

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.

**MEMORANDUM OF LAW IN SUPPORT OF
EMERGENCY EX PARTE TEMPORARY RESTRAINING ORDER**

I. INTRODUCTION

Petition seeks to enjoin respondents from proceeding with an Individual Hearing that is scheduled for June 3, 2025 at 2:30PM at the Aurora Immigration Court, as deportation would cause irreparable harm including but not limited to detention, family separation, denial of due process and legal representation.

This memorandum establishes Imminent, irreparable harm justifying *ex parte* relief under Rule 65(b) of the Federal Rules of Civil Procedure. Petition asserts that he has a substantial likelihood of success on the underlying claimed outlined in his Petition for Writ of Habeas Corpus. The balance of equities favors the Petitioner and the public interest supports the due process protections that undocumented immigrations are entitled to.

II. LEGAL STANDARD (FRCP 65(b))

Temporary Restraining Orders (III.TROs) require a showing of irreparable harm absent relief (*Nken v. Holder*, 556 U.S. 418 (2009)); a likelihood of success on the merits (*Winter v. NRDC*, 555 U.S. 7 (2008)), and where the balance of equities favors the Petitioner and public interest supports injunctive relief.

Ex parte relief is permitted where notice would render the TRO ineffective (*Granny Good Foods, Inc. v. Brotherhood of Teamsters*, 415 U.S. 423 (1974)).

III. ARGUMENT

A. Irreparable Harm is Imminent

Petitioner faces irreparable harm as outlined in his Emergency Motion for Temporary Restraining Order filed contemporaneously with this memorandum and incorporates the relevant parts in his motion into this document as if fully set forth herein.

B. *Ex Parte* Justification: Notice to Respondent risks expedited removal.

C. Likelihood of Success on the Merits

The Immigration Court has previously relied on a report furnished by ICE which it pronounced to be "inherently reliable" but which contained numerous false or misleading statements which the Court relied upon in its determination that Petitioner was a danger to the community, specifically the "driving while ability impaired", without more constitutes a danger to the community; that the "probation violation" that was created when ICE detained the petitioner, creating the "violation" rendered the Petitioner a danger to the community; and that the Petitioner would be charged with a gun charge relating to the firearm found in the vehicle that the Petitioner and others were found in when he was arrested.], and where no gun charge has ever been brought.

D. Balance of Equities and Public Interest

Petitioner's Harm: Outweighs government's interest in immediate removal.

Public Interest: Preserving due process and preventing refoulement (*Hernandez v. Sessions*, 884 F.3d 107 (2d Cir. 2018)).

IV. CONCLUSION

For the foregoing reasons, Petitioner requests an *ex parte* TRO enjoining the removal hearing pending a preliminary injunction hearing.

DATE: June 2, 2025.

RESPECTFULLY SUBMITTED,

/S/ Gordon E. Turner
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