CYNTHIA ISABEL FELIX (CA SBN 316049)
cynthia@immdef.org
MAYRA ALEJANDRA NAVARRO (CA SBN 328197)
mnavarro@immdef.org
EMILY GERBER SUGARMAN (CA SBN 339353)
esugarman@immdef.org
IMMIGRANT DEFENDERS LAW CENTER
634 S. Spring Street, 10th Floor
Los Angeles, CA 90014
Telephone: 213-438-9014
Facsimile: 213-282-3133

Attorneys for Petitioners

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

O.J.R.A., S.A.R., and J.A.R., Minors, By and Through Erica Santamaria, as Next Friend of Minors,

Petitioners,

v.

RUBY HERNANDEZ, Federal Field Specialist, Office of Refugee Resettlement; NIKY HYMEL, Federal Field Specialist Supervisor, Office of Refugee Resettlement; ANDREW GRADISON, Assistant Secretary of the Administration of Children and Families; ANGIE SALAZAR, Acting Director of the Office of Refugee Resettlement; and ROBERT F. KENNEDY, Secretary of the U.S. Department of Health and Human Services,

Respondents.

No. **2:26-cv-482**

Hon. André Birotte Jr.

PETITIONER'S NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER

PETITIONERS' NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Central District of California, that Petitioners, minors O.J.R.A., S.A.R., and J.A.R., by and through their Next Friend Erica Santamaria, will and hereby do, move this Court for a temporary restraining order (TRO) pursuant to Federal Rule of Civil Procedure 65(a) and Local Rule 65-1.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Points and Authorities. This Motion is based on the Petition for Writ of Habeas Corpus [DKT 2], Declaration of Next Friend, Erica Santamaria (Attached in support of Petition for Writ of Habeas Corpus [DKT 2-2], Declaration of Marion Donovan-Kaloust [DKT 2-1] and the attached Declaration of Emily Gerber Sugarman, with Accompanying Exhibits [DKT 11-1], in Support of Motion for Temporary Restraining Order. As set forth in the Points and Authorities in support of this Motion, O.J.R.A., S.A.R., and J.A.R. argue that their continued unlawful detention in the custody of the Office of Refugee Resettlement (ORR), despite the availability of their parent, M.R.A., to assume their custody and care, violates their weighty liberty interest under the Due Process Clause of the Fifth Amendment and the Trafficking Victims Protection Reauthorization Act (TVPRA). As further outlined in the accompanying Points and Authorities, both the balance of the equities and the public interest respecting the relief sought by O.J.R.A., S.A.R., and J.A.R. tilts sharply in their favor.

Accordingly, Petitioners move this Court to:

1. Declare Petitioners' continued detention in the custody of the Office of Refugee Resettlement is unlawful under the Trafficking Victims Protection Reauthorization Act, 8 U.S.C. § 1232, together with its implementing regulations, including 45 C.F.R. Part 410, and the Due Process Clause of the Fifth Amendment to the United States Constitution;

2. Order Petitioner's immediate release from Respondents' custody into their mothers' care; and

3. Enjoin Respondents from transferring Petitioners outside of the Central District of California while the above-captioned litigation is pending.

As explained in the concurrently filed Declaration of Petitioner's counsel, Cynthia Isabel Felix [DKT 11-2], this ex parte application is made with notice, pursuant to Local Rule 7-19.1, to Assistant United States Attorney Daniel Adam Beck. AUSA Beck is located at U.S. Attorney's Office, 300 North Los Angeles Street, Los Angeles, CA 90012. His telephone number is: (213) 894-2574. His fax number is: (213) 894-7819. And his email is daniel.beck@usdoj.gov. AUSA Beck did not indicate his oppositon to this ex parte application and requested copies of the filings. (Declaration of Cynthia Isabel Felixt, DKT 11-2 ¶¶ 6).

Petitioner's ex parte application is based upon this application, the concurrently filed Memorandum of Points and Authorities, Declarations of Erica Santamaria, Marion Donovan-Kaloust, and Emily Gerber Sugarman and exhibits thereto, the pleadings, papers, and other records on file in this action, and such argument as the Court may permit in connection with this application or any other hearing before the Court. A proposed order has been provided to the Court.

Dated: January 28, 2026

Respectfully Submitted,
/s/Emily Gerber Sugarman
Emily Gerber Sugarman
Attorney for Petitioners