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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 JHADITH SUZETTE LOPEZ SOLIS,
12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the United
States Department of Homeland Security;
15 PAMELA BONDI, Attorney General of
the United States; JENNIFER B.
16 HIGGINS, Acting Director of Los Angeles
Field Office, United States Immigration
17 and Customs Enforcement, Warden of
Adelanto ICE Processing Center,
18

19 Respondents.
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Case No. 5:25-cv-03455-CAS-PVC

NOTICE OF *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER

Honorable Christina A. Snyder
United States District Judge

1 Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure and Local
2 Rule 7 of this Court, Petitioner Jhadith Suzette Lopez Solis respectfully moves
3 this Court for emergency relief in the form of a temporary restraining order
4 directing Respondents to immediately release Petitioner from custody and barring
5 her re-detention unless and until Respondents prove by clear and convincing
6 evidence in a bond hearing that she is either a danger to others or a flight risk.
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8
9 Petitioner seeks this emergency relief because her continued detention is
10 depriving Petitioner of statutory and constitutional rights and is causing immediate
11 and irreparable injury in the form of the unlawful deprivation of her liberty.
12 Specifically, Petitioner merits a temporary restraining order in light of her
13 unlawful continued detention in violation of her Due Process rights under the Fifth
14 Amendment.
15

16
17 Petitioner also seeks a temporary restraining order enjoining Respondents
18 from relocating Petitioner outside of the Central District of California pending
19 final resolution of this case. Petitioner further moves for the issuance of an order
20 to show cause as to why a preliminary injunction should not issue.
21

22 This application is supported by a Memorandum of Points and Authorities,
23 the Declaration of Carrie LeRoy, together with accompanying exhibits, as well as any
24 additional submissions that may be considered by the Court.
25

26 WHEREFORE, Petitioner prays that this Court grant (1) grant a TRO to
27 restore the *status quo ante* that immediately releases her from Respondents' custody
28

1 and enjoins Respondents from re-detaining her unless they demonstrate at a bond
2 hearing by clear and convincing evidence, that Petitioner is a flight risk or danger
3 to the community such that her physical custody is required and prohibits the
4 government from (i) transferring Petitioner out of this District and/or removing her
5 from the country until these proceedings have concluded and (ii) imposing any
6 release restrictions on Petitioner, such as electronic monitoring, unless deemed
7 necessary at a future pre-deprivation bond hearing; and (2) issue an order to show
8 cause as to why a preliminary injunction should not issue.
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11
12 Respectfully submitted this January 28, 2026.

13
14 /s/ Carrie LeRoy
Carrie LeRoy

15 Pro Bono Attorney for Petitioner
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CERTIFICATE OF COUNSEL

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure, L.R. 7- 3 19.1, and L.R. 65-1, I hereby certify that I attempted to communicate with opposing counsel as follows:

1. On January 27, 2026, I left a voicemail for and wrote to David Martin Harris at the US Attorney's Office for the Central District of California. I informed Mr. Harris of Petitioner Ms. Lopez Solis's intention to file a habeas petition and motion for a temporary restraining order challenging her unlawful detention by the DHS as unconstitutional and otherwise unlawful absent a pre-deprivation bond hearing at which DHS could demonstrate that she is a flight risk or danger to the community. I also shared Ms. Lopez Solis's "A" number and the name of the detention facility where she is housed. The letter indicated our willingness to discuss the case and possible resolutions to it, other than litigation. To further point to the efficacy of resolving this matter out of court, I attached to my letter of January 27, 2026 a copy of the Honorable Fernando M. Olguin's recent order granting an *ex parte* temporary restraining order application requiring the immediate release of an Adelanto detainee on nearly identical pertinent facts as those in Ms. Lopez Solis's case. *See Jarquin-Gadea v. Noem et al.*, 5:25-CV-02800-FMO-BFM (November 17, 2025), (Dkt. No. 13, Order Re: Petition for Writ of Habeas Corpus). I received a reply from David Beck (USACAC) (Daniel.Beck@usdoj.gov) on January 27, 2026 that he would accept service of certain pleadings via email, but that he was unable to confirm whether the government intended to oppose Ms. Lopez Solis's TRO request. Mr. Beck did not express a

1 willingness to resolve this matter out of court. Thus, further meet and
2 confer efforts appear to be futile.

- 3 2. I will provide a copy of the Application for a Temporary Restraining
4 Order, Memorandum of Points and Authorities, the Declaration of
5 Carrie LeRoy, Supporting Exhibits and Proposed Order to Mr. Beck
6 by emailing copies to (Daniel.Beck@usdoj.gov) shortly after filing the
7 pleadings via CM/ECF.
8

9 Respectfully submitted this January 28, 2026.

10 /s/ Carrie LeRoy

11 Carrie LeRoy

12 Pro Bono Attorney for Petitioner
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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 JHADITH SUZETTE LOPEZ SOLIS,
11 Petitioner,
12

13 v.

14 KRISTI NOEM, Secretary of the United
States Department of Homeland Security;
15 PAMELA BONDI, Attorney General of the
United States; JENNIFER B. HIGGINS,
16 Acting Director of Los Angeles Field Office,
United States Immigration and Customs
17 Enforcement, Warden of Adelanto ICE
Processing Center,
18 Respondents.
19
20

Case No. 5:25-cv-03455-CAS-PVC

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF PETITIONER'S
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

Honorable Christina A. Snyder
United States District Judge

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INTRODUCTION

In violation of due process, Jhadith Suzette Lopez Solis (“Petitioner”) is being detained by Respondents at the Adelanto ICE Processing Center (“Adelanto”). She respectfully asks this Court to issue a Temporary Restraining Order (“TRO”) requiring her immediate release and barring her removal from the jurisdiction of this Court or re-detention unless Respondents prove by clear and convincing evidence at a pre-deprivation bond hearing that she is either a danger or flight risk.¹

Petitioner, a mother of two children who are U.S. citizens, is lawfully seeking asylum in the United States because she has legitimate fear of persecution by the Nicaraguan government. She fears that she will be imprisoned, tortured or executed because of her political beliefs if forced to return to Nicaragua. Exh A; LeRoy Decl. at ¶¶ 6, 7.

Petitioner attempted to enter the United States in May 2022, but was not permitted to do so for alleged tourist visa issues or engaging in unauthorized work, which Petitioner disputes. LeRoy Decl. at ¶ 5. On October 10, 2022, Petitioner crossed the Texas border and stated her intention to seek asylum. LeRoy Decl. at ¶ 6. On October 14, 2022, Petitioner was released from custody by U.S. immigration

¹ Facts asserted in this Memorandum of Points and Authorities are drawn from the attached declaration of Carrie LeRoy, counsel for Petitioner, and from exhibits to that declaration. Further citation will be made directly to the individual exhibits attached to the declaration, or to the declaration itself, hereinafter “LeRoy Decl.”

