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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

VICTOR AMADO RODRIGUEZ-FLORES, Petitioner, v. F. SEMAIA,et al, Respondents.	Case No.: 2:25-cv-6900 **MOTION FOR TEMPORARY RESTRAINING ORDER; POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION: HEARING REQUESTED**

NOTICE OF MOTION

Pursuant to Rule 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 an order enjoining Defendants Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), Pam Bondi, in her official capacity as the U.S. Attorney General, and F. Semaia, in his official capacity as

Warden, Adelanto Detention Facility to release Petitioner-Plaintiff Victor Amado Rordriguez-Flores ("Mr. Rodriguez-Flores") until he is afforded a hearing, as required by the Due Process clause of the Fifth Amendment, to determine whether circumstances have materially changed such that Petitioner's re-incarceration would be justified because there is clear and convincing evidence establishing that he is a danger to the community or a flight risk.

Petitioner's counsel has met and conferred with Respondents' counsel regarding the filing of this motion.

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 Declaration of Bashir Ghazialam with Accompanying Exhibits in Support of Petition for Writ of Habeas Corpus and 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 due to his weighty liberty interest under the Due Process Clause of the Fifth Amendment in remedying his unlawful re-incarceration, which was imposed absent a pre-deprivation due process hearing.

WHEREFORE, Petitioner prays that this Court grant his request for a temporary restraining order enjoining ICE to release him from custody unless and until he is afforded a hearing on the question of whether his re-incarceration would be lawful. The only mechanism to ensure that he is not continuously unlawfully detained in violation of his due process rights is an ex-parte temporary

restraining order from this Court.

Dated: August 7, 2025

Respectfully Submitted

/s/Bashir Ghazialam
Bashir Ghazialam
Attorneys for Petitioner-Plaintiff

Table of Contents

Table of Authorities

I. INTRODUCTION

Petitioner-Plaintiff Mr. Rodriguez-Flores, by and through undersigned counsel, hereby files this motion for a temporary restraining order and preliminary injunction to order the U.S. Department of Homeland Security's (DHS) Immigration and Customs Enforcement (ICE) to release him from custody unless and until he is afforded notice and a hearing before a neutral decisionmaker on the question of whether his bond should be revoked and, if so, whether he must be re-incarcerated because ICE establishes by clear and convincing evidence that he is a danger to the community or a flight risk.

Petitioner is a Guatemalan born 49-year-old father of ten children, six of whom are U.S. citizens, and for whom Petitioner is the sole breadwinner. Petitioner has been residing in the United States continuously since 2010. In October 2019, DHS had previously incarcerated Petitioner for over six months after he was stopped by DHS while Petitioner was driving home from work. Petitioner had fled Guatemala on multiple occasions, beginning in 2003 due to persecution by a Guatemalan government connected group member.

On April 22, 2020, after being detained in excess of six months, Petitioner was released on an Alema[1]n bond by an immigration judge in the Otay Mesa Detention Center on a $5000.00 bond and ATD at DHS discretion.

On June 7, 2025, Petitioner was re-detained without any notice, a hearing, or an on-the-record determination. Neither Petitioner nor his counsel were contacted or provided with any reason for his detention until June 26, 2025, when his sponsor, Dr. Richard Dyke received a Notice of Immigration Bond Cancelation. Although this notice is dated June 7, 2025, it was not mailed until June 23, 2025. Despite his undersigned counsel contacting various offices, no one has provided counsel with any reasons for the cancellation of the bond or offered any changed

[1] *Aleman Gonzalez v. Sessions*, No. 18-CV-01869-JSC, 2018 WL 2688569 (N.D. Cal. June 5, 2018)

circumstances that would justify cancelling a bond that an Immigration Judge had set. Nor did the government file any motion for redetermination of custody, or any other motion or notice with the Court.

By statute and regulation, as interpreted by the Board of Immigration Appeals (BIA), ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been a change in circumstances since the individual's release. That authority, however, is proscribed by the Due Process Clause because it is well-established that individuals released from incarceration have a liberty interest in their freedom. In turn, to protect that interest, on the particular facts of Petitioner's case, due process required notice and a hearing, *prior to any revocation of his conditional release*. As DHS deprived him of his due process rights by re-detaining him without notice or a hearing, Petitioner must be released from custody unless and until he is afforded a hearing before a neutral adjudicator at which the government demonstrates by clear and convincing evidence that he is a danger or a flight risk and the Court takes into consideration alternatives to detention and Petitioner's ability to pay a new bond amount.

Petitioner meets the standard for a temporary restraining order. He will suffer immediate and irreparable harm absent an order from this Court enjoining the government to release him from detention unless and until he receives a hearing before a neutral adjudicator, as demanded by the Constitution. Since holding federal agencies accountable to constitutional demands is in the public interest, the balance of equities and public interest are also strongly in Petitioner's favor.

II. STATEMENT OF FACTS AND CASE

Petitioner was born in the city of Finca La Corona de Aldea Tatasirire, in Jalapa, Guatemala. He is of the Hispanic race and a Catholic. Petitioner attended first grade and then

his father took him out so that Petitioner could help his father with farm work. Petitioner had also been attending church regularly since childhood and went on to become actively involved with his church, including teaching religion to children in a church youth group.

