**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**EASTERN DIVISION**

1:26-CV-5338 EJD (HC)

FILED
JUL 27 2026
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

**MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUCTION**

Petitioner, **Mario Enrique Montenegro,** appearing as the father and Next friend of **Mario Enrique Montenegro-Flores**, respectfully moves this Honorable Court for a Temporary Restraining Order and Preliminary Injunction to preserve Petitioner's health and constitutional rights while the Court considers the pending Petition for Writ of Habeas Corpus.

## I. GROUNDS FOR THE MOTION

Petitioner demonstrates that emergency relief is warranted because:

### 1. Likelihood of Success of the Merits

Petitioner has raised substantial constitutional claims concerning the legality of his continued immigration detention considering his severe psychiatric disability and the Fifth Amendment's Due Process Clause.

### 2. Irreparable Harm

Without immediate relief, Petitioner's schizophrenia, major depression, insomnia, and brief psychotic disorder place him at serious risk of further mental deterioration. Such injuries cannot be adequately remedied through monetary damage or later judicial relief.

### 3. Balance of Equities

The balance of hardships strongly favors Petitioner. Continued detention threatens his mental health, while supervised release would permit him to continue treatment and comply with all immigration proceedings.

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4. **Public Interest**
   The public interest is served by ensuring that individuals with serious psychiatric illnesses receive appropriate medical treatment while respecting constitutional protections.

## II. REQUEAT FOR RELIEF

Petitioner respectfully requests that this Court:

- Issue a Temporary Restraining Order requiring Respondents to preserve Petitioner's access to necessary psychiatric care while the case is pending;
- Grant such interim relief as the Court determines is appropriate based on the evidence presented, including consideration of release or other appropriate custody-related consistent with the Court's authority;
- Schedule an expedited hearing on the Petition and related motions; and
- Grant any additional relief the Court deems just and proper.

Respectfully Submitted,

**Mario Enrique Montenegro**
Father and Next Friend of
Mario Enrique Montengro-Flores