1 officials without bond after it was determined that she was neither a flight risk nor
2 threat to others. *Id.* Petitioner has been residing in California for over three years.
3 LeRoy Decl. at ¶ 8. She applied for asylum in the United States and was employed
4 and living in Winnetka, California, when she attended an ICE check in on December
5 16, 2025, in Los Angeles, California. Petitioner was then summarily re-arrested,
6 detained and placed into what appears to be expedited removal proceedings. Exhs.
7 A, B; LeRoy Decl. at ¶¶ 11, 13.

10 The basis for Petitioner's re-detention appears to be arbitrary. She was released
11 from detention on October 14, 2022, resided in the interior of the United States and
12 was not given a reason for her re-detention, other than a change in government policy
13 directives that appear to depend upon heavy-handed, aggressive tactics to force
14 noncitizens into mandatory detention. LeRoy Decl. at ¶¶ 3, 11, 12, 14. Petitioner has
15 no criminal record and has dutifully complied with all of her immigration-related
16 appointments and obligations. LeRoy Decl. at ¶¶ 9, 10. She was not given
17 individualized notice or a hearing to contest the basis of her re-detention. LeRoy
18 Decl. at ¶ 14. Instead, ICE officials grabbed her in a rough manner, causing bruising,
19 and forced her to put her fingerprints on a scanner without explanation before they
20 shipped her off to Adelanto. LeRoy Decl. at ¶ 12.

25 Petitioner has significant community ties in California, including two school-
26 aged children who are U.S. citizens, one of whom represented Petitioner in these
27 habeas proceedings prior to her ability to secure pro bono legal counsel on January
28

1 25, 2026. Exh. C; LeRoy Decl. at ¶ 1, 4, 8, 11, 17.

2 Petitioner's compliance with U.S. law and efforts to build a peaceful and
3 productive life for herself in the United States for over three years did not matter to
4 Respondents. Rather than seeking to determine whether Petitioner posed a flight
5 risk or danger to the community, federal immigration agents arrested her pursuant
6 to Respondents' sweeping and unlawful policy of targeting people for arrest at
7 immigration courthouses and ICE check-in appointments for the purpose of fast-
8 tracking deportations. Respondents' current quota-driven policy amounts to: arrest
9 and detain now, ask questions later and deport as soon as possible to deny legitimate
10 asylum seekers their right to due process.

14 Petitioner's summary arrest and detention flout the Constitution. The *only*
15 legitimate interests that civil immigration detention serves are mitigating flight risk
16 and preventing danger to the community. When those interests are absent, the Fifth
17 Amendment's Due Process Clause squarely prohibits detention. Additionally, by
18 summarily arresting and detaining Petitioner without individualized notice or a
19 bond hearing and without making any affirmative showing of changed
20 circumstances, Respondents violated Petitioner's procedural due process rights. At
21 the very least, prior to her re-detention, she was constitutionally entitled to a hearing
22 before a neutral decisionmaker at which the government should have justified her
23 re-detention—or been ordered to release her.

28 As a result of her arrest and re-detention, Petitioner is suffering irreparable

1 and ongoing harm. Petitioner is suffering severe mental anguish and physical health
2 issues at Adelanto. LeRoy Decl. at ¶¶ 15, 16. Moreover, the unconstitutional
3 deprivation of “physical liberty” “unquestionably constitutes irreparable injury.”
4 *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed, “[f]reedom
5 from imprisonment—from government custody, detention, or other forms of
6 physical restraint—lies at the heart of the liberty that [the Due Process] Clause
7 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
8

9
10 In light of this irreparable harm, and because she is likely to succeed on the
11 merits of her due process claims, Petitioner respectfully requests that this Court
12 issue a TRO immediately releasing her from custody and enjoining the government
13 from re-arresting her absent the opportunity to contest that arrest at a hearing before
14 a neutral decision maker. Confronted with substantially similar facts and legal
15 issues, courts in this circuit have repeatedly granted the exact relief Petitioner seeks
16 on substantially similar facts relating to arbitrary re-detention. *See, e.g., Padilla v.*
17 *Bowen*, No. 2:25-CV-10780 CAS (SK), 2025 WL 3251368, at *6 (C.D. Cal. Nov.
18 21, 2025); *Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL
19 2591530, at *5 (C.D. Cal. Sept. 8, 2025); *Salazar v. Kaiser*, 2025 WL 2456232, at
20 *2 (E.D. Cal. Aug. 26, 2025) (converting request for TRO to request for preliminary
21 injunction and granting relief); *Jimenez Garcia v. Kaiser*, 2025 WL 2453970, at *3
22 (N.D. Cal. Aug. 17, 2025) (granting TRO); *Garro Pinchi v. Noem*, 2025 WL
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1 Supp. 3d ___, 2025 WL 2084921 (N.D. Cal. July 24, 2025); *Singh v. Andrews*, 2025
2 WL 1918679, at *10 (E.D. Cal. July 11, 2025) (granting preliminary injunction);
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4 Nev. Sept. 17, 2025); *Garcia v. Santacruz*, No. 2:25-cv-10581-MWC-PD, 2025 LX
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6 2025 LX 415266 (C D. Cal. Oct. 16, 2025); *Pop v. Noem*, No. 5:25-cv-02589-SSS-
7 2025 LX 415266 (C D. Cal. Oct. 16, 2025); *Pop v. Noem*, No. 5:25-cv-02589-SSS-
8 SSC, 2025 LX 425456 (C.D. Cal. Oct. 3, 2025); *Espinoza v. Kaiser*, No. 1:25-CV-
9 01101 JLT SKO, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Polo v. Chestnut*,
10 No. 1:25-CV-01342 JLT HBK, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025).
11
12

13 To maintain this Court's jurisdiction, the Court should also prohibit
14 Respondents from transferring Petitioner out of this District and removing her from
15 the country until these proceedings have concluded.
16

17 BACKGROUND

18 Petitioner, a mother of two children who are U.S. citizens, is lawfully seeking
19 asylum in the United States because she has a well-founded fear of suffering
20 persecution by the Nicaraguan government. She fears that she will be imprisoned,
21 tortured or executed because of her political beliefs if forced to return to Nicaragua.
22
23 Exh A; LeRoy Decl. at ¶¶ 6, 7.
24

25 Petitioner attempted to enter the United States in May 2022, but was not
26 permitted to do so for alleged tourist visa or engaging in unauthorized work, which
27 Petitioner disputes. LeRoy Decl. at ¶ 5. On October 10, 2022, Petitioner crossed the
28

1 Texas border and stated her intention to seek asylum. LeRoy Decl. at ¶ 6. On October
2 14, 2022, Petitioner was released from custody by U.S. immigration officials without
3 requiring that she post bond after it was determined that she was neither a flight risk
4 nor threat to others. *Id.* Petitioner has been residing in California for over three years.
5 LeRoy Decl. at ¶ 8. She applied for asylum in the United States and was employed
6 and living in Winnetka, California, when she attended an ICE check in on December
7 16, 2025, in Los Angeles, California. Petitioner was then re-arrested, taken into ICE
8 custody, transported to Adelanto and placed into what appears to be expedited
9 removal proceedings, for which she had no lawyer or ability to prepare for or present
10 evidence in her case. Exhs. A, B; LeRoy Decl. at ¶¶ 11, 13, 14.

