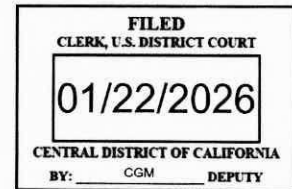


EMERGENCY APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



PETITIONER:

Xiomara Azucena Suarez Marin

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ADELANTO ICE PROCESSING CENTER

10400 RANCHO RD.

ADELANTO, CA 92301

RESPONDENTS:

WARDEN, ADELANTO ICE PROCESSING CENTER

FIELD OFFICE DIRECTOR, ICE LOS ANGELES FIELD OFFICE

SECRETARY, DEPARTMENT OF HOMELAND SECURITY (DHS)

CASE N°: 5:25-CV-03500-CV-AJR

PETITIONER Xiomara Azucena Suarez Marin, proceeding pro se, respectfully applies for an emergency temporary restraining order ("TRO") pursuant to Federal Rule of Civil Procedure 65. PETITIONER seeks an order prohibiting respondents from transferring or removing her from the central district of California while her petition for writ of habeas corpus is pending.

THIS application is necessary to preserve this court's jurisdiction and to prevent immediate and irreparable harm that would occur if ICE transfers or removes petitioner before the court can rule.

I. INTRODUCTION:

PETITIONER IS CURRENTLY DETAINED BY IMMIGRATION AND CUSTOMS ENFORCEMENT ICE AT THE ADELANTO ICE PROCESSING CENTER, LOCATED WITHIN THE CENTRAL DISTRICT OF CALIFORNIA. THIS APPLICATION IS FILED TO PRESERVE THE STATUS QUO AND TO PREVENT FURTHER DELAY WHILE THIS COURT CONSIDERS PETITIONER'S PENDING HABEAS PETITION.

ON DECEMBER 12, 2025, PETITIONER FILED A PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. SECTION 2241 CHALLENGING THE LEGALITY OF HER CONTINUED DETENTION. THAT PETITION IS CURRENTLY PENDING BEFORE THIS COURT.

ICE RETAINS UNFETTERED OUTSIDE THIS DISCRETION TO TRANSFER OR REMOVE PETITIONER WITHOUT NOTICE. SUCH A TRANSFER IS PARTICULARLY LIKELY DURING THE PENDENCY OF HABEAS PROCEEDINGS AND WOULD MATERIALLY INTERFERE WITH THIS COURT'S ABILITY TO ADJUDICATE PETITIONER'S CLAIMS. ONCE TRANSFERRED OUTSIDE THIS DISTRICT, PETITIONER'S ACCESS TO COUNSEL, LEGAL MATERIALS, AND THE COURT WOULD BE SIGNIFICANTLY IMPAIRED, AND THE COURT'S JURISDICTION COULD BE RENDERED INEFFECTIVE IN PRACTICE.

EMERGENCY RELIEF IS THEREFORE REQUIRED TO MAINTAIN THE STATUS QUO AND PROTECT THIS COURT'S AUTHORITY TO DECIDE THE HABEAS PETITION ON THE MERITS.

II. JURISDICTION AND VENUE:

THIS COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331. VENUE IS PROPER BECAUSE PETITIONER IS DETAINED WITHIN THIS DISTRICT AND HER IMMEDIATE CUSTODIAN, THE WARDEN OF THE ADELANTO ICE PROCESSING CENTER, IS LOCATED HERE.

UNDER THE ALL WRITS ACTS, 28 U.S.C. SECTION 1651, AND FEDERAL RULE OF CIVIL PROCEDURE 65, THIS COURT HAS THE AUTHORITY TO ISSUE TEMPORARY INJUNCTIVE RELIEF NECESSARY TO PRESERVE ITS JURISDICTION AND ENSURE THAT ITS EVENTUAL JUDGEMENT IS NOT FRUSTRATED BY GOVERNMENT ACTION.

III. FACTUAL BACKGROUND:

1. PETITIONER REMAINS DETAINED AT THE ADELANTO ICE PROCESSING CENTER UNDER THE AUTHORITY OF RESPONDENTS.
2. ICE ROUTINELY TRANSFERS DETAINEES BETWEEN FACILITIES AND DISTRICTS WITHOUT ADVANCE NOTICE, INCLUDING WHILE HABEAS PETITIONS ARE PENDING.
3. RESPONDENTS HAVE PROVIDED NO ASSURANCE - FORMAL OR INFORMAL - THAT PETITIONER WILL NOT BE TRANSFERRED OR REMOVED DURING THE PENDENCY OF THIS ACTION.
4. ANY TRANSFER OUTSIDE THE CENTRAL DISTRICT OF CALIFORNIA WOULD:
 - SEVER OR SUBSTANTIALLY DISRUPT PETITIONER'S ACCESS TO COUNSEL AND LEGAL RESOURCES;
 - IMPAIR HER ABILITY TO COMMUNICATE WITH THIS COURT;
 - INTERFERE WITH THE COURT'S ABILITY TO GRANT EFFECTIVE HABEAS RELIEF; AND
 - RISK RENDERING THIS COURT'S JURISDICTION INEFFECTUAL IN PRACTICE.

BECAUSE ICE TRANSFERS CAN OCCUR SUDDENLY AND WITHOUT WARNING, PETITIONER FACES AN IMMINENT RISK OF IRREPARABLE HARM ABSENT IMMEDIATE COURT INTERVENTION.

IV. LEGAL STANDARD.

A TEMPORARY RESTRAINING ORDER MAY ISSUE WHERE THE MOVANT DEMONSTRATES:

1. A LIKELIHOOD OF SUCCESS ON THE MERITS, OR AT MINIMUM SERIOUS QUESTIONS GOING TO THE MERITS;

2. A LIKELIHOOD OF IRREPARABLE HARM ABSENT RELIEF;
 3. THAT THE BALANCE OF EQUITIES TIPS IN THE MOVANT'S FAVOR; AND
 4. THAT THE INJUNCTION IS IN THE PUBLIC INTEREST.
- WINTER V. NRDC, 555 US 7, 20 (2008).

