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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Cristian Amaya-Quinteros,

Petitioner,

v.

CORECIVIC, INC., a Maryland corporation,
operating the California City Detention
Facility; Kristi NOEM, Secretary of the
Department of Homeland Security; Pamela
BONDI, U.S. Attorney General; in their
official capacity; Moises BECERRA, in his
official capacity as Field Office of
Immigration and Customs Enforcement,
Enforcement and Removal Operations.

Respondents.

Case Number: _____

**PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION
[EX PARTE]**

Petitioner respectfully requests that the Court grant his ex parte emergency motion for a temporary restraining order and preliminary injunction to enjoin the execution of his expedited removal order. The grounds for this motion are set forth in the accompanying memorandum of law, exhibits in support thereof, the petition for writ of habeas corpus, and the applicable law. A proposed order also accompanies this motion.

Date: November 29, 2025

Respectfully Submitted,
/s/ Mario Salgado
Mario Salgado, Esq.
SALGADO & PERALTA, P.A.
605 Market Street Suite 1111
San Francisco, CA 94105
Tel: 415.401.8699

CERTIFICATE OF SERVICE

I, Mario Salgado, am over the age of 18 years and maintain a business address located at 605 Market Street Suite 1111 in San Francisco, California 94105. I mailed the **PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** to:

1. CORECIVIC, INC. Attn: Amanda Garcia, Registered Corporate Agent Authorized Employee, located at 330 N. Brand Blvd, Glendale, CA 94103
2. Kristi NOEM, Secretary of the Department of Homeland Security, Office of the General Counsel; U.S. Department of Homeland Security; 245 Murray Lane, SW; Mail Stop 0485; Washington, D.C. 20258-0485.
3. Pamela BONDI, U.S. Attorney General, U.S. Department of Justice; 950 Pennsylvania Avenue, NW; Washington, D.C. 20530-0001 Civil Process Clerk & United States Attorney's Office for the Eastern District of California; 2500 Tulare Street, Suite 4401, Fresno, CA 93721.
4. Moises BECERRA, Field Office of Immigration and Customs Enforcement, Enforcement and Removal Operations, Department of Homeland Security, Office of the General Counsel; U.S. Department of Homeland Security; 245 Murray Lane, SW; Mail Stop 0485; Washington, D.C. 20258-0485.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

Date: November 29, 2025

/s/ Mario Salgado
Mario Salgado, Esq.
SALGADO & PERALTA, P.A.

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**MEMORANDUM OF LAW IN SUPPORT
OF PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner was processed for expedited removal and referred to a credible fear interview in 2022, but was released by the Department of Homeland Security into the United States. Shortly after Petitioner's release, he applied for asylum with the United States Citizenship and Immigration Service, which remains pending, and was granted special immigrant juvenile status, which places him on the path to lawful permanent resident status when a visa becomes available. For reasons unknown, Petitioner was summoned to a credible fear interview on November 24, 2025 at the San Francisco Asylum Office and taken into custody by Department of Homeland Security officials. He is being detained at the California City Correctional Facility, presumably,

1 pending the execution of his expedited removal order from January 27, 2022. Petitioner
2 respectfully requests this Court grant his temporary restraining order and preliminary injunction
3 on the grounds that he will be irreparably injured in that his removal to El Salvador will prevent
4 him from filing his adjustment of status application to obtain lawful permanent residence as a
5 result of his special immigrant juvenile status. The DHS's continued detention beyond the 90-
6 day removal period authorized by statute to execute his removal order violates the protections
7 afforded to human trafficking victims under the William Wilberforce Trafficking Victims
8 Protection Reauthorization Act of 2008, Pub. L. No. 110-457, 122 Stat. 5044, 5074 (2008).
9
10

11 **STATEMENT OF FACTS**

12 On November 11, 2021, Petitioner was encountered by Department of Homeland
13 Security Officials in the locked cargo area of a U-Haul truck driven by a smuggler along
14 Highway 35 in Laredo, Texas. (See Exh. A.)
15

16 Petitioner was held for over two months until he was subsequently processed for
17 expedited removal on January 26, 2022. (See Exh. B.) He was ordered removed under section
18 235(b)(1) of the Immigration and Nationality Act for a period of five years. (See Exh. C.)
19

20 However, the expedited removal order was not executed because, Petitioner expressed a
21 fear of being returned to El Salvador. Based on his redacted FOIA records, it appears he attended
22 a credible fear interview with the assistance of a Spanish interpreter before USCIS but the results
23 are unknown. (See Exh. D.)
24

25 The outcome of the credible fear interview is unknown due to redactions in Petitioner's
26 records. A search of the EOIR automated system did not reveal any scheduled removal
27 proceedings before an Immigration Judge that would indicate a Notice to Appear had been issued
28

1 under Section 240 of the Act, suggesting a positive determination was recorded and that the prior
2 order was vacated. (See Exh. E.)