14 The basis for Petitioner's re-detention appears to be arbitrary. She was released
15 from detention in Texas on October 14, 2022, resided in the interior of the United
16 States and not given a reason for her re-detention, other than a change in government
17 policy directives that appear to be implemented through heavy-handed, aggressive
18 tactics to force noncitizens into mandatory detention. LeRoy Decl. at ¶¶ 3, 11, 12,
19 14. Petitioner has no criminal record or charges against her and has dutifully
20 complied with all of her immigration-related appointments and obligations. LeRoy
21 Decl. at ¶¶ 9, 10. She was not given individualized notice or a hearing to contest the
22 basis for her re-detention on December 16, 2025. LeRoy Decl. at ¶ 14. Instead, ICE
23 officials grabbed her in a rough manner, causing bruising, and forced her to put her
24 fingerprints on a scanner without explanation before they sent her to Adelanto.

1 LeRoy Decl. at ¶ 12.

2 Petitioner has significant community ties in California, including two school-
3 aged children who are U.S. citizens, one of whom represented Petitioner in these
4 habeas proceedings prior to her ability to find pro bono legal counsel on January 25,
5 2026. Exh. C; LeRoy Decl. at ¶ 1, 4, 8, 11, 17. As a result of her re-detention,
6 Petitioner is suffering irreparable and ongoing harm. Petitioner is suffering severe
7 mental anguish and physical health issues at Adelanto. LeRoy Decl. at ¶¶ 15, 16.

8
9
10 Petitioner's re-arrest had nothing to do with her individual case, as she is not a
11 flight risk, has no criminal record and is not a threat to others. Instead, her re-arrest
12 and re-detention are part of a new, nationwide DHS strategy of sweeping up migrants
13 who attend their immigration court hearings and ICE check-ins, detaining them, and
14 seeking to re-route them to fast-track deportations.² Since mid-May of 2025, DHS
15 has implemented a coordinated practice of immigration detention to strip people like
16 Petitioner of their due process rights and pressure them into deportation, which could
17 amount to a death sentence in Nicaragua for Petitioner. This "coordinated operation"
18 is "aimed at dramatically accelerating deportations" to meet deportation quotas.³
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23 ² Joshua Goodman and Gisela Saloman, *ICE Agents Wait in Hallways of Immigration Court as*
24 *Trump Seeks to Deliver on Mass Arrest Pledge*, LA Times, May 22, 2025,
<https://www.latimes.com/world-nation/story/2025-05-22/ice-agents-wait-in-hallways-of-immigration-court-as-trump-seeks-to-deliver-on-mass-arrest-pledge>.

25 ³ Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in*
26 *Trump's Deportation Push*, Wash. Post, May 23, 2025,
<https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump;>
27 *see also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
28 <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html> (updated June 1, 2025); *see also* Josh Gerstein and Kyle Cheney, *Judges press Trump administration on*

1 Although DHS regulations do not permit re-detention absent a showing that the
2 “[c]ircumstances of the case have changed,” 8 C.F.R. § 239.2(a)(7)(c), DHS is
3 arbitrarily re-detaining asylum seekers in violation of their due process rights. Courts
4 nationwide have almost uniformly ruled against Respondents on the question of
5 whether the due process rights of detainees have been violated by their re-arrest and
6 detention after release, absent changed circumstances.⁴

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9 There was no evidence presented by ICE that Petitioner, an asylum seeker
10 residing in the interior of the United States with her two U.S. citizen children for
11 nearly three years after being released, was either a flight risk or a threat to others.
12 Moreover, to the extent that Petitioner was placed into expedited removal
13 proceedings after having been paroled as a means of arbitrarily fast-tracking her
14 asylum case and deportation, such placement violated the Immigration and
15 Nationality Act (“INA”).
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18 ARGUMENT

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20 To warrant a TRO, a movant must show (1) they are “likely to succeed on the
21 merits,” (2) they are “likely to suffer irreparable harm in the absence of preliminary
22 relief,” (3) “the balance of equities tips in [their] favor,” and that (4) “an injunction
23 is in the public interest.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131

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26 *deportation quotas*, Politico.com, July 28, 2025,
27 <https://www.politico.com/news/2025/07/28/judges-trump-administration-deportation-quotas-00480899> (quoting Deputy Chief of Staff Stephen Miller: “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day”).
28 ⁴ Kyle Cheney, *More Than 220 Judges Have Now Rejected the Trump Admin’s Mass Detention Policy*, Politico, November 28, 2025, <https://www.politico.com/news/2025/11/28/trump-detention-deportation-policy-00669861>

1 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20
2 (2008)); see *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839
3 n.7 (9th Cir. 2001) (noting the analysis for issuing a temporary restraining order and
4 a preliminary injunction is substantially the same). Even if the movant raises only
5 “serious questions” as to the merits of their claims, the court can grant relief if the
6 balance of hardships tips “sharply” in their favor. *All. for the Wild Rockies*, 632 F.3d
7 at 1135. All factors here weigh decisively in Petitioner’s favor.

10 **I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.**

11 **A. Petitioner’s detention violates substantive due process because she is**
12 **neither a flight risk nor a danger to the community.**

14 The Due Process Clause applies to “all ‘persons’ within the United States,
15 including [noncitizens], whether their presence here is lawful, unlawful, temporary,
16 or permanent.” *Zadvydas*, 533 U.S. at 693. “The touchstone of due process is
17 protection of the individual against arbitrary action of government.” *Wolff v.*
18 *McDonnell*, 418 U.S. 539, 558 (1974), including “the exercise of power without any
19 reasonable justification in the service of a legitimate government objective,” *Cnty. of*
20 *Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). “Freedom from imprisonment—
21 from government custody, detention, or other forms of physical restraint—lies at the
22 heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

26 To comply with substantive due process, the government’s deprivation of an
27 individual’s liberty must be justified by a sufficient purpose. Therefore, immigration
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1 detention, which is “civil, not criminal,” and “nonpunitive in purpose and effect,”
2 must be justified by either (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at
3 690; see *Hernandez*, 872 F.3d at 994 (“[T]he government has no legitimate interest
4 in detaining individuals who have been determined not to be a danger to the
5 community and whose appearance at future immigration proceedings can be
6 reasonably ensured by a lesser bond or alternative conditions.”). When these
7 rationales are absent, immigration detention serves no legitimate government
8 purpose and becomes impermissibly punitive, violating a person’s substantive due
9 process rights. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (detention must
10 have a “reasonable relation” to the government’s interests in preventing flight and
11 danger); see also *Mahdawi v. Trump*, No. 2:25-CV-389, 2025 WL 1243135, at *11
12 (D. Vt. Apr. 30, 2025).

