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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9 **EASTERN DIVISION**

10 ROBERTO CARLOS RIVAS MARTINEZ,

11 Petitioner,
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13 v.
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ERNESTO SANTACRUZ JR. et al.,

15 Respondents.
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CASE NO: 5:25-cv-03597-CAS-PVC

**PETITIONER'S NOTICE OF
MOTION AND EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Central District of California, that Petitioner Roberto Carlos Rivas Martinez will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 65-1. Because Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner respectfully request that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and, within 14 days, order a bond hearing before the Adelanto Immigration Court, where Respondents shall bear the burden of proof to show, by clear and convincing evidence, that Petitioner is a danger or a flight risk. To preserve this Court's jurisdiction, Petitioner furthers seek an order enjoining Respondents from transferring Petitioner out of this District or deporting him during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the supporting declarations, the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 1).

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

Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Prerna P. Lal, Litigation Counsel for Petitioner emailed a copy of the filed petition to Counsels for Respondents and advised that a Motion for TRO would be forthcoming. Undersigned counsel

1 also emailed Counsels for Respondents a copy of the Memorandum of Points and Authorities at
2 the same time. As of this filing, Respondents have not stipulated to a TRO.

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4 Date: December 30, 2025

Respectfully Submitted,

5 s/ Prerna Lal

6 *Attorney for Petitioner*
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DECLARATION OF SERVICE

I hereby certify that on December 30, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will serve a copy of this document upon all counsels of record.

DATED this December 30, 2025 at Berkeley, California.

/s/ Prerna P. Lal

Prerna Preshika Lal

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