

1 **EMERGENCY MOTION FOR IMMEDIATE RELEASE**

2 **UNITED STATES DISTRICT COURT**

3 **SOUTHERN DISTRICT OF CALIFORNIA**

4 **SAN DIEGO DIVISION**

5
6 **'26CV2339 TWR MSB**

7 **DANIEL RAMALES MATA,**
8 Petitioner,

9 v.

10 **TODD M. LYONS**, Acting Director, U.S. Immigration and Customs Enforcement;
11 **MARKWAYNE MULLINS**, Secretary, Department of Homeland Security;
12 **PAMELA P. BONDI**, Attorney General of the United States;
13 **Christopher J. LaRose**, Warden, Otay Mesa Detention Center,

14 Respondents.

15 Case No. _____

16
17 **EMERGENCY MOTION FOR IMMEDIATE RELEASE FROM DETENTION**

18 Petitioner **DANIEL RAMALES MATA**, through counsel Jesse Blanco, respectfully moves this
19 Court for **immediate release from immigration detention pending adjudication of his habeas**
20 **petition.**

21 **I. EMERGENCY RELIEF IS WARRANTED**

22 Federal courts possess inherent authority to order temporary release of immigration detainees
23 while habeas petitions are pending.

24 See **Mapp v. Reno**, 241 F.3d 221 (2d Cir. 2001).

25 Emergency relief is appropriate where continued detention raises serious constitutional concerns
26 and where the petitioner demonstrates a likelihood of success on the merits.

27 **II. PETITIONER IS NOT A DANGER OR FLIGHT RISK**

28 Petitioner presents no threat to the community.

PLEADING TITLE - 11

1 Petitioner:

- 2 • Has no criminal history
- 3 • Maintains strong family ties in the United States
- 4 • Has a United States citizen child
- 5 • Maintained gainful employment prior to detention

6 The Government relies solely on two administrative encounters with Customs and Border Protection, which do not constitute evidence of dangerousness or flight risk.

7 III. CONTINUED DETENTION CAUSES IRREPARABLE HARM

8 The deprivation of physical liberty constitutes irreparable harm.

9 See *Elrod v. Burns*, 427 U.S. 347 (1976).

10 Petitioner continues to suffer unnecessary confinement despite the absence of evidence supporting detention.

12 IV. BALANCE OF EQUITIES FAVORS RELEASE

13 The Government has no legitimate interest in detaining individuals who pose no danger and no flight risk.

14 Release subject to reasonable supervision conditions would fully protect the Government's interests.

17 V. RELIEF REQUESTED

18 Petitioner respectfully requests that this Court:

- 19 1. Order Petitioner's immediate release from custody, or
- 20 2. Order release subject to appropriate conditions of supervision pending resolution of this
- 21 habeas petition.