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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

Jose Neftali ALEGRIA PALMA,

Petitioner-Plaintiff,

v.

Polly KAISER, Acting Field Office Director of
San Francisco Office of Detention and Removal,
U.S. Immigrations and Customs Enforcement;
U.S. Department of Homeland Security;

Todd M. LYONS, Acting Director, Immigration
and Customs Enforcement, U.S. Department of
Homeland Security; and

Kristi NOEM, in her Official Capacity,
Secretary, U.S. Department of Homeland
Security,

Respondents-Defendants.

Case No.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

**POINTS AND AUTHORITIES
IN SUPPORT OF EX PARTE
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
MOTION FOR PRELIMINARY
INJUNCTION**

Challenge to Unlawful Incarceration;
Request for Declaratory and Injunctive
Relief

NOTICE OF MOTION

Pursuant to Rules 65(a) and 65(b) of the Federal Rules of Civil Procedure and Rule 231 of the Local rules of this Court, Petitioner hereby moves this Court for a temporary restraining order and/or preliminary injunction: (1) ordering Petitioner Mr. Jose Neftali Alegria Palma's immediate release from ICE custody pending his scheduled merits hearing; or alternatively, (2) enjoining Respondents Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and their agents and employees, from transferring Petitioner Mr. Alegria outside the Eastern District of California until he is afforded his scheduled individual merits hearing before the Concord Immigration Court, and from interfering with his constitutional right to due process and effective assistance of counsel.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Points and Authorities. This Motion is based on the attached Accompanying Exhibits in Support of Ex-Parte Motion for Temporary Restraining Order. As set forth in the Points and Authorities in support of this Motion, Petitioner raises that he warrants a temporary restraining order and/or preliminary injunction due to his weighty liberty interest under the Due Process Clause of the Fifth Amendment in preventing his unlawful transfer absent adequate procedural protections and his right to a fair hearing before a neutral adjudicator.

WHEREFORE, Petitioner prays that this Court grant his request for a temporary restraining order and/or preliminary injunction (1) ordering Petitioner's immediate release from ICE custody pending his merits hearing and resolution of his removal proceedings; or alternatively, (2) enjoining Respondents from transferring him outside the Eastern District of California unless and until he is afforded his scheduled merits hearing and the opportunity to pursue relief from removal with effective assistance of counsel. Petitioner is currently scheduled to appear before the Concord

1 Immigration Court on July 7, 2027 for his individual merits hearing.
2

3 Dated: July 26, 2025

Respectfully Submitted

4 /s/ Anuar Ramirez-Medina
5 Seven Hills Law Firm

6 Caitlyn DeWitt (*pro hac vice pending*)
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10 Attorneys for Jose Neftali Alegria Palma
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I. INTRODUCTION

Petitioner-Plaintiff Mr. Jose Neftali Alegria Palma (“Mr. Alegria”) by and through undersigned counsel, hereby files this ex parte motion for a temporary restraining order to enjoin the U.S. Department of Homeland Security's (DHS), U.S. Immigration and Customs Enforcement (ICE) from continuing his unlawful detention, or alternatively, from transferring him outside the Eastern District of California unless and until he is afforded his scheduled individual merits hearing before the Concord Immigration Court and the opportunity to pursue relief from removal with effective assistance of counsel.

ICE detained Mr. Alegria on July 26, 2025 at his home without warning or warrant. This sudden detention is without merit. The detention appears to be part of ICE’s pattern of arbitrary arrests driven by enforcement quotas rather than individualized determinations of flight risk or danger to the community.

Upon information and belief, ICE intends to transfer Petitioner outside this judicial district, which would compound the constitutional violations by effectively denying him access to counsel, disrupting his ability to present evidence and witnesses, and rendering his removal proceedings fundamentally unfair.

Mr. Alegria meets the standard for a temporary restraining order. His detention violates due process because he is not subject to mandatory detention and ICE has provided no individualized determination justifying his incarceration. He will suffer immediate and irreparable harm absent an order from this Court ordering his release or, alternatively, enjoining the government from transferring him outside the Eastern District of California without the due process protections required by the Constitution. Because holding federal agencies accountable to constitutional demands is in the public interest, the balance of equities and public interest are also strongly in Mr. Alegria's favor.

