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

A.A.H.,

Petitioner,

v.

CHRISTOPHER CHESTNUT, Facility
Administrator of California City Detention
Facility; SERGIO ALBARRAN, Acting Field
Office Director of the San Francisco
Immigration and Customs Enforcement Office;
TODD LYONS, Acting Director of United
States Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the United States
Department of Homeland Security, PAMELA
BONDI, Attorney General of the United States,
acting in their official capacities,

Respondents.

Case No. 1:25-cv-01758-DJC-EFB

**PETITIONER'S NOTICE OF
MOTION AND *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for Eastern District of California, that Petitioner A.A.H. will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 231. Because Petitioner's detention at California City Detention Center violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, Respondent may not place Petitioner on a more onerous ICE or ISAP check-in schedule, or impose more onerous supervision requirements, than those he was subject to prior to his current detention or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and, and Respondent may not re-detain him unless Respondents order a pre-deprivation bond hearing before the Concord Immigration Court, where Respondents shall bear the burden of proof to show, by clear and convincing evidence, that Petitioner is a danger or a flight risk. Petitioner further requests (3) Respondent return all his property that was confiscated during his arrest and processing into detention, including but not limited to any personal identification, employment authorization document, medical insurance card, money, and documents he received upon entry and release into the United States. To preserve this Court's jurisdiction, Petitioner further seeks an order (4) enjoining Respondents from transferring Petitioner out of this District or deporting him during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the supporting Declaration of Lizette Yadira Rojas Acevedo, the Proposed Order, and TRO Checklist filed herewith; the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 1) and the exhibits attached thereto.

Consistent with Civil L.R. 231(b), Petitioner seeks relief at the earliest possible opportunity. Petitioner is filing this motion within 3 business days after he filed his Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 142 and 231(c)(5), and as detailed further in the supporting Declaration of Lizette Yadira Rojas Acevedo, counsel for Petitioner provided counsel for Respondents with notice of this Motion and advised Respondents of the emergency reasons requiring Petitioner to seek an *ex parte* application for a temporary restraining order. Counsel for Petitioner and counsel for Respondents spoke by telephone and discussed the habeas petition and motion. At the moment, counsel for Respondents stated that the case had not yet been assigned, but that someone would be in touch once it was assigned. Counsel for Respondents stated that it would be difficult to try and resolve the case before a hearing and to stipulate things. Counsel for Petitioner informed Counsel for Respondents that she would try to await contact from assigned counsel, but that the TRO would be filed later that day. As of the time of this submission, no contact has been made by assigned counsel for the Respondents.

Date: December 10, 2025

Respectfully submitted,

/s/ Lizette Yadira Rojas Acevedo

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