

Name: RAMIRO TRUJILLO

A Number: 

Address: Golden States Annex Detention Facility
611 Frontage road
Mc Farland, CA 93250

FILED

MAR 27 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

PRO SE

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

Ramiro Trujillo



Petitioner,

v.

**Warden of the
Golden State Annex Detention
facility;
PAMELA BONDI,
Attorney General of the
United States;
KRISTI NOEM,
Secretary, United States
Department of Homeland
Security;
TODD M LYONS,
Acting Director,
Immigration and Custom
Enforcement**

Respondents,

Case No. 1:25-cv-01711-WBS-SCR

**PETITION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

I, Ramiro Trujillo, make the following statements under oath and subject to
the penalty of perjury:

I. BACKGROUND

I have entered in to United States in 1988 and I was at liberty when I was arrested by ICE in May 19 2025 without warrant, reasoning, and pre-trial hearing. I have been detained by ICE for more than 9 months. As a result I have petitioned for habeas corpus in December 10, 2025 challenging my unlawful detention. The parties largely agree on the factual and procedural history. For the reasons set forth in the petition and below, this court should grant my petition for habeas corpus or grant me preliminary injunction (1) requiring Respondents to immediately release me under the same condition I was released previously; (2) enjoining Respondents from re-detaining me unless unless and until they follow all procedures set forth in 8 C. F. R. §§ 241.4(1), 241.13(i), and any other applicable statutory and regulatory procedures; and (3) enjoining Respondents from removing me to a third country without a notice and an opportunity to be heard.

JURISDICTION

1. I am detained in the custody of Respondents at Golden States Annex detention center.
2. 28 U. S. C. §2241 federal courts' authority to hear habeas claims by non citizen challenging immigration law. This action arises under the Due Process Clause of the Fifth Amendment of the U. S. Constitution. Jurisdictions proper under 28.U.S.C §§1331 (federal question), 2241(habeas corpus); U.S. Const. Art. 1,§ 2; (suspension Clause); and 5 U. S. C §702 (Administrative Procedure Act). This court may grant relief under the habeas corpus statues, 28 U. S. C. §2241 et seq., the Declaratory Judgment Act, 28 U. S. C §2201 et seq., and the All Writs Act, 28 U. S. C. §1651.
3. congress has preserved judicial review of challenges to prolonged immigration detention. See Jennings v. Rodriguez, 138 S. Ct. 830, 839-841 (2018) (holding that 8 U. S. C. §§1226 (e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also id. At 876(Breyer, J., dissenting). ("8 U. S. C. §1252(b)(9)... by its terms applies only with respect of an order or removal")

(internal quotation marks and brackets omitted).

4. Federal Rule of Civil Procedure 65(b)- Authority to issue Temporary Restraining Order (TRO)
5. All Writs Act, 28 U. S. C. § 1651(a) empowers federal court to issue all writs necessary or appropriate in aid of their respective jurisdiction.
6. 8 U. S. C. §1231 (a)(6) and Fifth Amendment's Due Process Clause - Basis for petitioner's challenge to his continued detention.

VENUE

Venue is proper in this District because this is the district in which petitioner confined.

See Doe v. Garland, 109 F. 4th 1188, 1197-99 (9th cir. 2024)

REQUIREMENTS OF 28 U.S.C. §2243

1. The court must grant the petition of habeas corpus or issue an order to show cause ("OSC") to Respondents "forthwith," unless petitioner is not entitled to relief. 28 U. S. C §2243.

If the court issues an OSC, it must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed" Id. (emphasis added).

2. Court have long recognized the significance of the habeas statutes in protecting individuals of illegal restraint or confinement. "Fay v. Noia, 372 U. S. 391, 400 (1963)" (emphasis added).

See also Young v. INS, 208 F. 3d. 1116, 1120 (9th cir. 2000) (explaining that habeas statute requires expeditious determination of petitions).