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17 The Supreme Court has recognized that noncitizens may bring as-applied
18 challenges to detention, including so-called “mandatory” detention. *Demore v. Kim*,
19 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring) (“Were there to be an
20 unreasonable delay by the INS in pursuing and completing deportation proceedings,
21 it could become necessary then to inquire whether the detention is not to facilitate
22 deportation, or to protect against risk of flight or dangerousness, but to incarcerate
23 for other reasons.”); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019) (“Our decision today
24 on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—that is,
25 constitutional challenges to applications of the statute as we have now read it.”).
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1 Petitioner, who has no criminal history, is diligently pursuing her asylum case
2 in accordance with U.S. law is neither a danger nor flight risk. Therefore, her
3 detention is both punitive and not justified by a legitimate purpose, violating her
4 substantive due process rights. Indeed, when Respondents chose to release Petitioner
5 from custody in 2022, that decision represented their finding that she was neither
6 dangerous nor a flight risk. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D.
7 Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir.
8 2018). By regulation, a noncitizen may only be released “provided the [noncitizen]
9 present[s] neither a security risk nor risk of absconding.” *Fernández López v.*
10 *Wofford*, 2025 WL 2959319, *2 (E.D. Cal. 2025).

14 The Due Process Clause of the Constitution makes it unlawful for Respondents
15 to arrest Petitioner, years after they released her, without first providing a pre-
16 deprivation hearing in which an immigration judge determines whether
17 circumstances have so materially changed since her release in 2022 that re-detention
18 may be necessary. By statute and regulation, ICE may revoke a noncitizen’s
19 immigration bond and re-arrest the noncitizen. *See* 8 U.S.C. § 1226(b); 8 C.F.R. §
20 236.1(c)(9). However, DHS “requires a showing of changed circumstances” where
21 “the previous release decision was made by a DHS officer.” *Saravia v. Sessions*, 280
22 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*,
23 905 F.3d 1137 (9th Cir. 2018) (“[w]here the release decision was made by a DHS
24 officer, not an immigration judge, the Government’s practice has been to require a
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1 showing of changed circumstances before re-arrest.”). Moreover, the Ninth Circuit
2 has held that ICE has no authority to re-detain an individual absent changed
3 circumstances. *Panosyan v. Mayorkas*, 854 F. App’x 787, 788 (9th Cir. 2021).
4

5 This rule applies with even more force in a case like Petitioner’s, where the
6 government released Petitioner in 2022 without the need for any bond at all. LeRoy
7 Decl. at ¶ 6. In making this release decision, the necessary inference is that ICE in
8 Texas determined that Petitioner was neither a flight risk nor a danger to others. Thus,
9 re-detention is not permitted without demonstrating to a neutral arbiter *prior* to such
10 re-detention that there has been a material change in circumstances.
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13 Nothing has transpired in Petitioner’s case to disturb the initial finding in 2022
14 that she does not pose a flight risk or danger to others. Respondents did not provide
15 any notice to Petitioner specifying any changed circumstances or other reason for
16 Respondents’ decision to re-detain her on December 16, 2025. What has changed is the
17 well-documented Trump administration push to strip refugees and other immigrants
18 of their due process rights, including arbitrary deportation to third countries.
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21 *First*, Petitioner has no criminal history and has had no intervening criminal
22 history or arrests since her release in October 2022, there is no credible argument
23 that Petitioner is a danger to the community. She is a law-abiding mother of two
24 children with U.S. citizenship who has significant ties to and support from her
25 community in Winnetka, California. Exh. C; LeRoy Decl. at ¶ 17.
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28 *Second*, as to flight risk, the question is whether custody is reasonably

1 necessary to secure a person's appearance at immigration court hearings and related
2 check-ins. *See Hernandez*, 872 F.3d at 990-91. There is no basis to argue that
3 Petitioner, who was arrested by Respondents when she appeared for a routine check-
4 in with ICE at the Los Angeles Field Office on December 16, 2025, is a flight risk.
5 Petitioner has a viable path toward immigration relief and a pathway to lawful
6 permanent residence, further mitigating any risk of flight. *See Padilla v. U.S. Immigr.*
7 *and Customs Enf't*, 704 F. Supp. 3d 1163, 1173 (W.D. Wash. 2023). Petitioner had
8 filed her asylum claim and was employed at the time of her detention. Exhs. A, B.
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11 In sum, Petitioner's actions since Respondents first released her in 2022
12 confirm that she is neither a danger nor flight risk. Indeed, her ongoing immigration
13 law compliance, desire to care for and continue to support her children who are U.S.
14 citizens and community ties compel the conclusion that she is even *less* of a danger
15 or flight risk than when she was originally released in 2022. Accordingly, Petitioner's
16 ongoing detention is unconstitutional, and substantive due process principles require
17 her immediate release.
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21 **B. Respondents violated procedural due process by depriving**

22 **Petitioner of the opportunity to contest her arrest and detention**

23 **before a neutral decisionmaker.**
24

25 Noncitizens living in the United States such as Petitioner have a protected
26 liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S.
27 at 690. The Supreme Court "usually has held that the Constitution requires some
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1 kind of a hearing *before* the State deprives a person of liberty or property.”
2 *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that
3 freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d 671, 683 (D.C.
4 Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that re-
5 detention after pre-parole conditional supervision requires a pre-deprivation
6 hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (holding the same, in
7 probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole
8 context).
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11 Accordingly, the Supreme Court has repeatedly held that individuals released
12 from custody on bond, parole, or other forms of conditional release have a protected
13 interest in their ongoing liberty, because “[t]he parolee has relied on at least an
14 implicit promise that parole will be revoked only if he fails to live up to the parole
15 conditions.” *Morrissey*, 408 U.S. at 482. “By whatever name, the[ir] liberty is
16 valuable and must be seen within the protection of the [Due Process Clause].” *Id.*
17 This liberty interest also applies to noncitizens, including those who have been
18 conditionally released from immigration custody. *See Ortega v. Bonnar*, 415 F.
19 Supp. 3d 963, 970 (N.D. Cal. 2019). Petitioner thus has a protected liberty interest
20 in remaining out of custody absent a showing that she currently poses a risk of flight
21 or danger. *See, e.g., Fernández López v. Wofford*, 2025 WL 2959319 at *4-5 (E.D.
22 Cal. 2025) (finding that petitioner released from immigration detention on parole
23 had protected liberty interest in remaining out of custody regardless of whether she
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1 was paroled under § 1182(d)(5)(A) or § 1226(a)).