II. STATEMENT OF FACTS AND CASE

Mr. Alegria is a Nicaraguan national who has been residing in the United States since 2021, and has been diligently litigating his case before the Executive Office for Immigration Review (“EOIR”), including by filing an application for Asylum, Withholding of Removal, or protection under the Convention Against Torture (I-589).

Mr. Alegria is from Managua, Nicaragua. He arrived to the United States in 2021 after fleeing his country when Sandinistas tortured him and threatened him with death because he protested against the Ortega regime. Since arriving in the United States, he has started a family in Stockton, California.

Mr. Alegria was initially placed in removal proceedings after being detained by ICE shortly after he entered the United States. He was charged as removable based on his entry without admission or parole after inspection by an immigration officer. The Notice to Appear was filed with the San Francisco Immigration Court on December 30, 2021. His 2021 entry was his first and only entry into the United States.

Upon his release from immigration custody, ICE placed Mr. Alegria in an alternative to detention program, the Intensive Supervision Appearance Program (“ISAP”). As a condition of his release, Mr. Alegria was required only to send a photo of himself each month from his residence through the ISAP mobile application.

Mr. Alegria currently has immigration proceedings pending before the Concord Immigration Court. He is scheduled to appear for an individual merits hearing on July 7, 2027, before Immigration Judge Roberta Wilson. He is represented by counsel and has been preparing extensively for this hearing.

1 As a defense to his removal, Mr. Alegria has applied for asylum, which would allow him
2 to remain lawfully in the United States. Mr. Alegria's application for relief has substantial merit
3 and he has a reasonable possibility of success.

4 In April 2025, Mr. Alegria failed to complete his monthly photo check-in as part of his
5 supervision. This was the first and only violation of the condition of his release. As a result, ICE
6 fitted Mr. Alegria with a GPS ankle monitor on April 21, 2025. ICE informed Mr. Alegria that it
7 would be removed in July 2025.
8

9 On July 26, 2025, Mr. Alegria was contacted by ICE from an unknown number. He was
10 told that his ankle monitor was malfunctioning and that it needed to be fixed. Mr. Alegria Palma
11 was told that ICE officers were outside his residence in Stockton, CA. He was asked to come
12 outside so the officers could fix the ankle monitor. Despite agreeing with Mr. Alegria's initial
13 request to have the monitor fixed at the local ICE office instead, ICE called again and requested
14 he come outside. When Mr. Alegria complied and stepped outside his home, he was immediately
15 tackled to the ground and arrested.
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18 Mr. Alegria's wife recorded a video of her husband's arrest on her cell phone. In the
19 video, ICE agents can be seen using excessive force to throw Mr. Alegria to the ground. Mr.
20 Alegria's wife is heard telling the ICE officers that Mr. Alegria was not resisting, despite the
21 officers claim that he was. The officers can be heard threatening to break Mr. Alegria's arm as
22 they continued to use force to immobilize him. ICE officers never told Mr. Alegria or his family
23 why he was arrested. He was then taken to the Stockton Border Patrol Station, where he remains
24 at the time of filing.
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On information and belief, numerous other noncitizens in the San Francisco Bay Area and across the country have received similar treatment—being detained after complying with pretextual ICE directives.¹

Numerous credible reports demonstrate that across the country, including in San Francisco and other Bay Area cities, individuals are being called in for ISAP check-ins or other check-ins with ICE and then arrested by ICE.²

Upon information and belief, ICE intends to transfer Mr. Alegria outside the Eastern District of California to a detention facility in another jurisdiction.

In recent months, ICE has engaged in highly publicized arrests of individuals who presented no flight risk or danger, often with no prior notice that anything regarding their status was amiss or problematic, whisking them away to faraway detention centers without warning.³

¹ “Immigrants at ICE check-ins detained, held in basement of federal building in Los Angeles, some overnight,” CBS News (June 7, 2025), <https://www.cbsnews.com/news/immigrants-at-ice-check-ins-detained-and-held-in-basement-of-federal-building-in-los-angeles/>; “They followed the government’s rules. ICE held them anyway,” LAist (Updated June 20, 2025), <https://laist.com/news/politics/ice-raids-los-angeles-family-detained>.

