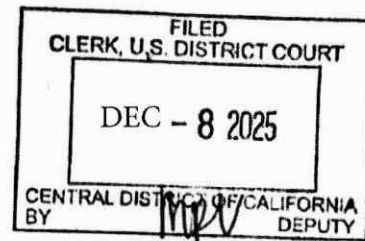


Eugene Trifonov
Adelanto Detention Facility
10250 Rancho rd
Adelanto, Ca 92301
A [REDACTED]
Pro Se Petitioner



UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

Eugene Trifonov
Pro Se Petitioner

V.

Warden-Facility Administrator
Adelanto Ice Processing Center

Thomas P. Giles, Director of Los Angeles
Field Office,

Todd Lyons, Acting Director,
U.S Immigration and Customs Enforcement,

Kristi Noem, Secretary of the U.S. Department of
Homeland Security; and

Pamela Bondi,
Attorney General of the United States,

In their official capacities,
Respondents

No. *5:25cv3460-DOC-JDE*

**MOTION FOR A PRELIMINARY
INJUNCTION AND
FOR A TEMPORARY RESTRAINING
ORDER**

Simultaneously with this document, Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Because is is almost certain to prevail on all of his claims, he respectfully asks this Court to order his immediate release from custody while this case is litigated.

" A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest."

Planned Parenthood Great Northwest v. Labrador, 122 F.4th 825, 843-44 (9th Cir. 2024) (quoting *Alliance for the Wild Rockies v. Cotrell*, 632 F.3d 1127,1131 (9th Cir. 2011)).

"Alternatively, a preliminary injunction may issue where serious questions going to the merits were raised and the balance of hardships tips sharply in plaintiff's favor if the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest." *Id.* at 844 (quoting *Alliance for the Wild Rockies*, 632 F.3d at 1135). The standards for granting a temporary restraining order are the same as the standards for granting a preliminary injunction. See *O.M. v. Nat'l Women's Soccer League, LLC*, 541 F. Supp. 3D 1171, 1177 (D. Or. 2021).

First, Petitioner is almost certain to succeed on the merits of his habeas petition for the reasons set forth in his petition.

Second, illegal confinement is quintessentially irreparable harm, because "the deprivation of Constitutional Rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

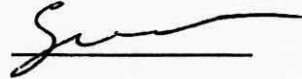
Third and finally, when the government is a party, as it is here, "the balance of equities and public interest factors merge." *Pimentel Estrada v. Barr*, 464 F. Supp. 3D 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The risk of harm to Petitioner far outweighs the government's interest in illegally detaining him, for it is "always in the public's interest to prevent the violation of a party's constitutional rights." *Melendres*, 695 F.3d at 1002.

Therefore, the Court should grant a preliminary injunction and temporary restraining order, and order Petitioner's immediate release from custody.

Additionally, the second claim in Petitioner's petition concerns potential deportation to a third country, Petitioner respectfully requests that the Court order the government not to remove Petitioner to a third country until the Court resolves the pending petition.

Respectfully submitted,

By: Eugene Trifonov

A handwritten signature in black ink, appearing to read 'Eugene Trifonov', written over a horizontal line.

Petitioner Pro Se

Dated: 11/29/2025

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB #1105-0065

Notice of Appeal to the Board of Immigration
Appeals of Decision of Immigration Judge

GENERAL INSTRUCTIONS

(Please read carefully before completing and filing Form EOIR-26)

I. When to Appeal:

- You must send the Notice of Appeal so that it is received by the Board within thirty (30) calendar days after the Immigration Judge's oral decision or within thirty (30) calendar days after the date the Immigration Judge's written decision was mailed if no oral decision was rendered.
- Simply mailing the Notice of Appeal within the time limit may not insure that the Notice of Appeal is timely received by the Board. If your Notice of Appeal is received outside of the time limit it will be dismissed.

II. Where to Appeal:

- Send the Notice of Appeal and all attached documents to:
Board of Immigration Appeals
Appeal Processing Unit
5107 Leesburg Pike, Suite 1711
Falls Church, VA 22041

III. How to Appeal:

- Read all of these instructions.
- Fill out the Notice of Appeal completely, answering Items # 1 - 10 in English only.
- List (in Item #1) the name(s) and "A" Number(s) of all Applicant(s)/Respondent(s) who are appealing the decision of the Immigration Judge.
- Sign item #7.
- List the mailing address of all Applicant(s)/Respondent(s) in Item #8.
- Translate all documents that you attach to the Notice of Appeal into English. All translations must include the translator's statement that the translator is competent and that the translation is true and accurate.
- Write your name(s) and "A" number(s) on all documents attached to the Notice of Appeal.
- Provide the opposing party with a copy of the completed Notice of Appeal and any attached documents.
- Complete and sign Item #10, "Certificate of Service."