2 Once a petitioner has established a protected liberty interest, as Petitioner has
3 done here, courts in this circuit apply the *Mathews* test to determine what procedural
4 protections are due. *See Johnson v. Ryan*, 55 F.4th 1167, 1179-80 (9th Cir. 2022)
5 (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). Under that test, the court
6 weighs: (1) the private interest affected; (2) the risk of erroneous deprivation and
7 probable value of procedural safeguards; and (3) the government's interest. *Id.* In
8 this case, the factors weigh heavily in favor of releasing Petitioner and prohibiting
9 her re-detention without a custody hearing at which the government bears the
10 burden of proof.
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14 The private interest affected in this case is profound. When considering this
15 factor, courts look to "the degree of potential deprivation." *Nozzi v. Hous. Auth. of*
16 *City of Los Angeles*, 806 F.3d 1178, 1193 (9th Cir. 2015) (citing *Mathews*, 424 U.S.
17 at 341). The degree of deprivation here is high. Petitioner, who is the mother of two
18 children, has no criminal record and has work and community ties in the United
19 States, has been completely deprived of her physical liberty and locked in a
20 detention center operated by a private, for-profit prison company, Geo Group, that
21 has repeatedly been cited by government watchdogs for failing to meet safety
22 requirements and other standards.⁵
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27 ⁵ *See, e.g.,* In re Geo Group, Inc., Cal. Occupational Safety and Health Appeals Bd., Inspection
28 No. 1609228, *Decision After Reconsideration*, Jan. 10, 2025,
<https://www.dir.ca.gov/oshab/Decisions/DAR/1609228-Geo-Group.pdf> (upholding levy of fines

1 Petitioner's arbitrary detention stripped from her the "free[dom] to be with
2 family and friends and to form the . . . enduring attachments of normal life."
3 *Morrissey*, 408 U.S. at 482. Cutting someone off from the "core values of
4 unqualified liberty"—for Petitioner, unable to work to support herself, being
5 separated from her children, unable to interact with her community, including her
6 church, effectuates a "grievous loss." *Id.* Moreover, because Petitioner faces *civil*
7 *detention*, her "liberty interest is arguably greater than the interest of the parolees in
8 *Morrissey*." *See Ortega*, 415 F. Supp. 3d at 970. As someone in civil detention,
9 therefore, "it stands to reason that [Petitioner] is entitled to protections at least as
10 great as those afforded to a[n] . . . individual . . . accused but not convicted of a
11 crime." *See Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004).

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16 Petitioner believed she was attending a brief check-in with ICE in December
17 2025. Instead, she was arbitrarily arrested, with no individualized notice as to the
18 basis for her re-detention and no opportunity to contest her re-detention before a
19 neutral decisionmaker.⁶ LeRoy Decl. at ¶ 14. In such circumstances, when
20 Respondents have provided *no* procedural safeguards, the probable value of
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24 on GEO Group for imposing unsafe working conditions on detained laborers at Golden State
25 Annex); U.S. Dep't of Homeland Sec. Off. of Inspector Gen., OIG 24-23, *Final Report: Results*
26 *of an Unannounced Inspection of ICE's Golden State Annex in*
27 *McFarland, California* (Apr. 18, 2024).

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⁶ In addition to the lack of procedural safeguards, the ability of lawyers to assist Adelanto detainees is limited, given its policy of restricting communications between detainees and others. *See* <https://www.ice.gov/detain/detention-facilities/adelanto-ice-processing-center>.

1 additional procedural safeguards, such as a pre-deprivation bond hearing, is high.
2 *See Fernández López*, 2025 WL 2959319 at *6.

3
4 Because the private interest in freedom from immigration detention is
5 substantial, due process also requires that in cases like this one, the government
6 bears the burden of proving “by clear and convincing evidence that the [noncitizen]
7 is a flight risk or danger to the community.” *Singh v. Holder*, 638 F.3d 1196, 1203-
8 04 (9th Cir. 2011); *see Martinez v. Clark*, 124 F.4th 775, 785-86 (9th Cir. 2024)
9 (holding that government properly bore burden by clear and convincing evidence in
10 court-ordered bond hearing); *Doe v. Becerra*, No. 2:25-CV-00647, 2025 WL
11 691664, at *8 (E.D. Cal. Mar. 3, 2025) (ordering pre-deprivation bond hearing in
12 which the government bears the burden of proof by clear and convincing evidence).

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14 The government’s interest in detaining Petitioner without first providing
15 notice and submitting to a pre-deprivation custody hearing is minimal. Immigration
16 courts routinely conduct custody hearings, which impose a “minimal” cost to the
17 government. *See Doe*, 2025 WL 691664, at *6; *A.E. v. Andrews*, No. 1:25-cv-00107,
18 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025). Courts regularly hold that the
19 government’s interest in re-detention prior to a custody hearing is low when an
20 individual, as in the case of Petitioner, “has long complied with his reporting
21 requirements.” *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854, at *3-4
22 (N.D. Cal. June 14, 2025) (granting TRO prohibiting re-detention of noncitizen
23 without a pre-deprivation bond hearing); *Jorge M. F. v. Wilkinson*, No. 21-CV-
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1 01434-JST, 2021 WL 783561, at *3-4 (N.D. Cal. Mar. 1, 2021) (same); *Ortega*, 415
2 E. Supp. 3d at 970 (granting habeas petition ordering the same); *see also Valdez v.*
3 *Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737, at *4-5 (S.D.N.Y. June 18,
4 2025) (granting habeas petition and immediately releasing petitioner who had been
5 detained without process, who had “voluntarily attended his scheduled immigration
6 court proceedings.”).

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9 To the extent that Respondents contend that Petitioner is subject to mandatory
10 detention, Petitioner may properly bring an as-applied challenge to mandatory
11 detention schemes. *See Demore v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy,
12 J., concurring); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019); *see also, Rodriguez v.*
13 *Marin*, 909 F.3d 252, 256 (9th Cir. 2018) (noting in case involving § 1225(b) and
14 related statutes that “[a]rbitrary civil detention is not a feature of our American
15 government,” and expressing “grave doubts that any statute that allows for
16 arbitrary prolonged detention without any process is constitutional”); *Ramirez*
17 *Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *3
18 (W.D. Wash. Sept. 12, 2025) (rejecting the government’s argument that by statute
19 it has unlimited discretion to re-detain noncitizens absent changed circumstances).

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24 As other courts have found in similar circumstances, “even when ICE has the
25 initial discretion to detain or release a noncitizen pending removal proceedings,
26 after that individual is released from custody she has a protected liberty interest in
27 remaining out of custody.” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal.
28

1 2025). “[T]he government’s discretion to incarcerate non-citizens is always
2 constrained by the requirements of due process.” *Hernandez v. Sessions*, 872 F.3d
3 976, 981 (9th Cir. 2017).
4

5 Moreover, in *Y-Z-H-L v. Bostock*, 2025 WL 1898025, at *10–12 (D. Or.
6 July 9, 2025), the court explained that before parole may be revoked, the parolee
7 must be given written notice of the impending revocation, which must include a
8 cogent description of the reasons supporting the revocation decision. The *Y-Z-H-L*
9 court determined that under the Administrative Procedure Act, immigration
10 parolees are entitled to determinations related to their parole revocations that are
11 not arbitrary, capricious or an abuse of discretion. *Id.* at *10; *see also*, *Mata*
12 *Velasquez v. Kurzdorfer*, No.25-CV-493-LJV, 2025 WL 1953796, at *11 (W.D.
13 N.Y. July 16, 2025) (explaining “that both common sense and the words of the
14 statute require parole revocation to be analyzed on a case-by-case basis and that a
15 decision to revoke parole” “must attend to the reasons an individual [noncitizen]
16 received parole.”).
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21 Petitioner was not provided individualized reasons for the revocation of her
22 parole when she was re-arrested on December 16, 2025. LeRoy Decl. at ¶¶ 11, 12.
23 Instead, she was treated roughly, causing bruising, and then shipped off to Adelanto
24 to be unlawfully placed into expedited removal proceedings. See *Coalition For*
25 *Humane Immigrant Rights, v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986, at
26 at *22 (D.D.C. Aug. 1, 2025) (explaining that the INA “forbids the expedited
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1 removal of noncitizens who have been, at any point in time, paroled into the United
2 States.”). Then, Petitioner was forced to prove her asylum case in detention without
3 a lawyer or the ability to effectively prepare her case. LeRoy Decl. at ¶ 13.