² “ICE confirms arrests made in South San Jose,” NBC Bay Area (June 4, 2025), <https://www.nbcbayarea.com/news/local/ice-agents-san-jose-market/3884432/> (“The Rapid Response Network, an immigrant watchdog group, said immigrants are being called for meetings at ISAP – Intensive Supervision Appearance Program – for what are usually routine appointments to check on their immigration status. But the immigrants who show up are taken from ISAP to a holding area behind Chavez Supermarket for processing and apparently to be taken to a detention center, the Rapid Response Network said.”); “ICE arrests 15 people, including 3-year-old child, in San Francisco, advocates say,” San Francisco Chronicle (June 5, 2025), <https://www.sfchronicle.com/bayarea/article/ice-arrests-sf-immigration-trump-20362755.php>; “Cincinnati high school graduate faces deportation after routine ICE check-in,” ABC News (June 9, 2025), <https://abcnews.go.com/US/cincinnati-high-school-graduate-faces-deportation-after-routine/story?id=122652262>.

³ See, e.g., McKinnon de Kuyper, *Mahmoud Khalil’s Lawyers Release Video of His Arrest*, N.Y. Times (Mar. 15, 2025), available at <https://www.nytimes.com/video/us/politics/100000010054472/mahmoud-khalils-arrest.html> (Mahmoud Khalil, arrested in New York and transferred to Louisiana); “What we know about the Tufts University PhD student detained by federal agents,” CNN (Mar. 28, 2025), <https://www.cnn.com/2025/03/27/us/rumeyssa-ozturk-detained-what-we-know/index.html> (Rumeyssa Ozturk, arrested in Boston and transferred to Louisiana); Kyle Cheney & Josh

1 This pattern appears to be driven by the new administration's directive for ICE to significantly
 2 increase arrest quotas rather than individualized enforcement priorities.⁴

3 Such transfer would effectively deny Mr. Alegria access to his counsel, who is located
 4 near this district, would disrupt his family relationships, and would render his removal
 5 proceedings fundamentally unfair.

6
 7 Intervention from this Court is therefore required to ensure that Mr. Alegria is not
 8 unlawfully transferred in violation of his constitutional rights. Such unlawful conduct would
 9 cause him to suffer irreparable harm.

10 11 12 **III. LEGAL STANDARD**

13 Mr. Alegria is entitled to a temporary restraining order if he establishes that he is "likely
 14 to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief,
 15 that the balance of equities tips in [his] favor, and that an injunction is in the public interest."
 16 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D.*
 17 *Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and

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 20 Gerstein, *Trump is seeking to deport another academic who is legally in the country, lawsuit*
 21 *says*, Politico (Mar. 19, 2025), available at [https://www.politico.com/news/2025/03/19/trump-](https://www.politico.com/news/2025/03/19/trump-deportation-georgetown-graduate-student-00239754)
 22 [deportation-georgetown-graduate-student-00239754](https://www.politico.com/news/2025/03/19/trump-deportation-georgetown-graduate-student-00239754) (Badar Khan Suri, arrested in Arlington,
 Virginia and transferred to Texas).

23 ⁴ See "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post*
 24 (January 26, 2025), available at: [https://www.washingtonpost.com/immigration/2025/01/26/ice-](https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/)
 25 [arrests-raids-trump-quota/](https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/); "Stephen Miller's Order Likely Sparked Immigration Arrests And
 26 Protests," *Forbes* (June 9, 2025),
 27 [https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/)
 28 [immigration-arrests-and-protests/](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/) ("At the end of May 2025, 'Stephen Miller, a senior White
 House official, told Fox News that the White House was looking for ICE to arrest 3,000 people a
 day, a major increase in enforcement. The agency had arrested more than 66,000 people in the
 first 100 days of the Trump administration, an average of about 660 arrests a day,' reported the
 New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar
 year.").

temporary restraining order standards are "substantially identical"). Even if Mr. Alegria does not show a likelihood of success on the merits, the Court may still grant a preliminary injunction if he raises "serious questions" as to the merits of his claims, the balance of hardships tips "sharply" in his favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). As set forth in more detail below, Mr. Alegria overwhelmingly satisfies both standards.

