

Name: Eleazar Barrientos

FILED

A Number: 

JUL 08 2026

Address: Golden States Annex Detention Facility
611 Frontage road
Mc Farland, CA 93250

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY 
DEPUTY CLERK

PRO SE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA


Petitioner,
v.
Warden of the <u>Golden State</u> <u>Annex</u>
Attorney General of the United States;
Secretary, United States Department of Homeland Security;
Acting Director, Immigration and Custom Enforcement
Respondents,

1:26 CV 05245 DAD CKD (Hc)

Case No. _____

**PETITION FOR TEMPORARY
RESTRAINING ORDER**

I, Eleazar Barrientos, make the following statements under oath and subject

to the penalty of perjury:

JURISDICTION

1. 28 U.S.C. §2241 federal courts' authority to hear habeas claims by non citizen challenging immigration law. This action arises under the Due Process Clause of the Fifth Amendment of the U. S. Constitution. Jurisdictions proper under 28.U.S.C §§1331 (federal question), 2241(habeas corpus); U.S. Const. Art. 1,§ 2; (suspension Clause); and 5 U. S. C §702 (Administrative Procedure Act). This court may grant relief under the habeas corpus statues, 28 U. S. C. §2241 et seq., the Declaratory Judgment Act, 28 U. S. C §2201 et seq., and the All Writs Act, 28 U. S. C. §1651.
2. congress has preserved judicial review of challenges to prolonged immigration detention. See Jennings v. Rodriguez, 138 S. Ct. 830, 839-841 (2018) (holding that 8 U. S. C. §§1226 (e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also *id.* At 876(Breyer, J., dissenting). ("8 U. S.C. §1252(b)(9)... by its terms applies only with respect of an order or removal")

They are the legal custodian of petitioner. They are named in their official capacity.

5. Respondent Acting or Current Field Office Director of ICE with Administrative jurisdiction over petitioner's case. They are a legal custodian of petitioner and are named in their official capacity.

II. ARGUMENT

A. I am likely to succeed on the Merits.

Through the Habeas petition I petitioned I show I am likely to prevail and succeed on the merits of my petition because the balance of equities tips toward my favor and it's in public interest that the court shall grant the petition for Temporary Restraining order or at least preliminary Injunction .

As I already claimed in my habeas corpus petition, my wrongful detention is impermissible under Zadvydas v. Davis, 533 U. S. 678 (2001). In addition, my detention is impermissible because

Respondents have failed to comply with regulations governing detention of persons subject to removal procedure governing the agency, the Constitution, and INA.

1. I Will Likely Succeed On my Claim that Current Detention Violates Zadvydas.

Sied v. Nielsen, 2018 WL 1876907, at *6 (N. D. Cal. Oct. 21, 2025) (citing authorities; Siguenza v. Moniz, 2025 WL 2734704, at*3 (D. Mass. Sept. 25, 2025) ("Most courts to consider the issue have concluded that the Zadvydas period is cumulative, motivated, in part, by a concern that the federal government could otherwise detain non citizens indefinitely. Therefore my petition to Hebeas Corpus is valid because ICE violated my Due- Process protection in the Fifth amendment.

First for the deprivation of substantive due-process detention in violation of the Fifth amendment and second for the deprivation of procedural due-process detention in violation of the Fifth amendment.

2. I will Likely Succeed On His Claim That Respondents Violated Governing Regulations

As to my claim that ICE violated its own regulations in detaining/ re- detaining me in without a

unquestionably constitutes irreparable injury.” Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir 2012); see also Hernandez v. Sessions, 872 F.3d 976, 995, 1000 (9th Cir 2017) (holding that “[u]nlawful detention” by immigration officials constituted “irreparable harm”).

Under the Second Winter factor, the Court may consider whether I am “likely to suffer irreparable harm in the absence of [injunctive] relief.” Winter, 555 U.S. at 20. I would like to argue that I am experiencing unlawful detention, which is a clear irreparable harm. Given the Court’s finding that I will remain in detention seemingly indefinitely, I am likely to succeed on at least one of my claims, I have established an irreparable harm in the form of unlawful detention. Therefore, the Second Winter factor favors me.

C. The Balance of Equities and the Public’s Interests Favor Grant of the Petition

The consideration of the balance of equities and the public interest in an injunction merge when the government is a party. Yang v. Kaiser, No. 2:25 – CV – DAD – AC (HC), 2025 WL 2791778, at*10 (E. D. Cal. Aug. 20, 2025) (citing Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing Nken v. Holder, 556 U.S. 418, 435 (2009))).

“It is always in the public interest to prevent the violation of a party’s constitutional rights.” Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir 2012). Furthermore, “[j]ust as the public has an interest in the orderly and efficient administration of this country’s immigration laws, the public has a strong interest in upholding procedural protections against unlawful detention.” Hoac, 2025 WL 1993771, at*6 (internal quotation marks omitted). Here, the central issue is whether my detention is governed by 8 U.S.C. §1225 or 8 U.S.C. §1226, and where the current unlawful detention violates my constitutional right to due process. The balance of equities favor issuance of a TRO. I have established not only that my threatened injuries outweigh the harms that a TRO would cause Respondents but also that a TRO would serve the public interest: ensuring due process maintains an

Case 1:26-cv-05245-DAD-CKD Document 3 Filed 07/08/26 Page 5 of 5
trial court, and the court may elect to require no security at all". BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Serv. LLC, 425 F 3d 964, 971 (11th Cir 2005). Having considered the matter, the court will exercise its discretion not to require security at this time. See Saint Remy v. Bondi No. 3:26-cv-28-MMH-SJH, 2026 U. S. Dist LEXIS 53322, at*3 (M.D. Fla. Jan 12, 2026). That said, this issue may be revisited at any time, and a monetary security may be imposed should an application be made in the interest of justice.

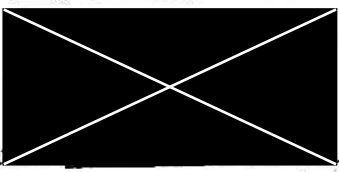
III. CONCLUSION

For the foregoing reasons and the reasons set forth in my petitions, this court should grant me the petition for TRO, or at the very least grant a preliminary injunction, providing that

1. Respondents **SHALL IMMEDIATELY RELEASE** me under appropriate conditions of supervision set forth in 8 C. F. R. §241.5;
2. Respondents are **ENJOINED AND RESTRAINED** from re-detaining me.

Respectfully submitted,

Name: Eleazar Barricentos

Signature: 

Date: 07/01/2026