3
4 On January 31, 2022, five days after his expedited removal order was issued, Petitioner
5 was released into the United States by the DHS after being identified as having a chronic care
6 condition. (See Exh. F.)

7 On April 18, 2022, Petitioner applied for asylum with USCIS. (See Exh. G.)

8 On October 3, 2022, Petitioner submitted a petition for Special Immigrant Juvenile (SIJ)
9 findings and appointment of a guardian in the California Superior Court in Alameda County.
10 (See Exh. H.)

11
12 The California Superior Court subsequently granted the guardianship and SIJ petitions.
13 (See Exh. I.)

14 On October 22, 2022, Petitioner filed a Form I-360 petition for SIJ status with USCIS.
15 (See Exh. J.)

16
17 On June 27, 2023, Petitioner's SIJ application was granted, along with deferred action.¹
18 (See Exh. K.).

19 Currently, only SIJs with priority dates (approval dates) before July 1, 2020 may file for
20 adjustment of status to become lawful permanent residents.² (See Exh. L.).
21

22
23
24 ¹ USCIS, consistent with its discretionary authority to defer removal under Volume 6, Part J —
25 “Special Immigrant Juveniles,” Chapter 4, Part G.1 (“Prior Grants of SIJ Deferred Action”),
provides:

26 If USCIS previously granted deferred action to an alien with SIJ classification in the exercise of
27 discretion, the alien's deferred action remains valid for the authorized period, unless terminated
28 by USCIS on a case-by-case basis. USCIS will not consider requests for renewal of deferred
action for aliens with SIJ classification who remain ineligible to apply for adjustment of status
because an immigrant visa number is not immediately available.

² U.S. Department of State, Visa Bulletin, Number 8, Volume XI, Washington, D.C. found at
https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_November2025.pdf

1 As of September 2025, there were over 242,689 individuals, including Petitioner, with
2 approved petitions waiting for visa availability.³

3 On November 12, 2025, Petitioner received a notice scheduling him for a credible fear
4 interview at the San Francisco Asylum Office. (See Exh. M.)

5 On November 24, 2025, Petitioner appeared for the scheduled credible fear interview.

6 Following the interview, Petitioner was detained by DHS officials and transferred to
7 California City Corrections Center, located at 22844 Virginia Boulevard, California City, CA
8 93505. (See Exh. N.)

9 Undersigned Counsel was unable to communicate surrounding the DHS's intentions after
10 detaining Petitioner because of the Thanksgiving Holiday. (See Verified Petition). It is unknown
11 if Petitioner was found to have a negative credible fear screening and will be removed pursuant
12 to the expedited removal order imminently. (See Verified Petition). Undersigned Counsel
13 emailed the San Francisco Field Office Enforcement and Removal Operations a copy of the
14 petition for writ of habeas corpus and temporary restraining order.

15 ARGUMENT

16 A TRO and a preliminary injunction are both extraordinary remedies. In general,
17 "[t]emporary restraining orders are governed by the same standard applicable to preliminary
18 injunctions." *Aiello v. One West Bank*, No. 2:10-cv-0227-GEB-EFB, 2010 WL 406092, at *1
19 (E.D. Cal. Jan. 29, 2010) (internal citations omitted); *see also* E.D. Cal. L.R. 231(a).

20 For both a TRO and a preliminary injunction, courts consider whether Petitioner has
21 established: "[1] that he is likely to succeed on the merits, [2] that he is likely to suffer
22 irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his

23 ³ See USCIS Immigration and Citizenship Data, Form I-140, I-360, I-526, Approved
24 Employment-Based Petitions Awaiting Visa Availability found at
25 <https://www.uscis.gov/tools/reports-and-studies/immigration-and-citizenship-data>.

1 favor, and [4] that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*,
2 555 U.S. 7, 20 (2008). Petitioner must “make a showing on all four prongs” of
3 the *Winter* test. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). In
4 evaluating a petitioner's motion, a district court may weigh petitioner's showings on
5 the *Winter* elements using a sliding-scale approach. *Id.* A stronger showing on the balance of the
6 hardships may support issuing a preliminary injunction even where the petitioner shows that
7 there are “serious questions on the merits ... so long as the [petitioner] also shows that there is a
8 likelihood of irreparable injury and that the injunction is in the public interest.” *Id.* Simply put,
9 Petitioner must demonstrate, “that [if] serious questions going to the merits were raised [then]
10 the balance of hardships [must] tip[] sharply” in Petitioner's favor in order to succeed in a
11 request for a preliminary injunction. *Id.* at 1134–35.