IV. ARGUMENT

A. MR. ALEGRIA'S CIRCUMSTANCES WARRANT A TEMPORARY RESTRAINING ORDER

A temporary restraining order should be issued if "immediate and irreparable injury, loss, or irreversible damage will result" to the applicant in the absence of an order. Fed. R. Civ. P. 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). Mr. Alegria is likely to be transferred outside this jurisdiction absent material changes in circumstances and prior to receiving his scheduled merits hearing, in violation of his due process rights, without intervention by this Court. Mr. Alegria will continue suffering irreparable injury if he is transferred outside this District and separated from his counsel and scheduled proceedings.

1. Mr. Alegria is Likely to Succeed on the Merits of His Claims That His Detention Violates Due Process and That Transfer Would Compound Constitutional Violations

Mr. Alegria is likely to succeed on his claim that: (a) his detention itself violates due process because he is not subject to mandatory detention and ICE has failed to provide

1 constitutionally adequate process; and (b) transferring him outside this jurisdiction would violate
2 his constitutional rights to due process and effective assistance of counsel.

3 *a. ICE lacked the authority to re-detain Mr. Alegria*

4 As a threshold matter, ICE lacks statutory authority to re-detain Mr. Alegria absent
5 changed circumstances. The Board of Immigration Appeals has recognized an implicit limitation
6 on ICE's authority to re-arrest noncitizens who have been released on bond. In *Matter of Sugay*
7 the BIA held that “where a previous bond determination has been made by an immigration judge,
8 no change should be made by [the DHS] absent a change of circumstance.” 17 I&N Dec. 637,
9 640 (BIA 1981). The Ninth Circuit has assumed that, under *Matter of Sugay*, ICE lacks authority
10 to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x
11 787, 788 (9th Cir. 2021).
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14 Furthermore, ICE did not comply with federal regulation. Under 8 C.F.R. § 241.13(i)(3),
15 ICE must inform a noncitizen of the reason his release has been revoked. This has not occurred.
16 Additionally, ICE must conduct an informal interview promptly after he is returned to ICE
17 custody. He has not been allowed to submit any evidence or information that he has not violated
18 his order of supervision since his last interaction with ICE.
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20 Here, ICE's own conduct contradicts any claim that material circumstances justify Mr.
21 Alegria's detention. After he missed a single photo check-in under the ISAP program, ICE
22 required Mr. Alegria to wear an ankle monitor in April 2025. Since April 2025, there have been
23 no changes in Mr. Alegria's life that could be considered a material change in circumstances.
24 The only material change is ICE's enforcement priorities under the current administration, but a
25 change in agency policy does not constitute a material change in an individual's circumstances
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1 justifying re-detention. Beyond this statutory violation, Mr. Alegria's detention also violates the
2 Due Process Clause.

3 *b. Mr. Alegria's Detention Violates Due Process*

4 Mr. Alegria is not subject to mandatory detention under 8 U.S.C. § 1226(c) (mandatory
5 detention), and therefore any detention must comply with the requirements of 8 U.S.C. § 1226(a)
6 (discretionary detention) and the Constitution. Under the Supreme Court's decision in *Zadvydas*
7 *v. Davis*, "freedom from imprisonment—from government custody, detention, or other forms of
8 physical restraint—lies at the heart of the liberty that [the Due Process Clause] protects." 533
9 U.S. 678, 690 (2001).
10

11 The government's authority to detain individuals in immigration proceedings is not
12 unlimited. Courts must apply the *Mathews v. Eldridge* balancing test to determine what process
13 is due. Under that test, courts consider: (1) the private interest affected; (2) the risk of erroneous
14 deprivation through existing procedures and the value of additional safeguards; and (3) the
15 government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
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18 Here, Mr. Alegria has a substantial liberty interest in his freedom from physical restraint.
19 The risk of erroneous deprivation is high because ICE detained him without any individualized
20 assessment of flight risk or danger to the community—the only legitimate bases for civil
21 immigration detention. The government's interest in detention is minimal where, as here, ICE
22 required very little supervision of Mr. Alegria for four years, and after one lapse they opted to fit
23 him with an GPS ankle monitor, rather than re-detaining him. This demonstrates their actual
24 assessment that he poses no flight risk or danger.
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1 *c. Sudden Detention and Threatened Transfer Violate Due Process*