IV. Paying for Appeal:

- Attach to the Notice of Appeal a check or money order for exactly one hundred and ten dollars (U.S. \$110) payable to the "United States Department of Justice". All checks must be drawn on a bank located in the United States.
- Write the name(s) and "A" Number(s) of all Applicant(s)/Respondent(s) on the check or money order.

V. If You Cannot Pay for the Appeal:

- Complete and submit a Fee Waiver Request (Form EOIR-26A). The Board will review the request and decide whether to allow the appeal without payment of the fee.

An appeal is not properly filed unless the Notice of Appeal and all required documents are received within thirty (30) calendar days after the Immigration Judge's oral decision or within thirty (30) calendar days after the date the Immigration Judge's written decision was mailed if no oral decision was rendered.

VI. Lawyer or Representative Allowed:

- You may be represented by an attorney or a representative who is authorized to appear before the Board. The Government will not pay for your attorney or representative.
- If you are represented by an attorney or authorized representative, he or she must file a Notice of Entry of Appearance Before the Board of Immigration Appeals (Form EOIR-27) with the Notice of Appeal.

MAILING INSTRUCTIONS

VII. Specify Reasons for the Appeal:

- Give specific details of why you disagree with the Immigration Judge's decision.
- Specify the finding(s) of fact, the conclusion(s) of law, or both, that you are challenging. If a question of law is presented, cite supporting authority. If the dispute is over the findings of fact, identify the specific facts.
- Where the appeal concerns discretionary relief, state whether the alleged error relates to statutory grounds of eligibility or to the exercise of discretion and identify the specific factual and legal findings you challenge.
- If you do not give specific details in Item #4, the Board may dismiss your appeal for that reason alone, unless you give specific details in a separate written brief or statement filed with the Board.

VIII. Briefs:

- Indicate in Item #6 if you will file a separate written brief or statement. The Board will send you a filing schedule and a transcript of the testimony.
- Even if you will file a brief or statement, you still should give detailed reasons for your appeal on the Notice of Appeal.
- Send a copy of your brief or statement to the opposing party and provide the Board with a written statement certifying that you have mailed or delivered the brief or statement to the opposing party.

Summary Dismissal of Appeal:

The Board may summarily dismiss any appeal or portion of any appeal in which: (A) The appellant fails to specify the reasons for the appeal (see Part VII); (B) The only reason specified by the appellant for his/her appeal involves a finding of fact or conclusion of law which was conceded by him/her at the hearing; (C) The appeal is from an order that grants the appellant the relief which he/she requested; (D) The Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in fact or law; (E) The appellant indicates that he/she will file a separate written brief or statement in support of the appeal and, within the time set for filing, the appellant fails to file the brief or statement and does not reasonably explain such failure (see Part VIII); or (F) The appeal fails to meet essential statutory or regulatory requirements or is expressly excluded by statute or regulation.

IX. Oral Argument:

- If you ask for oral argument in Item #5, the Board will inform you if your request is granted.
- Even if you ask for oral argument, you still should give detailed reasons for your appeal on the Notice of Appeal.
- The Board ordinarily will not grant a request for oral argument unless you also file a brief.

X. Change of Address:

- If you move after you send your Notice of Appeal to the Board, you must give your new address to the Board within five (5) days after you move. Use Form EOIR-33, "Change of Address."
- Attorneys or representatives must also let the Board know within five (5) days if they change addresses or phone numbers. Use Form EOIR-27. An attorney's or representative's change of address notification is only effective for the case in which it is submitted.

Departure From the United States:

If you leave the United States after an Immigration Judge's decision in deportation proceedings, but before you appeal the decision to the Board, you have waived your right to appeal. If you leave the United States after filing an appeal with the Board from deportation proceedings, but before the Board decides your appeal, your appeal is withdrawn and the Immigration Judge's decision will take effect as if you had never filed an appeal.

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

OMB # 1105-0065

Notice of Appeal to the Board of Immigration
Appeals of Decision of Immigration Judge

1. List Name(s) and "A" Number(s) of all Applicant(s)/Respondent(s):

TRIFONOV, EUGENE

A [REDACTED]

For Official Use Only



WARNING TO ALL APPLICANT(S)/RESPONDENT(S): Names and
"A" Numbers of everyone appealing the order must be written in item #1.