4
5 Courts in this Circuit regularly hold that re-detaining noncitizens without a
6 pre-deprivation hearing in which the government bears the burden of proof violates
7 due process and grant the emergency relief Petitioner seeks here. *See Garro Pinchi*
8 *v. Noem*, ___ F. Supp. 3d ___, 2025 WL 2084921, at *7 (converting TRO requiring
9 release of asylum seeker arrested at her immigration court hearing into preliminary
10 injunction prohibiting the government from re-detaining her without a hearing);
11 *Singh v. Andrews*, 2025 WL 1918679, *8-10 (E.D. Cal. July 11, 2025) (granting PI
12 under similar circumstances); *Doe*, 2025 WL 691664, at *8 (granting TRO over one
13 month after petitioner’s initial detention); *see also, e.g., Diaz*, 2025 WL 1676854,
14 at *3-*4; *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at *3 (N.D. Cal.
15 June 14, 2025); *Romero v. Kaiser*, No. 22-CV-02508-TSH, 2022 WL 1443250, at
16 *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL
17 5074312, at *4 (N.D. Cal. Aug. 23, 2020); *Padilla v. Bowen*, No. 2:25-CV-10780
18 CAS (SK), 2025 WL 3251368, at *6 (C.D. Cal. Nov. 21, 2025); *Mosqueda v. Noem*,
19 No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at *5 (C.D. Cal. Sept. 8,
20 2025); *Garcia v. Santacruz*, No. 2:25-cv-10581-MWC-PD, 2025 LX 535592 (C.D.
21 Cal. Nov. 10, 2025); *Tut v. Noem*, No. 5:25-cv-02701-DOC-AGR, 2025 LX 415266
22 (C D. Cal. Oct. 16, 2025); *Pop v. Noem*, No. 5:25-cv-02589-SSS-SSC, 2025 LX

1 425456 (C.D. Cal. Oct. 3, 2025): *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO,
2 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Polo v. Chestnut*, No. 1:25-CV-
3 01342 JLT HBK, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025).

4
5 In short, Respondents violated Petitioner's due process rights when they
6 detained her without individualized notice, cause or a pre-deprivation custody
7 hearing before a neutral arbiter. Here, only an order releasing Petitioner from
8 detention and enjoining re-detention absent a pre-deprivation custody hearing
9 would return the parties to the "last uncontested status which preceded the pending
10 controversy." *Doe v. Noem*, __ F. Supp. 3d __, 2025 WL 1141279, at *9 (W.D.
11 Wash. Apr. 17, 2025) (quoting *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199,
12 1210 (9th Cir. 2000)); see also *Valdez*, 2025 WL 1707737, at *4-*5 (ordering
13 petitioner's immediate release as remedy for procedural due process violation).
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17 For the foregoing reasons, Petitioner is likely to succeed on the merits of her
18 claims. But even if the Court disagrees, she presents at least "serious question[s]
19 going to the merits," alongside a "balance of hardships" tipping decidedly in her
20 favor. *All. for the Wild Rockies*, 632 F.3d at 1135. Indeed, the constitutional
21 concerns delineated above are of the weightiest order and beyond colorable. This
22 Court should therefore issue the requested TRO.
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25 **II. PETITIONER WILL CONTINUE TO SUFFER SERIOUS AND**
26 **IRREPARABLE INJURY ABSENT A TRO.**
27

28 Without a temporary restraining order, Petitioner will suffer immense,

1 ongoing irreparable injury. Indeed, she faces such injury every day she remains in
2 detention in violation of her Fifth Amendment rights. “It is well established that the
3 deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’”
4 *Hernandez*, 872 F.3d at 994-95 (citing *Melendres v. Arpaio*, 695 F.3d 990, 1002
5 (9th Cir. 2012)). “When an alleged deprivation of a constitutional right is involved,
6 most courts hold that no further showing of irreparable injury is necessary.”
7 *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (internal quotation
8 marks omitted). And the unlawful deprivation of physical liberty is the
9 quintessential irreparable harm. *See Hernandez*, 872 F.3d at 994 (holding that
10 plaintiffs were irreparably harmed “by virtue of the fact that they [we]re likely to
11 be unconstitutionally detained for an indeterminate period of time”); *see also, e.g.,*
12 *Rosales-Mireles v. United States*, 585 U.S. 129, 139 (2018) (recognizing that “[a]ny
13 amount of actual jail time is significant, and has exceptionally severe consequences
14 for the incarcerated individual.”).

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20 Even if Petitioner were eventually to obtain a bond hearing in immigration
21 court, such request is futile, as immigration judges are consistently taking the
22 erroneous position that *Matter of Q. Li*, 29 I. & N. Dec. 66, 69 (BIA 2025) and
23 *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA Sept. 5, 2025) deprive them of
24 jurisdiction to conduct bond hearings for detainees such as Petitioner. Exh. D;
25 LeRoy Decl. at ¶ 18. As such, only an order of this Court could effectively grant
26 Petitioner relief. *See Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025
27
28

1 WL 2591530, at *5 (C.D. Cal. Sept. 8, 2025). In any event, there is no requirement
2 to exhaust remedies in immigration court because no other forum exists in which
3 Petitioner can raise the constitutional claims herein.
4

5 As a result of her arrest and detention, Petitioner is also suffering additional
6 ongoing irreparable harm. She has lost the ability to provide emotional and financial
7 support to her children and is suffering from mental anguish and physical health
8 issues in detention. Without a restraining order to prevent Respondents' ongoing
9 violation of Petitioner's due process rights, she reasonably fears that Respondents
10 will simply keep her detained indefinitely and then deport her to Nicaragua in
11 further violation of her due process rights and U.S. asylum law.
12

13
14 **III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST**
15 **WEIGH STRONGLY IN PETITIONER'S FAVOR.**
16

17 When the government is the party opposing the request for emergency relief,
18 the balance of the equities and the public interest merge. *Env't Prot. Info. Ctr. v.*
19 *Carlson*, 968 F.3d 985, 991 (9th Cir. 2020) (citing *California v. Azar*, 911 F.3d 558,
20 581 (9th Cir. 2018)). Here, the balance of equities overwhelmingly favors
21 Petitioner, who faces irreparable injury in the form of ongoing constitutional
22 violations and additional suffering if a TRO is not granted. *See Hernandez*, 872 F.3d
23 at 996 (when "[f]aced with ... preventable human suffering, ... the balance of
24 hardships tips decidedly in plaintiffs' favor") (internal citation omitted).
25
26
27

28 The public interest likewise weighs strongly in Petitioner's favor. As another

1 California district court recently concluded, “[t]he public has a strong interest in
2 upholding procedural protections against unlawful detention, and the Ninth Circuit
3 has recognized that the costs to the public of immigration detention are staggering.”
4
5 *Diaz*, 2025 WL 1676854, at *3 (citing *Jorge M. F.*, 2021 WL 783561, at *3). More
6 fundamentally, “[i]t is always in the public interest to prevent the violation of a
7 party’s constitutional rights.” *Index Newspapers LLC v. U.S. Marshals Serv.*, 977
8 F.3d 817, 838 (9th Cir. 2020) (citing *Padilla v. Immigr. & Customs Enf’t*, 953 F.3d
9 1134, 1147-48 (9th Cir. 2020) (internal quotation marks omitted)).