2 Mr. Alegria's sudden detention outside his home violates due process by forcing him to
3 relinquish the sanctity of his domicile under a false pretense. This scheme by ICE is an example
4 of an agency disregarding “the deep-rooted demands of fair play enshrined in the. Constitution.”
5 *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 161 (1951). Deceiving an
6 individual to facilitate their arrest fundamentally undermines procedural fairness.
7

8 Moreover, this detention appears to be part of a broader pattern of ICE targeting
9 individuals who are already in removal proceedings, regardless of their individual circumstances
10 or compliance history. Such pattern-based enforcement driven by arrest quotas rather than
11 individualized determinations violates substantive due process principles.
12

13 Further, Mr. Alegria’s detention fundamentally disrupts his ability to prepare his defense
14 in violation of due process. As the Supreme Court held in *Mathews v. Eldridge*, due process
15 requires consideration of “the private interest that will be affected by the official action” and “the
16 probable value, if any, of additional or substitute procedural safeguards.” 424 U.S. at 335. Here,
17 detention will prevent Mr. Alegria from working with his counsel to gather evidence, coordinate
18 with witnesses, and prepare his asylum application. These interests are central to his ability to
19 avoid removal to a country where he faces persecution.
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21 The threatened transfer would compound this violation by creating additional barriers to
22 effective representation. Transfer outside this jurisdiction would effectively deny Mr. Alegria
23 meaningful access to counsel for his scheduled hearing, violating his constitutional right to
24 effective assistance.
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1 *d. Right to Counsel is Constitutionally Protected*

2 "The right to be represented by counsel at one's own expense is protected as an incident
3 of the right to a fair hearing under the Due Process Clause of the Fifth Amendment." *Gomez-
4 Velazco v. Sessions*, 879 F.3d 989, 993 (9th Cir. 2018). The statutory right to counsel under 8
5 U.S.C. § 1362 "exists so that an alien has a competent advocate acting on his or her behalf at
6 removal proceedings." *Hernandez-Gil v. Gonzales*, 476 F.3d 803, 808 (9th Cir. 2007).

8 Transfer outside this District would interfere with Mr. Alegria's fundamental right to
9 counsel by preventing adequate preparation and consultation before his merits hearing. Courts
10 recognize that geographical separation from counsel can violate due process, particularly where
11 it effectively denies meaningful access to representation for scheduled proceedings.

12
13 **2. Mr. Alegria will Suffer Irreparable Harm Absent Injunctive Relief**

14 Mr. Alegria will suffer irreparable harm if he is transferred outside this jurisdiction and
15 deprived of his constitutional right to due process and effective assistance of counsel in his
16 scheduled immigration proceedings.

18 "[T]he deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347,
19 373 (1976)). Transfer outside this District would cause multiple irreparable harms:
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22 **Continued Unlawful Detention:** Mr. Alegria's continued detention without constitutional
23 justification causes ongoing irreparable harm. As the Supreme Court has recognized,
24 "freedom from bodily restraint has always been at the core of the liberty protected by the
25 Due Process Clause." This detention separates him from his family, disrupts his
26 employment, and prevents him from adequately preparing for his hearing.
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Interference with Right to Counsel: Physical separation from counsel would render effective representation impossible for the scheduled hearing and would deny Mr. Alegria the ability to coordinate preparation essential for his case.

Separation from Evidence and Witnesses: Transfer would prevent access to witnesses and evidence located in this jurisdiction, fundamentally undermining his ability to present his case.

Risk of Erroneous Removal: These violations could result in wrongful removal to a country where Mr. Alegria faces persecution or other serious harm.

These constitutional violations cannot be remedied through monetary compensation.

Once Mr. Alegria is transferred and his hearing proceeds without adequate representation, or he is erroneously removed from the United States without a full and fair hearing, the damage to his case will be irreversible.

3. The Balance of Equities and the Public Interest Favor Granting the Temporary Restraining Order

The balance of equities and the public interest undoubtedly favor granting this temporary restraining order.

First, the balance of hardships strongly favors Mr. Alegria. The government cannot suffer harm from an injunction that prevents it from engaging in an unlawful practice. *See Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) ("[T]he INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations."). Ordering Mr. Alegria's release pending his removal proceedings imposes no burden on Respondents while remedying the constitutional violation of unlawful detention. ICE required very little supervision for four years, demonstrating their assessment that Mr. Alegria posed no flight risk

1 or danger. Maintaining Mr. Alegria within this District imposes minimal burden on Respondents
2 while preventing severe constitutional violations.

