

RAMIREZ-SMITH LAW
NIKKI R. SMITH, ISB: 9030
NSMITH@NRSDDT.COM
NEAL F. DOUGHERTY, CSB: 302612
NDOUGHERTY@NRSDDT.COM
TALIA D. BURNETT, CSB: 286318
TBURNETT@NRSDDT.COM
JACOB ROURK, ISB: 12585
JROURK@NRSDDT.COM
444 W. Iowa Ave.
Nampa, ID 83686
208-461-1883

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Juan Ricardo OROZCO GUTIERREZ,

Petitioner,

v.

Christopher CHESTNUT, Warden of the
California City Detention Facility; Sergio
ALBARRAN, Acting Director of the San
Francisco U.S ICE Field Office; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; Executive Office of
Immigration Review,

Respondents.

Case No. 1:25-cv-01920-DAD-EFB

**PETITIONER'S MOTION TO
CONVERT TEMPORARY
RESTRAINING ORDER TO A
PRELIMINARY INJUNCTION**

The Petitioner, through undersigned counsel, hereby moves this court to convert the Temporary Restraining Order into a Preliminary Injunction, enjoining and restraining the Respondents from using the adjustment of status process to re-detain petitioner, including at or near any future interview related to petitioner's application for adjustment of status.

Furthermore, Petitioner requests an order enjoining and restraining Respondents from imposing additional restrictions on Petitioner's terms of release, unless such restrictions are determined to be necessary at a future pre-deprivation/custody hearing; and, enjoining and restraining Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, including seven-day notice and a pre-deprivation/custody hearing before a neutral decisionmaker, where the Government shall bear the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a flight risk, at which Petitioner shall be allowed to have his counsel present.

The Petitioner incorporates the arguments made in his Motion for Temporary Restraining Order (Dkt. No. 5) to this Motion. The extension of this order through the resolution of the Petition is necessary, as the Petitioner faces irreparable harm if he is again detained by Respondents, despite his eligibility for lawful permanent residence.

Briefing Schedule as agreed by the Parties

Counsel for the Petitioner, the undersigned, and Counsel for the Respondents, Mr. Charles Campbell, have agreed on a briefing schedule. A Response to this Motion will be filed by Respondents by Friday, January 23rd, 2026. An optional Reply will be filed by Petitioner no later than Tuesday, January 27th, 2026.

As there are no facts in dispute, neither party foresees a hearing being necessary.

Dated: January 20, 2026

/s/Neal F. Dougherty
Neal Fellom Dougherty
Attorney for Petitioner
Ramirez-Smith Law