14 **A. Petitioner is Likely to Succeed on the Merits.**

15 Petitioner is currently detained well beyond the 90-day removal period under 8 U.S.C. §
16 1231(a)(1)(A). There is no evidence that he poses a danger to the community, a risk of flight or a
17 threat to property. The government has not demonstrated that removal is reasonably foreseeable
18 because he has been granted special immigrant juvenile status which makes inapplicable all
19 grounds of inadmissibility relating to expedited removal and paroles him for the purposes of
20 adjustment of status.
21

22 Petitioner's visa is caught up in the backlog of SIJ-based adjustment applications
23 currently at 242,689 as of the third quarter of 2025. Petitioner's deferred action, SIJ status, and
24 visa backlog demonstrates that removal is not imminent if his adjustment of status application
25 were to be denied years from now. Continued detention in these circumstances is therefore
26 unreasonable.
27
28

1 Petitioner has also been granted special immigrant juvenile status and can be paroled for
2 adjustment of status because he is no longer inadmissible under (6)(C) or (7)(A), of section
3 1182(a). The Department of Homeland Security violated 8 U.S.C. § 1255(h)(2) by detaining him
4 pursuant to the expedited removal order even though his inadmissibility under (6)(C) or (7)(A),
5 of section 1182(a) no longer apply. 8 U.S.C. § 1255(h)(2)(A).
6

7 **B. Plaintiff has suffered and will continue to suffer irreparable harm absent**
8 **emergency injunctive relief.**
9

10 Petitioner will suffer irreparable harm for which there is no adequate remedy at law
11 because his removal to El Salvador prevents him from filing for adjustment of status. Adjustment
12 of status is available only to noncitizens physically present in the United States. *See* 8 U.S.C. §
13 1255(a); 8 U.S.C. § 245.2(a)(1); U.S. Citizenship & Immigr. Servs., Form I-485 Instructions at 2
14 [You must be **physically present** in the United States to file this application]. If Petitioner is
15 removed to El Salvador, the Attorney General is the only authorized official who could, in their,
16 unreviewable discretion grant or deny him parole to complete the adjustment of status process in
17 the United States. 8 U.S.C. § 1252(a)(2)(B)(ii), INA § 212(d)(5)(A), 8 C.F.R. § 212.5(a). Given
18 Petitioner's prima facie eligibility for adjustment of status based on his approved special
19 immigrant juvenile status application, it seems unlikely that the DHS's current removal efforts
20 will be reversed by a grant of parole years from now when his visa becomes available
21
22

23 **C. The balance of hardships and public interest weigh heavily in Petitioner's favor.**
24

25 Petitioner has been granted special immigrant juvenile status with deferred action.
26 Petitioner has maintained employment, kept his address current with immigration authorities,
27 and taken many steps to legalize his status by filing an asylum application and obtaining special
28 immigrant juvenile status. Petitioner has been cooperative with immigration authorities and

1 appeared for his credible fear interview on November 24, 2025. It is unknown why the DHS has
2 chosen to detain Petitioner when he has so many equities in his favor.

3 The public interest also supports a stay on the execution of Petitioner's removal order
4 because the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,
5 Pub. L. No. 110-457, 122 Stat. 5044, 5074 (2008) was designed to protect trafficking victims and
6 provide lawful permanent residence to special immigrant juveniles who violated certain
7 immigration laws. Petitioner was encountered in the locked cargo area of a U-Haul truck being
8 driven by a smuggler. Petitioner is a trafficking victim and he obtained special immigrant
9 juvenile status. It is within the public interest that he remain in the United States to adjust his
10 status as a member of these recognized vulnerable populations.
11

12
13 **D. Petitioner is at imminent risk of removal justifying an ex parte temporary**
14 **restraining order.**
15

16 Petitioner is subject to an expedited removal order that the Government intends to
17 execute by effecting his detention. Petitioner was detained on November 24, 2025 and the
18 location of his detention was not made available on the ICE detainee locator website until
19 November 25, 2025. As of the writing of this memorandum of law, Petitioner has not been
20 scheduled for a review before the Immigration Judge of any negative credible fear determination.
21 If the Immigration Judge affirms the asylum officer's negative credible fear determination,
22 Petitioner can be removed. Thus, a TRO is necessary to preserve the status quo.
23
24

25 Date: November 29, 2025

26 Respectfully Submitted,
27 /s/ Mario Salgado
28 Mario Salgado, Esq.
SALGADO & PERALTA, P.A.