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Attorneys for Petitioner
EDWIGE MYRTIL

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EDWIGE MYRTIL,

Petitioner,

v.

SCOTT FRAUENHEIM, in his official capacity as Facility Administrator, CENTRAL VALLEY ANNEX;

MOISES BECERRA, in his official capacity as Field Office Director of the San Francisco Field Office, Enforcement and Removal Operations, U.S. Immigration & Customs Enforcement;

DAVID VENTURELLA, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN, in his official capacity as U.S. Secretary of Homeland Security; and

TODD BLANCHE, in his official capacity as Acting Attorney General of the United States,

Respondents.

Case No. 1:26-cv-05762

PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER

Date Filed: July 23, 2026

Trial Date: Not set

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Eastern District of California, that Petitioner EDWIGE MYRTIL will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Eastern District of California Local Rule 231. Because Petitioner's detention—at the Central Valley Annex in McFarland, California, as of the filing of this Motion—violates the Due Process Clause of the Fifth Amendment to the United States Constitution, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from Respondents' custody on the same conditions he was subject to under his Order of Supervision immediately before his May 20, 2026 re-detention, and enjoin Respondents from re-detaining him absent further order of this Court, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and enjoin Respondents from re-detaining him unless they provide at least seven days' notice and demonstrate, at a pre-deprivation hearing before a neutral arbiter, by clear and convincing evidence, that Petitioner is a flight risk or a danger to the community such that his physical custody is required. To preserve this Court's jurisdiction, Petitioner further seeks an order prohibiting Respondents from transferring Petitioner out of this District or removing him from the United States during the pendency of these habeas proceedings.

This Motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the supporting Declarations of Petitioner Edwige Myrtil and Petitioner's counsel Trillium Chang; the Proposed Order; the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this Motion is heard by the Court. This Motion is also supported by the Verified Petition for Writ of Habeas Corpus (ECF No. 1).

Consistent with Civil Local Rule 231, Petitioner seeks relief at the earliest possible opportunity. Petitioner filed his Verified Petition for Writ of Habeas Corpus in this District on July 23, 2026, and now seeks this emergency temporary restraining order in support of that petition given his ongoing detention and the irreparable harm detailed in the accompanying papers.

Pursuant to Eastern District of California Local Rule 231(c), and as detailed further in the

supporting Declaration of Trillium Chang, Counsel for Petitioner provided Counsel for Respondents with notice of this Motion. At 3:34 p.m. Pacific Time on July 28, 2026, Counsel for Petitioner emailed Audrey Hemesath, the Assistant United States Attorney serving as counsel for Respondents, advising her under Federal Rule of Civil Procedure 65(b) and Local Rule 231 that Petitioner intended to file this application for a temporary restraining order that evening, and setting forth the specific relief Petitioner would seek. Chang Decl. ¶¶ 3-4, Ex. A. Counsel asked whether Respondents would stipulate to the requested relief or, at minimum, agree not to transfer or remove Petitioner pending resolution of the application, and requested Respondents' position by 6:00 p.m. Pacific Time that same day. Chang Decl. ¶ 5. Counsel further advised that Petitioner intended to request a hearing on July 29, 2026, or at the Court's earliest availability. Chang Decl. ¶ 6. At 6:26 p.m. Pacific Time, Counsel called Ms. Hemesath, but the call went to voicemail. Chang Decl. ¶ 7. As of this filing, Respondents have not responded to Counsel for Petitioner's notice email or phone call. Chang Decl. ¶ 7.

Dated: July 28, 2026

KEKER, VAN NEST & PETERS LLP

By: */s/ Erin E. Meyer*
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TRILLIUM E. CHANG

THE BIRD PROJECT INC.

ARCELIA RODRIGUEZ *(pro hac vice pending)*

Attorneys for Petitioner
EDWIGE MYRTIL