IN HABEAS PROCEEDINGS, COURTS ALSO CONSIDER WHETHER INTERIM RELIEF IS NECESSARY TO PRESERVE JURISDICTION AND PREVENT GOVERNMENT ACTION FROM MOOTING THE CASE. CALDERON V. US DIST. COURT, 134 F 3D 981, 986 (9TH CIR. 1998)

II. ARGUMENT:

A. PETITIONER FACES IMMEDIATE AND IRREPARABLE HARM:

IF PETITIONER IS TRANSFERRED OR REMOVED, SHE WILL SUFFER IRREPARABLE HARM THAT CANNOT BE REMEDIED AFTER THE FACT. TRANSFER WOULD DISRUPT ACCESS TO COUNSEL, DELAY PROCEEDINGS, AND IMPAIR PETITIONER'S ABILITY TO LITIGATE HER HABEAS CLAIMS. MOST CRITICALLY, IT WOULD RISK DEPRIVING THE PRACTICAL ABILITY OF THIS COURT TO GRANT MEANINGFUL RELIEF.

COURTS ROUTINELY RECOGNIZE THAT SUCH INTERFERENCE WITH HABEAS PROCEEDINGS CONSTITUTES IRREPARABLE HARM WARRANTING INJUNCTIVE RELIEF.

B. SERIOUS QUESTIONS EXIST ON THE MERITS OF THE HABEAS PETITION:

PETITIONER'S HABEAS PETITION RAISES SUBSTANTIAL CONSTITUTIONAL AND STATUTORY CHALLENGES TO HER CONTENTION, INCLUDING DUE PROCESS CONCERNS. AT MINIMUM, THE PETITION PRESENTS SERIOUS QUESTIONS GOING TO THE MERITS, WHICH IS SUFFICIENT TO WARRANT PRESERVATION OF THE STATUS QUO PENDING FULL ADJUDICATION.

C. THE BALANCE OF EQUITIES STRONGLY FAVORS PETITIONER:

GRANTING THE REQUEST TRO IMPOSES MINIMAL BURDEN ON RESPONDENTS, AS IT MERELY REQUIRES MAINTAINING PETITIONER AT HER CURRENT FACILITY FOR A LIMITED PERIOD. BY CONTRAST, DENIAL OR RELIEF RISKS PERMANENT LOSS OF PETITIONER'S RIGHT TO JUDICIAL REVIEW. THE BALANCE OF EQUITIES THEREFORE STRONGLY FAVORS PETITIONER.

D. THE PUBLIC INTEREST SUPPORTS PRESERVATION OF JUDICIAL REVIEW:

THE PUBLIC HAS A COMPELLING INTEREST IN ENSURING THAT IMMIGRATION DETENTION COMPLIES WITH CONSTITUTIONAL REQUIREMENTS AND THAT FEDERAL COURTS RETAIN THE ABILITY TO ADJUDICATE HABEAS PETITIONS WITHOUT INTERFERENCE FROM UNILATERAL EXECUTIVE ACTION.

VI. NOTICE:

BECAUSE OF THE IMMINENT RISK OF IRREPARABLE HARM, PETITIONER RESPECTFULLY THAT THE COURT CONSIDER THIS APPLICATION EX PARTE, OR IN THE ALTERNATIVE, ORDER EXPEDITED BRIEFING.

VII. REQUEST FOR RELIEF:

PETITIONER RESPECTFULLY REQUEST THAT THE COURT:

1. ISSUE A TEMPORARY RESTRAINING ORDER ENJOINING RESPONDENTS FROM TRANSFERRING OR REMOVING PETITIONER FROM THE CENTRAL DISTRICT OF CALIFORNIA;
2. ORDER THAT PETITIONER REMAIN AT ADELANTO ICE PROCESSING CENTER PENDING FURTHER ORDER OF THE COURT;
3. ISSUE AN ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE; AND
4. GRANT SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.

JANUARY, 05, 2026

RESPECTFULLY SUBMITTED,

XIONARA AZUCENA SUAREZ MARIN.

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Xiomara Azucena Suarez Marin
(Name of alien or aliens)



(“Alien number” of alien or aliens)

CERTIFICATE OF SERVICE

On JANUARY 16, 2026, I, XIOMARA SUAREZ MARIN,
(date) (printed name of person signing below)

served a copy of this TEMPORARY RESTRAINING ORDER ("TRO"),
(name of document)

and any attached pages to WARDEN IN ADELANTO, ICE DIRECTOR AND SECRETARY DHS.
(name of party served)

at the following address: SEE ATTACHED.
(address of party served)

by FIRST CLASS MAIL.
(method of service, for example overnight courier, hand-delivery, first class mail)

XBM
(signature)

01/16/2026
(date)

PETITIONER IS CURRENTLY DETAINED AND UNABLE TO SERVE
THE RESPONDENTS DIRECTLY. SERVICE WILL BE EFFECTED BY
COURT PURSUANT TO 28 U.S.C. SECTION 2243 OR COURT ORDER.

CERTIFICATE OF SERVICE
(CONTINUED)

AT THE FOLLOWING ADDRESS:

- WARDEN, ADELANTO ICE PROCESSING CENTER
10400 RANCHO ROAD. ADELANTO, CA 92301
- FIELD OFFICE ICE DIRECTOR
500 12TH STREET SW WASHINGTON DC 20536
- SECRETARY, DEPARTMENT OF HOMELAND SECURITY (DHS)
245 MURRAY LANE SW WASHINGTON DC 20528