11 SECURITY

12
13 No security is necessary here. Courts “may dispense with the filing of a bond
14 when,” as here, “there is no realistic likelihood of harm to the defendant from
15 enjoining his or her conduct.” *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir.
16 2003). It is also proper to waive the bond requirement in cases raising constitutional
17 claims, because “to require a bond would have a negative impact on plaintiff’s
18 constitutional rights, as well as the constitutional rights of other members of the
19 public.” *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal.
20 1996). Finally, Petitioner’s showing of a high likelihood of success on the merits
21 supports the court’s waiving of bond in this case. *See, e.g., People of State of Cal. ex*
22 *rel. Van De Kamp v. Tahoe Reg’l Plan. Agency*, 766 F.2d 1319, 1326 (9th Cir.),
23 *amended*, 775 F.2d 998 (9th Cir. 1985).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court (1) grant Petitioner's application for a TRO to restore the *status quo ante* that immediately releases her from Respondents' custody and enjoins Respondents from re-detaining her unless they demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community and prohibits the government from transferring Petitioner out of this District and/or removing her from the country until these proceedings have concluded; and (2) issue an order to show cause as to why a preliminary injunction should not issue.

Date: January 28, 2026

Respectfully submitted,

/s/ Carrie LeRoy

Carrie LeRoy

Pro Bono Attorney for Petitioner

WORD COUNT CERTIFICATION

The undersigned, counsel of record for Petitioner, certifies that this Memorandum of Points and Authorities In Support of Petitioner's Application for Temporary Restraining Order contains 6,469 words, which complies with the word limit specified in L.R. 11-6.1.

Dated: January 28, 2026

/s/ Carrie LeRoy

Carrie LeRoy

Pro Bono Attorney for Petitioner

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5
6
7

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 JHADITH SUZETTE LOPEZ SOLIS,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the United
14 States Department of Homeland
Security; PAMELA BONDI, Attorney
15 General of the United States; JENNIFER
B. HIGGINS, Acting Director of Los
16 Angeles Field Office, United States
Immigration and Customs Enforcement,
17 Warden of Adelanto ICE Processing
Center,

18 Respondents.
19
20
21
22
23
24

Case No. 5:25-CV-03455-CAS-PVC

**DECLARATION OF CARRIE
LEROY**

Honorable Christina A. Snyder
United States District Judge

DECLARATION OF CARRIE LEROY

I, Carrie LeRoy, hereby declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge:

1. Effective January 25, 2026, I represent Petitioner Jhadith Suzette Lopez Solis ("Ms. Lopez Solis"), a Nicaraguan political refugee, before the U.S. District Court for the Central District of California on a pro bono basis.
2. I make this declaration in support of Ms. Lopez Solis's Application for a Temporary Restraining Order and First Amended Petition for a Writ of Habeas Corpus to be filed by Petitioner and, specifically, a finding of irreparable harm caused by Respondents' unlawful detention of Ms. Lopez Solis.
3. Since December 16, 2025, Ms. Lopez Solis has been detained at the Adelanto Immigration and Customs Enforcement ("ICE") Processing Center in Adelanto, California ("Adelanto"), which is located in the Central District of California. Ms. Lopez Solis was arrested and re-detained on December 16, 2025 when she complied with her obligation to attend her scheduled ICE check-in in Los Angeles, California. Ms. Lopez Solis was not given any prior notice or explanation for her re-detention.
4. Ms. Lopez Solis is a thirty-nine-year-old political refugee from Nicaragua and mother to two school-aged children who are United States citizens. Ms.

1 Lopez Solis supports her children financially and emotionally and is a key
2 support for their development. Prior to finding pro bono counsel, Ms. Lopez
3 Solis's son Elias-Ivan Hernandez Lopez filed a petition for a writ of habeas
4 corpus in a desperate attempt to free his beloved mother from unlawful
5 detention. Dkt. No.1.

6
7 5. On May 24, 2022, Ms. Lopez Solis arrived at Los Angeles International
8 Airport and was intending to enter the United States on a tourist visa to visit
9 her children. However, upon arrival Ms. Lopez Solis was interrogated for
10 over 8 hours and asked to sign a blank page on a tablet that she did not
11 understand. Ms. Lopez Solis reports that she was falsely accused of visa
12 violations or unauthorized work in the United States. She did not enter the
13 U.S. and was instead placed on a flight back to Costa Rica. She was not
14 given an explanation, other than that she would need to request a visa before
15 entering the United States again. Ms. Lopez Solis believes that DHS
16 erroneously treated her as being deported to Costa Rica as if she had been in
17 the United States rather than not being admitted at all into the United States
18 on this occasion.

19
20
21 6. On October 10, 2022, Ms. Lopez Solis entered the United States near Eagle
22 Pass, Texas to seek asylum. Due to the increased persecution of
23 whistleblowers against the repressive regime in Nicaragua such as Ms.
24

1 Lopez Solis, she indicated that she was seeking asylum upon her entry at the
2 U.S. border. On October 14, 2022, immigration officials reviewed her files
3 and released Ms. Lopez Solis without requiring that she post bond,
4 necessarily finding that she was neither a danger to the community nor a
5 flight risk.
6

7 7. On November 10, 2023 Ms. Lopez Solis filed her 1-589 Application for
8 Asylum and for Withholding of Removal, indicating that she would be
9 persecuted on the basis of her political beliefs if forced to return to
10 Nicaragua.
11

12 8. On December 28, 2023, Ms. Lopez Solis attended her scheduled
13 immigration biometrics appointment in San Fernando, California and on
14 May 9, 2024, Ms. Lopez Solis received Employment Authorization from the
15 Department of Homeland Security ("DHS"), which is valid through 2029.
16 Ms. Lopez Solis began to build a life for herself in Los Angeles, California,
17 pending the outcome of her asylum case. Ms. Lopez Solis is an active and
18 valued member of her church and has strong ties to the community.
19

20 9. Ms. Lopez Solis has never been arrested for, charged with, or otherwise
21 accused of a crime. Ms. Lopez Solis has not received any notice from DHS
22 or otherwise suggesting that she has committed any crimes or presented a
23 national security risk.
24

1 10. Ms. Lopez Solis followed the conditions of her release, including
2 diligently attending all ICE check-in appointments. Since her initial release
3 from custody on October 14, 2022, Ms. Lopez Solis has at all times complied
4 with the law, including immigration laws, as well as the conditions of her
5 October 14, 2022 parole and other DHS and ICE requirements.
6

