

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO

BRYAN FABRICIO RAMOS HERNANDEZ, :

Petitioner :

v. :

Case No. 1-25-cv-01694

JOHN OR JANE DOE (non-government employee :
of The Geo Group, Inc., the contractor operating the :
Aurora Immigration Detention Center), TODD M. :
LYONS, (Acting Director, Immigration and :
Customs Enforcement), KRISTY NOEM (Secretary :
of the Department of Homeland Security), and :
PAM BONDI, (Attorney General of the United :
States), :

Respondents. :

****EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER****

I. INTRODUCTION

Petitioner seeks to enjoin Respondents from conducting an Individual Hearing scheduled for June 3, 2025 at the Aurora Immigration Court. Immediate relief is required to prevent irreparable harm, including an unjust deportation.

II. LEGAL STANDARD (FRCP 65(b))

Petitioner meets all four TRO elements:

1. **IRREPARABLE HARM.** Petitioner stands likely to face the following factors:

A. **RISK OF INHUMANE PRISON CONDITIONS:** Those who are deported to El Salvador can face inhumane prison conditions there, with concerns raised about inadequate medical care and lack of necessities like mattresses. The lack of legal clarity

surrounding detention raises further concerns about potential for indefinite detention and lack of due process.

B. ARBITRARY DETENTION AND HUMAN RIGHTS VIOLATIONS.

There are concerns that the deportations and subsequent detentions could lead to arbitrary and possibly indefinite detention in El Salvador, potentially exposing individuals to serious human rights violations like enforced disappearances.

C. SEPARATION OF FAMILIES AND NEGATIVE IMPACT ON

CHILDREN. Deportation can lead to family separation. Bryan is the mentor to his younger brother, Jason, who has attended proceedings in Immigration Court in support of the Petitioner. Bryan is also a derivative beneficiary to the U-Visa application filed by his mother due to a violent sexual assault. The U-Visa application has advanced through the system to the point where the Petitioner's mother and brother have received work authorization.

D. CONCERNS ABOUT DEPORTING INDIVIDUALS WITH MINOR

CRIMINAL RECORDS. Some reports suggest that individuals deported to El Salvador had only minor criminal records in the US and had only violated immigration laws, raising concerns about the fairness and legality of their deportation and detention.

E. LACK OF DUE PROCESS AND ACCESS TO LEGAL

REPRESENTATION. Deportees to El Salvador may face difficulties accessing legal representation and consular services, hindering their ability to challenge their detention and secure their rights.

F. UNKNOWN WHEREABOUTS AND INHUMANE TREATMENT.

Some family members have reported not being officially notified about their relatives'

deportation to El Salvador, only finding out through unofficial channels, and there are allegations of inhumane treatment in detention facilities.

2. **LIKELIHOOD OF SUCCESS.** Petitioner has a pending Individual Hearing on June 3, 2025 in the Aurora Immigration Court, which will adjudicate his pending I-589. However, since the initial ruling by the Honorable Immigration Judge where she made a correct ruling that Petitioner's Notice to Appear (NTA) was legally defective,¹ which SHOULD have resulted in the Petitioner's release, which case was dismissed. Petition was kept in custody until DHS issued a "new" Notice to Appear for the Petitioner that was not defective under current law. The Respondent could have, and should have, released Petitioner from custody while DHS prepared a "new" Notice to Appear, mailed it to the Petitioner, and he would have appeared in the Denver Immigration Court for his removal proceedings. There was absolutely no reason to believe that he would not have appeared in the Denver Immigration Court for his removal proceedings, however, this was not done.

3. **BALANCE OF EQUITIES.** A halted or continued Individual Hearing in Immigration Court causes absolutely zero harm to the government, while removal order to El Salvador would significantly harm the Petitioner. The government has no witnesses to call in prosecution of their case and therefore to reschedule for the hearing, if the Individual Hearing would be continued. The Petitioner, however, would face the real danger of being removed to El Salvador and immediately placed in prison where the human rights abuses are commonly-known and are well-documented.

¹ A copy of the Honorable Immigration Judge's Order of October 26, 2023 making said finding is attached as Exhibit "A".

4. **PUBLIC INTEREST.** The public would be best served by ensuring that undocumented immigrants receive a fair hearing, using actual tested, evidence offered by the government (which evidence contain allegations which are demonstrably-false) and the Petitioner. Additionally, the avoidance of refoulement is also in the best interest of all parties and the public.

III. EX PARTE RELIEF IS WARRANTED

Notice is excused because the hearing is scheduled for June 3, 2025 at 2:30PM and counsel was just recently admitted to this Court to pursue this avenue of relief. Finally, the Honorable Immigration Judge has issued an Order² DENYING the Petitioner's request for a continuance for the scheduled Individual Hearing in order to allow Your Honor to adjudicate the previously-filed Petition for Writ of Habeas Corpus and the government, the Petitioner, and the Court will proceed with tomorrow's hearing lacking the intervention of the Court in this matter, which is greatly needed.

² A copy of the Honorable Immigration Judge's June 2, 2025 Order which appears to somehow imply that Petitioner's Counsel is appears to have requested additional time to prepare for Respondent's case in Immigration Court is false. The Judge's narrative in the Order also conflicts with her Order of October 26, 2023, where she ruled that Petitioner's Notice to Appear was defective. The instant matter is based on a subsequent Notice to Appear, issued almost a month after the Honorable Immigration Judge issued an Order stating that the initial Notice to Appear was defective.

IV. REQUEST FOR RELIEF

The Petitioner respectfully requests that this Court grant his request for a Temporary Restraining Order (TRO) enjoining the Individual Hearing in the Aurora Immigration Court, scheduled for June 3, 2025 at 2:30PM, from taking place until such time as this Court has had an opportunity to fully consider the Petitioner's Petition for Writ of Habeas Corpus on the merits. Additionally, the Petitioner requests that this Court set bond at a reasonable amount, which amount previously in the Immigration Court was set at \$3,500. The requested relief maintains the *status quo* until such time as the Petition for Writ of Habeas Corpus is resolved by this Honorable Court.

DATE: June 2, 2025.

RESPECTFULLY SUBMITTED,

/s/ Gordon E. Turner
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