PARTIES

1. I am a non citizen currently detained at Golden State Annex by Respondents pending ongoing removal proceedings.

2. Respondent warden of Golden States Annex detention center is petitioner's immediate custodian at the facility where petitioner is detained. See Doe 108 F. 4th at 1194-97.
3. Respondent Acting or Current Attorney General of the United States is the most senior official in the U. S. Department of Justice("DOJ"). They have the authority to interpret the immigration laws and adjudicate removal cases. They delegate this responsibility to the Executive office for Immigration Review ("EOIR"), which administrates the immigration courts and the Board of Immigration Appeals ("BIA"). They are named in their official capacity.
4. Respondent Secretary of the U. S. department of Homeland Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U. S. C. §1103 (a). They are the legal custodian of petitioner. They are named in their official capacity.
5. Respondent Acting or Current Field Office Director of ICE with Administrative jurisdiction over petitioner's case. They are a legal custodian of petitioner and are named in their official capacity.

II. ARGUMENT

A. I am likely to succeed on the Merits.

Through the Habeas petition I filed 3 months ago, I showed I'm likely to succeed on the merits of my petition so it is in public interest that the court shall grant the petition for **TRO** or at least the **preliminary injunction**. The parties agree that I have a pending case in front of LJ. Respondents establish that I am detained by ICE currently in Golden State Annex. I have been detained by ICE since May 2025 after my court hearing, for approximately more than 9 months.

As I already claimed in my habeas corpus petition, my wrongful detention is impermissible under Zadvydas v. Davis, 533 U. S. 678 (2001), because I already have been detained for more than six months after my detention in May 2025 and I am filing a petition for cancellation of removal in front of immigration judge. In addition, my detention is impermissible because Respondents have

failed to comply with regulations governing detention of persons subject to removal procedure.

Further, removal to a third country would violate the petitioner's right under the Fifth Amendment to the United States Constitution, the Convention Against Torture, and the Immigration and Nationality Act. In addition, punitive banishment to a third country would violate the Fifth, Sixth and Eighth Amendments.

1. I Will Likely Succeed On my Claim that Current Detention Violates Zadvydas.

Sied v. Nielsen, 2018 WL 1876907, at *6 (N. D. Cal. Oct. 21, 2025) (citing authorities; Siguenza v. Moniz, 2025 WL 2734704, at*3 (D. Mass. Sept. 25, 2025) ("Most courts to consider the issue have concluded that the Zadvydas period is cumulative, motivated, in part, by a concern that the federal government could otherwise detain non citizens indefinitely. Therefore my petition to Habeas Corpus is valid because ICE violated my Due- Process protection in the Fifth amendment.

2. I will Likely Succeed On His Claim That Respondents Violated Governing Regulations

As to my claim that ICE violated its own regulations in detaining me in May 21 2025, Respondents failed to show a clear provision to detain me .

ICE failed to comply its own laws and regulation by violating my right not to have bond or bond hearing in front of neutral decision maker and by not following the rules and regulation set by ICE.

Where I have shown that ICE's unlawful detention on May 21, 2025 violated the law because ICE did not comply with its own regulations under section 241.13(i)(2); Hoac, 2025 WL 199771, at*4.¹

See also Bui v. Warden Otay Mesa Detention Center Facility, et al., 2025 WL 2988356, at*5 (S. D. Cal. Oct. 23, 2025) (granting petition and ordering release where respondent failed to follow its own regulations in revoking release); Constantinović v. Bondi, ___ F. Supp. 3d ___, 2025 WL 2898985 (S. D. Cal. Oct. 10, 2025)(Same); Sun v. Noem, 2025 WL 2800037 (S. D. Cal. Sept. 30, 2025) (granting TRO for release where respondent failed to follow its own regulations in revoking release); Van Tran v. Noem, 2025 WL 2770623 (S. D. Cal. Sept. 29, 2025)(same); Zhu v. Genalo, 2025 WL 242358 at*9 (S. D. N. Y. Aug. 26, 2025) (partially granting petition and ordering release where respondent did not follow its own regulations before revoking release);

Relevant here, Two regulations discuss the release of non citizens subject to a removal order:

8 C. F. R. § 241.4 (“continued detention of inadmissible... aliens beyond the removal period”) and 8 C. F. R. § 241.13 (“determination of whether there is a significant likelihood of removing a detained alien in the reasonably foreseeable future”). Section 241.4 generally applies to those who are inadmissible under 8 U. S. C. §1182, like the Petitioner. See id. §241.4(a)(1). Subsection (1) of that regulation provides for revocation of release by a district director of Executive Associate Commissioner if one of four conditions is met: the purpose of release are served, the non citizen violates a condition of release, it is appropriate to enforce a removal order or commence of a noncitizen or any other circumstance indicates release is no longer appropriate. Id. § 241.4(1)(2).