7 11. At a scheduled ICE check-in on October 16, 2025, Ms. Lopez Solis was
8 asked to present evidence of her children's U.S. citizenship, and she brought
9 their passports, which were copied by the ICE agents. At a follow-up
10 scheduled ICE check-in on December 16, 2025, DHS officials re-arrested
11 Ms. Lopez Solis, without providing her with any clear notice or explanation
12 of the basis for the revocation of her parole. After approximately two hours
13 of ICE officers interrogating Ms. Lopez Solis about her unsuccessful
14 attempted entry into the U.S. on May 24, 2022, the ICE officers informed
15 Ms. Lopez Solis that she would be required to wear a monitoring device as an
16 additional alternative to detention. When she asked why, since she had been
17 diligently attending every immigration appointment, she was told it was a
18 new "policy directive." However, several officers arrived approximately an
19 hour later and informed Ms. Lopez Solis that she would instead be detained.
20
21

22 12. Confounded by the sudden change without explanation from a monitoring
23 device to outright detention, Ms. Lopez Solis then refused to sign additional
24

1 papers ICE presented her with that had not been explained to her and that she
2 did not understand. Due to what the ICE officers referred to as her “non-
3 cooperation” for not signing the papers, such ICE officers grabbed Ms. Lopez
4 Solis, twisted her arm and forced her hand to a fingerprint scanner. Ms. Lopez
5 Solis asked why they were fingerprinting her and was not given an answer.
6 Ms. Lopez Solis suffered bruises from the ICE officers’ forceful handling of
7 her on that December 16, 2025 occasion.
8

9 13. Upon her arrival at Adelanto, Ms. Lopez Solis repeated her credible fear
10 of political persecution. She was given a credible fear interview over the
11 phone on December 28, 2025 and was told that the determination was
12 negative. On or about January 23, 2026, she was given a hearing in front of
13 Immigration Judge Carlos Maury who affirmed the negative credible fear
14 determination. In both proceedings, Ms. Lopez Solis was not given an
15 opportunity to explain the specific basis of her fear, specifically that she was
16 told by a former colleague that “bullets await you [if you return to
17 Nicaragua]” or to otherwise present evidence. She had no lawyer to help her
18 proceedings in detention.
19
20

21 14. Ms. Lopez Solis reports that she was shocked that she was arrested upon
22 showing up at her last ICE Check-in appointment. Upon her re-arrest, she
23 was not afforded an opportunity to contest the basis of the revocation of her
24

1 parole and re-detention. To this day, Ms. Lopez Solis does not understand
2 why her asylum case was moved to what she now understands is the
3 expedited removal track and why she was re-arrested on December 16, 2025,
4 in particular since she was in compliance with all immigration law
5 requirements and had been living and working in California with the
6 authorization of the government for several years while on parole and had
7 integrated into her community.
8

9 15. Ms. Lopez Solis is experiencing extreme hardship at Adelanto. She is cut
10 off from her family and friends and is experiencing extreme emotional
11 distress as a result of her unlawful detention, and she fears that she will
12 simply be deported by the government without an opportunity to establish her
13 asylum claim with the assistance of a lawyer.
14

15 16. Ms. Lopez Solis is also suffering physically, as her underlying health
16 conditions are exacerbated by her detention. Ms. Lopez Solis suffers from
17 hypertension, gastritis, hypothyroidism, and migraines. While she has been
18 receiving her high blood pressure medication, her blood pressure remains
19 consistently and potentially dangerously elevated. On Saturday, January 24,
20 2026, for example, Ms. Lopez Solis reports that her blood pressure was
21 reading 150/110, indicating a hypertension stage 3. Due to the stress of being
22
23
24

1 detained, as well as a lack of restful sleeping accommodations, Ms. Lopez
2 Solis's physical health is likely to continue to deteriorate.

3 17. Ms. Lopez Solis has significant and meaningful connections to her
4 community in the United States. Ms. Lopez Solis is the mother of two United
5 States citizen children who depend on her for emotional and financial
6 support, and her absence from their lives is causing extreme distress to Ms.
7 Lopez Solis and her children.
8

9 18. Ms. Lopez Solis has not obtained a bond hearing in immigration court
10 while in detention. She understands that she will not be released on bond. For
11 Adelanto detainees with substantially similar facts and legal status,
12 immigration judges ("IJ") either deny bond on the basis *Matter of Q. Li*, 29 I. &
13 N. Dec. 66, 69 (BIA May 15, 2025) or, in some instances, by taking the position
14 that this Court's orders issued on November 25, 2025 and on December 18, 2025
15 in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)
16 are not binding on IJs or are subject to the Board of Immigration Appeal's
17 ("BIA") decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA Sept.
18 5, 2025), denying bond hearings to almost all ICE detainees.
19
20

21 19. On January 27, 2026, I attempted to reach by telephone David Martin
22 Harris at the US Attorney's Office for the Central District of California at
23 (213) 894-8817. I got his voicemail and I informed him in a voicemail
24

1 message of Ms. Lopez Solis's intention to file a habeas petition and motion
2 for a temporary restraining order challenging her unlawful detention by the
3 DHS as unconstitutional and otherwise unlawful absent a pre-deprivation
4 bond hearing at which DHS could demonstrate that she is a flight risk or
5 danger to the community. I also shared her "A" number and the name of the
6 detention facility where she is housed. I followed up by sending Mr. Harris a
7 letter reiterating the substance of my voicemail and indicated our willingness
8 to discuss the case and possible resolutions to it, other than litigation. I did
9 not hear back from Mr. Harris, but did hear back from his colleague, Daniel
10 Beck. Mr. Beck responded on January 27, 2026 that he would receive service
11 of certain pleadings via email, but that he was unable to confirm whether the
12 government intended to oppose Ms. Lopez Solis's TRO request. Mr. Beck
13 did not express a willingness to resolve this matter out of court.

14 The following subparagraphs describe the exhibits attached to this Declaration.

15 a. Exhibit A is a true and correct copy of Ms. Lopez Solis's I-589
16 Application for Asylum and for Withholding of Removal.

17 b. Exhibit B is a true and correct copy of Ms. Lopez Solis's Work
18 Permit, which is valid until May 8, 2029.

1 c. Exhibit C includes letters of support from her children, members of
2 the churches she has attended and participated in their activities and
3 from the father of her children.

4 d. Exhibit D is a true and correct copy (redacted to exclude the
5 personally identifiable information of the detainee) of an Adelanto
6 IJ's recent order in an unrelated recent case denying a bond request on
7 the grounds that *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA
8 Sept. 5, 2025) applies rather than this Court's orders issued on
9 November 25, 2025 and on December 18, 2025 in *Maldonado*
10 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.).
11

12 e. Exhibit E is a true and correct copy of my email correspondence with
13 counsel for Respondents.
14

15 I declare under penalty of perjury under the laws of the United States of America
16 that the foregoing is true and correct to the best of my knowledge.

17 Executed on January 28, 2026 in Los Gatos, California.

18 /s/Carrie LeRoy

19 Carrie LeRoy
20 Declarant
21
22
23
24

EXHIBIT A

Ms. Lopez Solis's I-589