Petitioner is likely to succeed in the merits

A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147-49 (1997). Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *See id.* (due process requires pre-deprivation hearing before revocation of parole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context). To determine whether a specific conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted).

In *Morrissey*, the Supreme Court explained that parole from a criminal conviction “enables [the parolee] to do a wide range of things open to person” who have never been in custody or convicted of any crime, including to live at home, work, and “be with family and friends and to form the other enduring attachment of normal life.” *Morrissey*, 408 U.S. at 482. “Though the [government] properly subjects [the parolee] to many restrictions not applicable to other citizens,” such as monitoring and seeking authorization to work and travel, her “condition is very different from that of confinement in prison.” *Id.* “The parolee has relied on

1 at least an implicit promise that parole will be revoked only if [she] fails to live up to the parole
2 conditions.” *Id.* at 481-84. Petitioner’s parole from detention in this case is similar and as such
3 she has a protected liberty interest in her initial release from custody. A parole that can only
4 be revoked after an individualized determination of the specific facts and circumstances in her
5 case. There have been no changes to her facts or circumstances since the agency made its
6 initial custody determination to parole her.

7 The Due Process Clause applies to “all ‘persons’ within the United States, including
8 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”
9 *Zadvydas*, 533 U.S. at 693. “The touchstone of due process is protection of the individual
10 against arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974),
11 including “the exercise of power without any reasonable justification in the service of a
12 legitimate government objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).
13 “Freedom from imprisonment—from government custody, detention, or other forms of
14 physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at
15 690.

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

1 and after her arrest, her compliance with the OSUP order prior to her arrest, and her ties to the
2 community. She is not a danger to the community, as she has no criminal history. She has
3 pending relief in the form of an application for asylum.

4 As immigration detention is civil, it can have no punitive purpose. The government's only
5 interest in holding an individual in immigration detention can be to prevent danger to the
6 community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533
7 U.S. at 690. In this case, the government cannot plausibly assert that it has any basis for detaining
8 Petitioner.

9 Moreover, the "fiscal and administrative burdens" that her immediate release or a pre
10 deprivation hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-
11 35. Petitioner does not seek a unique or expensive form of process, but rather a routine hearing
12 regarding whether her release should be revoked and whether she should be incarcerated. As the
13 Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of
14 immigration detention are 'staggering': \$158 each day per detainee, amounting to a total daily
15 cost of \$6.5 million." *Hernandez*, 872 F.3d at 996.

16 Releasing Petitioner from unlawful custody would decrease the risk of her being
17 erroneously deprived of her liberty. Due process also requires consideration of alternatives to
18 detention at any custody redetermination hearing that may occur. The primary purpose of
19 immigration detention is to ensure a noncitizen's appearance during removal proceedings.
20 *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are
21 alternatives to detention that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520,
22 538 (1979). Accordingly, alternatives to detention must be considered.

23 As the above-cited authorities show, Petitioner is likely to succeed on her claim that
24 revoking her parole from custody and detaining her without first conducting a pre
25 deprivation hearing was unlawful. And, at the very minimum, she clearly raises serious
26 questions regarding this issue, thus also meriting a TRO. *See Alliance for the Wild Rockies*,
27 632 F.3d at 1135.

28 **C. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief**

Petitioner will suffer irreparable harm were she to remain detained after being deprived