3 In the alternative, if the Court finds some form of custody appropriate, maintaining Mr.
4 Alegria within this District imposes minimal burden on Respondents—he is already detained in a
5 facility within this jurisdiction—while preventing further severe constitutional violations.

6 By contrast, continued detention or transfer would cause severe and irreversible harm to
7 Mr. Alegria's constitutional rights and ability to pursue relief from removal.

8 Further, any burden imposed by requiring the DHS to refrain from transferring Mr.
9 Alegria outside this District is both *de minimis* and clearly outweighed by the substantial harm he
10 will suffer if transferred. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) ("Society's
11 interest lies on the side of affording fair procedures to all persons, even though the expenditure
12 of governmental funds is required.").

13 Finally, a temporary restraining order is in the public interest. "It would not be equitable
14 or in the public's interest to allow [a party] . . . to violate the requirements of federal law,
15 especially when there are no adequate remedies available." *Ariz. Dream Act Coal. v. Brewer*, 757
16 F.3d 1053, 1069 (9th Cir. 2014). The public interest strongly favors ensuring constitutional
17 compliance in immigration proceedings and preventing arbitrary government action that
18 undermines fundamental fairness.

19 Therefore, the public interest overwhelmingly favors entering a temporary restraining
20 order.

21 **4. No Security is Required**

22 Federal Rule of Civil Procedure 65(c) provides that a court may issue a temporary
23 restraining order "only if the movant gives security in an amount that the court considers proper
24

1 to pay the costs and damages sustained by any party found to have been wrongfully enjoined or
 2 restrained." However, the court has discretion to waive any security requirement where there is
 3 no realistic likelihood of harm to the defendant. *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th
 4 Cir. 2003). Because "the [Government] cannot reasonably assert that it is harmed in any legally
 5 cognizable sense by being enjoined from constitutional violations," the Court should waive any
 6 security requirement. *See Zepeda*, 753 F.2d at 727. No security is required here.
 7

8 9 V. CONCLUSION

10 For all the above reasons, this Court should find that Mr. Alegria warrants a temporary
 11 restraining order ordering his release from ICE custody, and/or enjoining Respondents from
 12 transferring him outside the Eastern District of California unless and until he is afforded his
 13 scheduled merits hearing and the opportunity to pursue relief from removal with effective
 14 assistance of counsel. Additionally, Petitioner requests that this Court order expedited
 15 production of his A-file and detention records to enable proper review of whether his detention
 16 violates due process.
 17
 18
 19

20 Dated: July 26, 2025

Respectfully submitted,
 /s/ Anuar Ramirez-Medina
 Seven Hills Law Firm

22 Caitlyn DeWitt (*pro hac vice pending*)
 Social Justice Collaborative

24 Mara Hayn (*pro hac vice pending*)
 Social Justice Collaborative

26 Attorneys for Jose Neftali Alegria Palma
 27
 28

AFFIDAVIT OF EMERGENCY CIRCUMSTANCES

Pursuant to F.R.C.P. 65(b)(1)(B) and Civ. L.R. 231(c)(5), undersigned counsel certifies that this matter involves emergency circumstances requiring immediate judicial intervention. Counsel certifies that no notice was given because immediate notice to defendants would create substantial risk of client transfer beyond this court's jurisdiction, and potential retaliation against Plaintiff while in defendant's custody, both of which would irreparably prejudice Plaintiff's constitutional claims before this court could provide meaningful relief.

Dated: July 26, 2025

/s/ Anuar Ramirez-Medina

Attorney for Jose Neftali Alegria Palma

CERTIFICATE OF SERVICE

I, Anuar Ramirez-Medina , hereby certify that on July 26, 2025, I electronically filed the foregoing documents with the Clerk of the Court for the United States District Court for the Eastern District of California using the Court's CM/ECF system, which will send notification of such filing to all registered CM/ECF participants.

Those parties who are not registered or do not receive electronic service of process may access this filing at any time through the Court's CM/ECF system. I am not aware of any errors or delays that prevented timely submission through the electronic system.

Date: July 26, 2025

By: /s/ Anuar Ramirez-Medina
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