2. Applicant/Respondent is currently ☒ DETAINED ☐ NOT DETAINED.

3. Appeal from the Immigration Judge's decision dated June 5, 2000.

4. State in detail the reason(s) for this appeal. You are not limited to the space provided below; use more sheets of paper if necessary. Write your name(s) and "A" number(s) on every sheet.



WARNING: The failure to specify the factual or legal basis for the appeal may lead to summary dismissal without further notice, unless you give specific details in a timely, separate written brief or statement filed with the Board.

The reason why I have failed to attend the hearing is that I was in custody at the time of that hearing.

Staple Check or Money Order Here.
Include your name(s) and "A" number(s)

(Attach more sheets if necessary)

#17

5. I ☒ do
☐ do not
 desire oral argument before the Board of Immigration Appeals.

6. I ☐ will
☒ will not
 file a separate written brief or statement in addition to the "Reason(s) for Appeal" written above or accompanying this form.

WARNING: Your appeal may be summarily dismissed if you indicate in Item #6 that you will file a separate written brief or statement and, within the time set for filing, you fail to file the brief or statement and do not reasonably explain such failure.

SIGN HERE

7. X Eugene
 Signature of Person Appealing
 (or attorney or representative)

07/01/2000
 Date

8. Mailing Address of Applicant(s)/Respondent(s)

TRIFONOV, Eugene
202
 (Apartment or Room Number)
Los Angeles, CA 90038
 (City, State, Zip Code)

9.

Mailing Address of Attorney or Representative

(Name)

(Street Address)

(Suite or Room Number)

(City, State, Zip Code)

WARNING: An attorney or representative will not be recognized as counsel on appeal and will not receive documents or correspondence in connection with the appeal, unless he/she submits a completed Form EOIR-27.

CERTIFICATE OF SERVICE (Must Be Completed)

10. I TRIFONOV, Eugene (Name) mailed or delivered a copy of this notice of appeal

on 07/01/2000 (Date) to BOARD of Immigration Appeals (Opposing Party)

at 5107 Leesburg Pike, Suite 1711, Falls Church, VA 220 (Address of Opposing Party)

SIGN HERE

X Eugene
 Signature of Person Appealing
 (or attorney or representative)

HAVE YOU?

- ☐ Read all of the General Instructions
- ☐ Provided all of the requested information
- ☐ Completed this form in English
- ☐ Provided a certified English translation for all non-English attachments

- ☐ Signed the form
- ☐ Served a copy of this form and all attachments on the opposing party
- ☐ Completed and signed the Certificate of Service
- ☐ Attached the required fee or fee waiver request

Executive Office for Immigration Review
Bureau of Immigration Appeals

Name: Trifonov, Eugene

"A" Number:

A

I, Trifonov, Eugene, declare under penalty of perjury, pursuant to 28 U.S.C. section 1746, that I am the Applicant/Respondent in the above case and that I am unable to pay the cost of my appeal due to my poverty. I believe that my appeal is valid and I declare that the following responses concerning my financial situation are true and correct to the best of my knowledge:

Assets

Expenses (including dependents)

[Redacted area with a large X across it]

spouse, other family members, etc.

Signature

Date

07/01/2000

Eugene Trifonov

A [REDACTED]

San Diego Detention Facility

P.O.Box 0439049

San Diego, Ca 92143-9049

February 21, 2005

Headquarters Post-Order Detention Unit

U. S. Department of Homeland Security

801 I street, N.W., Suite 800

Washington, D.C. 20536

I request that the DHS-ICE take the following information into consideration in reviewing my custody status because I believe that I qualify for an order of supervision. I am under a final order of removal, have been in DHS-ICE detention for more than 120-days since my order of removal became final, and it is unlikely that I will be removed to either Russian Federation, or Ukraine in the reasonably foreseeable future. I was designated "STATELESS" on entrée into the United States on November 30-th 1987 as a refugee from U.S.S.R. I am not a danger to public safety, and I am not a flight risk.

Upon my release I will live with my wife and daughter at: [REDACTED] have arranged for several opportunities for employment and my mother's need of assistance due to her disability will require what ever time will be left between my immediate household, work, and basic sleep.

