

1 Marco A. Garzon, CASB# 270068
2 ARGUMEDO GARZON LAW GROUP
3 2300 Clayton Rd., Suite 380
4 Concord, CA 94520
5 Telephone: 415-835-6000
6 Facsimile: 415-835-6009
7 Email: mgarzon@sfabogado.com

8 Attorney for Petitioner

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
12

13 Tatiana Andrea Arevalo Alzate,

14 Petitioners,

15 v.

16 Christopher Chestnut, Warden, California City
17 ICE Detention Center;
18 Orestes Cruz, Acting Director of San Francisco
19 Field Office, U.S. Immigration and Customs
20 Enforcement;
21 Todd M. Lyons, Acting Director of
22 Immigration and Customs Enforcement;
23 Kristi Noem, Secretary of the U.S. Department
24 of Homeland Security,
25 in their official capacities,

26 Respondents.
27
28

CASE NO. 1:25-CV-01848-JLT-SAB

**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 the Eastern District of California, that Petitioner Tatiana Andrea Arevalo Alzate will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 65-1. Because Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner respectfully request that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the 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. To preserve this Court's jurisdiction, Petitioner furthers seek an order enjoining Respondents from transferring Petitioner out of this District or deporting her 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 declarations, 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).

Consistent with Civil L.R. 65-1, Petitioners seeks relief at the earliest possible opportunity. Petitioner is filing this motion the same day she filed her Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Marco Garzon, Counsel for Petitioner emailed a copy of the filed petition to Respondents and advised that a Motion for TRO would be forthcoming. Petitioner also emailed Respondents a copy of the Memorandum of Points and Authorities shortly before filing it. As of this filing, Respondents have not stipulated to a TRO.

1 Date: December 15, 2025

Respectfully submitted,

/s/ Marco A. Garzon

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5 Concord, CA 94520
6 Telephone: 415-835-6000
7 Facsimile: 415-835-6009
8 Email: mgarzon@sfabogado.com
9 *Counsel for Petitioner*

10 Dated: December 15, 2025