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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 SUPPLEMENTAL EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER TO MAINTAIN THE STATUS QUO PENDING RESOLUTION OF THE PETITION AND REQUEST FOR IMMEDIATE STATUS CONFERENCE

Date Filed: July 23, 2026

Trial Date: Not set

PETITIONER'S SUPPLEMENTAL EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER TO MAINTAIN THE STATUS QUO PENDING RESOLUTION OF THE PETITION AND REQUEST FOR IMMEDIATE STATUS CONFERENCE

Petitioner Edwige Myrtil respectfully submits this Supplemental Emergency Motion for a Temporary Restraining Order to maintain the status quo pending resolution of his Verified Petition for Writ of Habeas Corpus (ECF No. 1) and Motion for Temporary Restraining Order (ECF No. 7), and respectfully requests that the Court convene an immediate status conference in light of Respondents' attempted transport of Petitioner this morning. This Motion is filed in connection with the Court's July 29, 2026 Minute Order, which directs Respondents to file an Opposition or Statement of Non-Opposition to the Motion for Temporary Restraining Order by 12:00 p.m. on July 31, 2026, permits Petitioner to file a Reply by 12:00 p.m. on August 3, 2026, and indicates the Court is contemplating ruling directly on the Petition as to Counts One and/or Three. Petitioner incorporates by reference in full the legal arguments, standards, and authorities set forth in his Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order (ECF No. 7), including the showing that Petitioner is likely to succeed on the merits, that he faces irreparable harm absent relief, that the balance of equities and public interest favor relief, and that no security is required.

I. STATEMENT OF FACTS

This morning–the morning after this Court entered its minute order–around 3 a.m. on July 30, 2026, personnel at Central Valley Annex attempted to transport Petitioner from the facility to Fresno for what they described only as an undisclosed "interview." Chang Decl. ¶ 7. Petitioner was not told who would conduct the interview, what agency had requested it, what subjects it would concern, or why it required his transportation from the facility to Fresno. *Id.* Petitioner's counsel received no advance notice of the proposed interview or transport. *Id.* ¶ 8. According to information relayed to counsel, the personnel took him out of his cell to effectuate this transport. *Id.* ¶ 7. Petitioner informed the personnel that he was represented by counsel and his case is pending. *Id.* ¶ 8. The transport ultimately did not occur. *Id.* Petitioner was not told whether or when they would attempt the transport again. *Id.*

Upon learning of these events, Petitioner's counsel immediately contacted counsel for Respondents and requested clarification concerning: (1) the nature and purpose of the proposed interview; (2) the agency and individuals who requested and would conduct it; (3) its intended location; (4) whether it was an interview under 8 C.F.R. § 241.13(i)(3), a custody-review interview, a travel-document or consular interview, or an interview connected with effectuating Petitioner's removal; and (5) whether Respondents intend to transport, transfer, or remove Petitioner before the Court rules. *Id.* ¶¶ 9-10 & Ex. A. Petitioner's counsel also requested that Respondents maintain the status quo until counsel received this information and had a reasonable opportunity to protect Petitioner's rights. *Id.* ¶ 9 & Ex. A. Counsel then emailed and called Respondents' counsel to provide notice of Petitioner's intent to file this Supplemental TRO Motion and requested that Respondents stipulate to maintaining the status quo pending resolution of the TRO Motion. *Id.* ¶ 11 & Ex. A. As of the time of filing, Respondents have not responded to counsel's email or call. *Id.* ¶ 12.

The nature and timing of the proposed interview may bear directly on the issues presently before the Court. If the proposed interview was intended to constitute the "initial informal interview" required by 8 C.F.R. § 241.13(i)(3), it was proposed more than two months after Petitioner's re-arrest and only after Petitioner filed his Petition and TRO motion and the Court issued its July 29, 2026 Minute Order. If the interview instead concerns travel documents, consular processing, or efforts to effect Petitioner's removal, that information may likewise be material to Respondents' asserted justification for Petitioner's continued detention and the Court's ability to provide effective habeas relief.

II. LEGAL STANDARD AND ARGUMENT

Petitioner incorporates by reference in full the legal standard and arguments set forth in Sections III.A–C of his Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order (ECF No. 7), including the showing that Petitioner is likely to succeed on the merits of his procedural and substantive due process claims and his claim under 8 U.S.C. § 1231(a)(6) and *Zadvydas v. Davis,* 533 U.S. 678 (2001); that Petitioner will suffer immediate and irreparable injury absent relief, including the unconstitutional deprivation of

physical liberty that itself constitutes irreparable harm, see *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017); that the balance of equities and public interest weigh decisively in Petitioner's favor; and that no bond or security should be required.

This morning's events confirm and intensify the irreparable harm and urgency already before the Court. Respondents' attempt to transport Petitioner from the Central Valley Annex for an unexplained interview, without notice to Petitioner's counsel or the Court, demonstrates the precise risk that this Court's ability to grant effective relief on the pending Petition and Motion could be undermined absent an order maintaining the status quo. If Petitioner is transferred outside this District or removed from the United States before the Court rules, his ability to participate in these proceedings, and this Court's jurisdiction to grant relief, would be placed in jeopardy, compounding the irreparable harm already detailed in the Motion for Temporary Restraining Order (ECF No. 7) and the Declaration of Edwige Myrtil (ECF No. 7-2).

III. RELIEF REQUESTED

For the foregoing reasons, and incorporating by reference the arguments and authorities set forth in the Motion for Temporary Restraining Order (ECF No. 7), Petitioner respectfully requests that the Court enter an immediate order directing Respondents to maintain the status quo by refraining from transferring, transporting, or removing Petitioner from the Central Valley Annex or the Eastern District of California, or from removing him from the United States, until the Court rules on the pending Petition and Motion for Temporary Restraining Order.

Petitioner further respectfully requests that the Court convene an immediate status conference or hearing to determine:

1. The nature and purpose of the purported interview;

2. The agency and individuals who requested and would conduct it;

3. Whether the purported interview concerns 8 C.F.R. § 241.13(i)(3), custody review, travel documents, consular processing, or execution of Petitioner's removal order;

4. Whether Respondents intend to attempt the transport again or otherwise transfer or remove Petitioner while his Petition and TRO motion remain pending; and

5. Whether this development affects the factual record on which Respondents intend

to rely.

Petitioner further respectfully requests that the Court order Respondents to substantively address these issues in their Opposition or Statement of Non-Opposition to the Motion for Temporary Restraining Order, due by 12:00 p.m. on July 31, 2026.

WHEREFORE, Petitioner respectfully requests that this Court grant this Supplemental Emergency Motion and enter the relief requested above.

Dated: July 30, 2026

KEKER, VAN NEST & PETERS LLP

By: */s/ Trillium E. Chang*
ERIN E. MEYER
TRILLIUM E. CHANG

THE BIRD PROJECT INC.

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