In the opposition to motion for Habeas Corpus Shea J. Kenny, Assistant United States Attorney declares that I was detained under 8 U. S. C. § 1125 (b)(2) prior to pending court hearing in front of the Immigrating judge when in fact Respondents are aware that I was at liberty in U.S before detention and the charge does not apply to me. As it was reasoned on this, that a person watching a movie in a theater is different from one who is trying to get in. Sied v. Nielsen, 2018 WL 1876907, at *6 (N. D. Cal. Oct. 21, 2025) (citing authorities; Siguenza v. Moniz, 2025 WL 2734704, at*3 (D. Mass. Sept. 25, 2025) (“Most courts to consider the issue have concluded that the Zadvydas period is cumulative, motivated, in part, by a concern that the federal government could otherwise detain non citizens indefinitely by continuously releasing and re-detaining them”) (collecting cases).

C. I suffer Irreparable Harm Everyday I am *Illegally Detained*.

I am suffering beyond irreparable harm mentally and physically in immigration detention because of my lawfulness of the detention. As for physical harm, the State Compensation insurance fund, the claims for the administrator for dept of corrections inmate claims attn: return to work office, is handling my workers' compensation claim regarding the injuries I suffer from since 2021 followed by 2023. they are injuries concerning my shoulder and back. The California Department of Corrections has informed the State Compensation Insurance Fund of the industrial injuries I am suffering from and I am advised that liability for these injuries has been accepted. See **EXB A**. I was advised that there are no benefits due at the present time, however I am entitled to medical treatment to cure or relieve the effects of the injuries, which was supposed to be provided at the Golden State Annex's medical unit.

The best I was provided with was Tylenol pills which is not helping me with the pain and the horrible pain is bothering me all day and preventing me from full night asleep at night. I am suffering due to the hard bed and thin mattress I was given to that make the pain worst. I also would like to add that I have not received any treatment such as physical therapy or pain management services since my detention.

The Ninth Circuit has recognized "the irreparable harms imposed on anyone subject to immigration detention." Rodriguez V. Bostock, 799 F. Supp. 3 d 1239, 1253 (W. D. Wash. 2025) (citing Hernandez v. Sessions, 872 F. 3 d 976, 995(9th Cir. 2017)).

The Court concludes that ICE's failure to follow its own regulations resulted in irreparable harm. Government agencies are required to follow their own regulations. United States v. Ramos, 623 F. 3 d 672, 683 (9th Cir. 2010) ('it is a well known maxim that agencies must comply with their own regulations.') (citations and quotation marks omitted).

"Both §241.4 and 241.13 were intended to provide due process protections to [noncitizens] following

the removal period as they are considered for continued detention.” McSweeney, 2025 WL 2998376, at *7 (internal citation and quotation marks omitted). ICE and DHS deprived me of these due process protections when failed to provide me with sufficient notice or a prompt interview to respond to the reasons for wrongfully detain me. “It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury.” Melendres v. Arpaio, 695 F. 3 d 990, 1002 (9th Cir 2012); see also Hernandez v. Sessions, 872 F. 3d 976, 995, 1000 (9th Cir 2017) (holding that “[u]nlawful detention” by immigration officials constituted “irreparable harm”).

Under the Second Winter factor, the Court may considers whether I am “likely to suffer irreparable harm in the absence of [injunctive] relief.” Winter, 555 U. S. at 20. I would like to argue that I am experiencing unlawful detention, which is a clear irreparable harm. Given the Court’s finding that I will remain in detention seemingly indefinitely, I am likely to succeed on at least one of my claims, Plaintiffs have established an irreparable harm in the form of unlawful detention. Therefore, the Second Winter factor favors me.