1 of her liberty and subjected to unlawful incarceration by immigration authorities without
2 being provided the constitutionally adequate process that this motion for a temporary
3 restraining order seeks. Detainees in ICE custody are held in “prison-like conditions.” *Preap*
4 *v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016). As the Supreme Court has explained, “[t]he
5 time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss
6 of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532-
7 33 (1972); accord *Nat’l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th
8 Cir. 1984). Moreover, the Ninth Circuit has recognized in “concrete terms the irreparable
9 harms imposed on anyone subject to immigration detention” including “subpar medical and
10 psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and
11 their families as a result of detention, and the collateral harms to children of detainees whose
12 parents are detained.” *Hernandez*, 872 F.3d at 995. The government itself has documented
13 alarmingly poor conditions in ICE detention centers. *See, e.g.*, DHS, Office of Inspector
14 General (OIG), Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal
15 Years 2020-2023 (2024) (reporting violations of environmental health and safety standards;
16 staffing shortages affecting the level of care detainees received for suicide watch, and
17 detainees being held in administrative segregation in unauthorized restraints, without being
18 allowed time outside their cell, and with no documentation that they were provided health care
19 or three meals a day).⁷

18 Petitioner’s arrest and detention have caused her, her partner, and her community
19 tremendous and ongoing harm. Since being detained, Petitioner has suffered from sleep
20 deprivation, lack of proper hygiene, and food deprivation. Petitioner is currently detained at
21 the California City detention facility in a large, open dormitory with approximately 100 other
22 women. Due to the conditions at the detention facility, individuals are constantly ill with flu-
23 like symptoms, and this has directly impacted her health on several occasions. The detention

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27 ⁷ Available at <https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf> (last accessed
28 Feb. 6, 2024).

1 has caused her severe emotional distress, and she feels sad and depressed. She misses her home
2 and partner deeply. She is still unable to sleep properly. Additionally, she is unable to spend
3 time with her partner and community.⁸ Every additional day Petitioner spends in unlawful
4 detention subjects her and others to further irreparable harm.

5 As detailed *supra*, Petitioner contends that her detention, absent a pre deprivation
6 hearing before a neutral adjudicator, violates her due process rights under the Constitution. It
7 is clear that “the deprivation of constitutional rights ‘unquestionably constitutes irreparable
8 injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*,
9 427 U.S. 347, 373 (1976)). Thus, a temporary restraining order is necessary to prevent
10 Petitioner from suffering irreparable harm by being subject to unlawful and unjust detention.

11 **1. The Balance of Equities and the Public Interest Favor Granting the Temporary
12 Restraining Order**

13 The balance of equities and the public interest undoubtedly favor granting this
14 temporary restraining order. First, the balance of hardships strongly favors Petitioner. The
15 government cannot suffer harm from an injunction that prevents it from engaging in an
16 unlawful practice. *See Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“[T]he INS cannot
17 reasonably assert that it is harmed in any legally cognizable sense by being enjoined from
18 constitutional violations.”). Therefore, the government cannot allege harm arising from a
19 temporary restraining order or preliminary injunction ordering it to comply with the statute
20 and the Constitution.

21 Further, any burden imposed by requiring ICE to release Petitioner or to provide her
22 a hearing before a neutral adjudicator is both *de minimis* and clearly outweighed by the
23 substantial harm she will suffer if she is detained. *See Lopez v. Heckler*, 713 F.2d 1432, 1437
24 (9th Cir. 1983) (“Society’s interest lies on the side of affording fair procedures to all persons,
25 even though the expenditure of governmental funds is required.”).

26 A temporary restraining order is in the public interest. First and most importantly, “it
27 would not be equitable or in the public’s interest to allow [a party] . . . to violate the
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⁸ A declaration is attached hereto.

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

Therefore, the public interest overwhelmingly favors entering a temporary restraining order and preliminary injunction.

V. CONCLUSION

For all the above reasons, this Court should find that Petitioner warrants a temporary restraining order and a preliminary injunction ordering that Respondents (1) release her from his unlawful custody; or, (2) provide her with a pre deprivation hearing before a neutral adjudicator where the government bears the burden of proof by clear and convincing evidence; and (3) refrain from transferring her out of this district. A immediate release is preferred because Petitioner is not a flight risk nor a danger to society.

Dated: November 20, 2025

Respectfully submitted,
/s/ Jessica Jaramillo Perez
Jessica Jaramillo Perez
Attorney for Petitioner