My experience in prison only served to teach me how to appreciate my family life more then ever. Through-out over three years of incarceration and DHS-ICE detention-I did not have any disciplinary violations, and Ms. Maughmer (my counselor of 2 years) felt that the lowest level of parole supervision was appropriate upon my release.(CDC-611/exhibit (I)) While in detention I have participated and completed a Vocational Dry Cleaning course and a Parenting Class. After receiving my Dry Cleaning Certification-I've worked the rest of my time teaching others and running daily operations of the Avenal Dry Cleaning plant (minus the keys to the place). John Velasquez was my immediate supervisor there and would be a willing character witness if contacted.(559)386-0587 (his letter of recommendation is attached) Exhibit A)

I have fully cooperated with DHS-ICE's efforts to remove me from the United States. I have filled-out (in Russian) and signed a request for travel papers from Russian Federation and Ukrainian Consulates. I personally have been in constant contact with all parties involved:

Andy Padilla-----DHS-ICE Removal Officer (619) 710-8336

Irene-----Russian Federation Consulate representative in San Francisco (415) 928-6878

Sergey Nikolchook-----Ukrainian Consulate representative in San Francisco D.C. (415) 398-0240

Aleksey Svyatoo-----Ukrainian Consulate representative in Washington D.C. (202) 333-0606

All Consulate workers indicated to me that the reason for denial of travel-papers is me not being a Citizen of each country and the fact that I can not obtain either Citizenship due to presence of prior criminal conduct.

My Wife is a permanent resident-----A 

My Daughter is a U.S. Citizen-----born in Los Angeles-Exhibit (H)

My Mother is a U.S. Citizen since 1995-lives in Los Angeles-Certificate No 

My Grandmother is a U.S. Citizen since 1986-lives in N.Y. Certificate No 

I am not a flight risk-I have been separated from my family far too long already ! When released I will concentrate on working and supporting my family.

I am prepared to fully comply with all restrictions imposed on me as part of my release.

For reasons stated above I ask to be released under an order of supervision so that I may join my family, Return to gainful employment, and no longer be a financial burden on society.

Respectfully submitted,

Eugene Trifonov



Office of Detention and Removal Operations
U.S. Department of Homeland Security
801 I Street, NW
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

Eugene TRIFONOV
C/O Otay Detention Facility
446 Alta Road
San Diego, CA



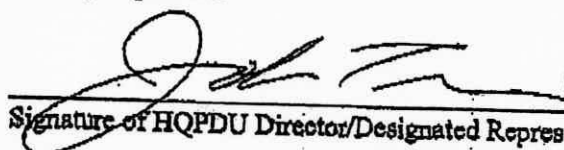
Release Notification

Upon review of your case, U.S. Immigration and Customs Enforcement (ICE) has concluded that you may be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. A violation of one of more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE. Once a travel document is obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.


Signature of HQPDU Director/Designated Representative

3/17/05
Date

U.S. Department of Homeland Security
Immigration and Customs Enforcement

Order of Supervision

File No: ~~XXXXXXXXXX~~
Date: March 18, 2005

Name: TRIFONOV, Eugene

on February 08, 2001, you were ordered:
(Date of final order)

- ☐ Excluded or deported pursuant to proceedings commenced prior to April 1, 1997.
☒ Removed pursuant to proceedings commenced on or after April 1, 1997.

Because the Service has not effected your deportation or removal during the period prescribed by law, it is ordered that you be placed under supervision and permitted to be at large under the following conditions:

- ☒ That you appear in person at the time and place specified, upon each and every request of the Service, for identification and for deportation or removal.
- ☒ That upon request of the Service, you appear for medical or psychiatric examination at the expense of the United States Government.
- ☒ That you provide information under oath about your nationality, circumstances, habits, associations, and activities and such other information as the Service considers appropriate.
- ☒ That you do not travel outside the state of California for more than 48 hours without first having notified this Service office of the dates and places of such proposed travel.
(Specify geographic limits, if any)
- ☒ That you furnish written notice to this Service office of any change of residence or employment within 48 hours of such change.
- ☒ That you report in person on the first Wednesday of each month beginning April 6, 2005 to this Service office at: Non-Detain Office, 880 Front St. Suite # 2242, San Diego, CA 92101 unless you are granted written permission to report on another date.
- ☒ That you assist the Immigration and Naturalization Service in obtaining any necessary travel documents.
- ☐ Other: 7th floor 7621
- ☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

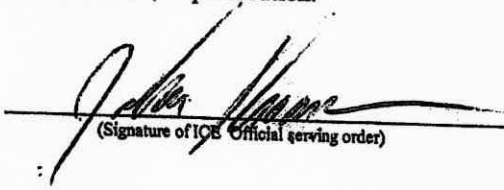


(Signature of INS official)

Ronald J. Smith, Field Director, Detention and Removal, San Diego Field Office
(Print name and title of ICE official)

Alien's Acknowledgment of Conditions of Release under an Order of Supervision

I hereby acknowledge that I have (read) (had interpreted and explained to me in the _____ language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.


(Signature of ICE official serving order)

Eugen
(Signature of alien)

3/18/05
Date