D. The Balance of Equities Favor Grant of the Petition

The consideration of the balance of equities and the public interest in an injunction merge when the government is a party. Yang v. Kaiser, No. 2:25 – CV – DAD – AC (HC), 2025 WL 2791778, at*10 (E. D. Cal. Aug. 20, 2025) (citing Drakes Bay Oyster Co. v. Jewell, 747 F. 3 d 1073, 1092 (9th Cir. 2014) (citing Nken v. Holder, 556 U. S. 418, 435 (2009))).

“It is always in the public interest to prevent the violation of a party’s constitutional rights.” Melendres v. Arpaio, 695 F. 3 d 990, 1002 (9th Cir 2012). furthermore, “[j]ust as the public has an interest in the orderly and efficient administration of this country’s immigration laws, the public has a strong interest in upholding procedural protections against unlawful detention.” Hoac, 2025 WL 1993771, at*6 (internal quotation marks omitted). Here, where the current unlawful detention

violates my constitutional right to due process, the balance of equities favor issuance of a preliminary injunction (1) reinstating my release on the order of supervision, and (2) prohibiting the government from removing me to a third country without an opportunity to file a motion to reopen with an immigration judge. I may be eventually removed to a third country pursuant to 8 C. F. R. § 1231(b)(2). See Johnson v. Guzman Chavez, 594 U. S. 523, 536, (2021) (“DHS retains the authority to remove the alien to any other country authorized by the statute. See §§208.16(f), 1208.16(f), 1240.12(d)” but I assert that before doing so, however, the government must give me adequate notice and an opportunity to be heard regarding the potential for persecution, torture, or death in the third country. See, e.g., Andriassian v. I.N.S., 180 F. 3d 1033, 1041 (9th Cir 1999) (“Failing to notify individuals who are subject to deportation that they have the right to apply for asylum in the United States and for withholding of deportation to the country to which they will be deported violates both INS regulations and constitutional right to due process.”). It is thus premature on the current record for this court to order injunctive relief related to my potential future removal to an unidentified third country.

Moreover, when “the impact of an injunction reaches beyond the parties, carrying with it a potential for public consequences, the public interest will be relevant to whether the district court grant preliminary injunction.” Hernandez, 872 F. 3d at 996. the Ninth Circuit has recognized that “neither equity nor public’s interest are furthered by allowing violations of federal law to continue.” Galvez v. Jaddou, 52 f. 4th 821, 832 (9th Cir 2022)(holding that the district court did not abuse in discretion in finding the balance of hardships weighed in favor of plaintiffs who credibly alleged that the government was violating the INA). The public interest has a strong interest in upholding procedural protections against unlawful detention.

The harm to Respondent here is minimal. Nothing prevents the Government from re-detaining

me if the Government satisfies the procedural requirements and shows the lawful detention is required, warranted. Moreover, a party "cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations." Zepeda v. U. S. Immigr. & Nat. Serv. 753 F. 2 d 719, 727 (9th Cir, 2023).

Accordingly my ongoing detention is statutorily and constitutionally unlawful and I must be released in to American society. See Tanahan v. United States Of America No. 2:25 -CV- 02075- RFB- BNB WL 2026 U. S. Dist. Lexis. 10886.

III. CONCLUSION

For the foregoing reasons and the reasons set forth in my petitions, this court should grant me the petition for TRO, or at the very least grant a preliminary injunction, providing that

1. Respondents SHALL IMMEDIATELY RELEASE me under appropriate conditions of supervision set forth in 8 C. F. R. §241.5;
2. Respondents are ENJOINED AND RESTRAINED from re-detaining me.

Respectfully submitted,

Declaration Under Penalty Of Perjury

I declare under penalty of perjury that I am the petitioner, I have written this petition and the information in this petition is true and correct to the best of my knowledge.

I understand that a false statement of a material fact may serve as the basis for persecution for perjury.

Date: 03/23/2026

Signature

Name: Ramiro Trujillo Hernandez