

MOTION FOR TEMPORARY RESTRAINING ORDER (TRO)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'26CV2339 TWR MSB

MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner respectfully requests a Temporary Restraining Order preventing Respondents from continuing Petitioner's unlawful detention pending resolution of this habeas proceeding.

I. LEGAL STANDARD

A Temporary Restraining Order may issue where the movant demonstrates:

1. Likelihood of success on the merits
2. Likelihood of irreparable harm
3. Balance of equities in petitioner's favor
4. Injunctive relief serving the public interest

See *Winter v. Natural Resources Defense Council*, 555 U.S. 7 (2008).

II. LIKELIHOOD OF SUCCESS ON THE MERITS

Petitioner's detention violates constitutional limits on immigration detention established by *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Immigration detention must remain reasonably related to its regulatory purpose.

Respondents cannot demonstrate that Petitioner poses a danger or flight risk.

III. IRREPARABLE HARM

Every day of unlawful detention constitutes irreparable injury.

Federal courts recognize that the loss of liberty itself satisfies the irreparable harm requirement.

IV. PUBLIC INTEREST

The public has a strong interest in ensuring that the Government complies with constitutional limitations.

1 **V. RELIEF REQUESTED**

2 Petitioner respectfully requests that this Court issue a Temporary Restraining Order requiring
3 Respondents to release Petitioner pending adjudication of his habeas petition.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28