After Petitioner became actively involved in his church, he was approached by a group of men led by a man (the group leader) who was a close associate of Mario Estrada, who was a presidential candidate in Guatemala but was convicted and sentenced to 15 years in prison in the United States for participating in a conspiracy to import and distribute tons of cocaine to the United States. Petitioner believes that their relationship began when the group leader was serving in the Guatemalan military, then serving as Mr. Estrada's security guard before becoming a police officer. Petitioner had known the group leader since childhood as he believes they attended the same elementary school. The group leader went on to join a gang dealing drugs and later joined the military. The group leader began recruiting Petitioner and his friends in the early 1990s, but Petitioner repeatedly rebuffed the group leader and his gang and Petitioner expressed his moral, religious and political opposition to the activities of The group leader and his gang. The group leader and his gang would stop Petitioner and would disrupt Petitioner when he was trying to attend his church and participate in his church related activities. Petitioner was a church-goer and in a position of trust, which could help the group leader and his gang transport and store their drugs with minimum level of detection.

In the beginning of his recruitment efforts, the group leader would harass Petitioner by telling him, "The church is not for men. It is for gays. Come on, be a real man and join us." When Petitioner continued to resist, the group leader told Petitioner, "Well if you don't participate, you will have a problem." In 1995, the group leader and his gang killed Petitioner's cousin because he too had refused to join them. After the killing of his cousin, Petitioner moved to Guatemala City and began working there in a metal company in San Jose La Rosa Zone 6

Misco. On December 24, 2002, Petitioner was visiting his uncle in Petitioner's parental home of Jalapa. Petitioner was with his two brothers-in-law when they were approached by the group leader and his associates who told Petitioner, "You're here again. Come with us. Come outside, or otherwise, there will be a problem." Id. When Petitioner's uncle heard this, he told the group leader and his associates, "You are not going to come in here and bother my family." A struggle ensued in which Petitioner's uncle picked up a rock and threw it, hitting one of The group leader's associates in the head, killing him.

After this incident, Petitioner, his uncle and two brothers-in-law fled back to Guatemala City where they stayed very discretely hoping that the group leader and his associates would not find them there. However, on February 14, 2003, when Petitioner and one of his brothers-in-law were returning from work, they were attacked by the group leader and four of his associates. the group leader tried to stab Petitioner with a knife in his stomach, but he missed and instead stabbed Petitioner's arm. Petitioner and his brother-in-law managed to run away and as they were being chased, the group leader shouted, "You can run away but we will find and kill you guys." Petitioner and his brother-in-law went home where Petitioner's uncle was, and they dispersed. Petitioner's brother-in-law went to Guasagapan Santa Rosa while Petitioner went to a clinic where he received treatment and then stayed in Guatemala City for one month until his wound was sufficiently healed and then he went to join his brother-in-law. Petitioner's uncle disappeared, and he has not been seen or heard from since.

Two months later, Petitioner and his brother-in-law received another threat from the group leader through a friend, and they stayed in Guasagapan Santa Rosa until August 2003 when Petitioner travelled to the U.S. Petitioner continued to reside and work in the U.S. while his brother-in-law remained in Guatemala. However, on June 28, 2007, the group leader and his gang found and killed Petitioner's brother-in-law. Although he was found essentially lynched

with his hands tied, the police concluded that he had killed himself. The kidnapping was witnessed by the victim's brother, who fled to Guatemala City. However, they were able to chase the brother down and kill him as well on August 27, 2008. Before they killed the brother, they called and threatened his wife.

In 2009, Petitioner returned to Guatemala. He and his partner wanted to return to Guatemala to attempt to pursue their lives there. Still fearing the group leader, Petitioner resided in another town approximately three hours away from his hometown. Petitioner's maternal uncle lived there. Petitioner lived in a house owned by someone whose house was across the street from their family metal shop, where Petitioner worked along with his two other cousins doing welding and making metal doors. However, it was not very long until the group leader discovered that Petitioner was back. In December 2009, the group leader went to the house in La Corona looking for Petitioner and when Petitioner's cousin told the group leader he did not know Petitioner's whereabouts, the group leader had replied, "I'm gonna find him." Then on January 1, 2010, the group leader set the house Petitioner was living in on fire, but at the time, Petitioner was not home and was visiting his sister. Petitioner's cousins had seen the group leader and others who were with the group leader outside the Petitioner's house. The group leader was in a marked patrol car. Moreover, later that day, one of the cousins had seen the group leader again, who told the cousin that Petitioner had escaped from hell and that he would not be able to run away from him any longer anywhere in Guatemala.

With nowhere to go, Petitioner decided to return to the U.S. Although Petitioner was apprehended and returned to Guatemala on two occasions, he could not remain in Guatemala and returned to the U.S. in 2010 and has been residing here ever since. Following his apprehension in October 2019, Petitioner expressed fear of return to Guatemala, he was placed in reasonable fear proceedings, he was found to have a reasonable fear of persecution or torture

in Guatemala by an asylum officer, and was placed in withholding proceedings. The immigration judge denied relief, Petitioner timely appealed to the Board of Immigration Appeals, which dismissed Petitioner's appeal. Petitioner timely petitioned to the Ninth Circuit.

Petitioner has no criminal history and has been reporting to all of his ICE check-ins religiously. In fact, Petitioner has become a pillar of his community. He is loved and highly admired in his community, church and children's soccer leagues, where he is a big volunteer and contributor. Countless numbers of citizens have come forward and provided letters of support. Ex."A" Dr. Richard W. Dyke, M.A. M.P.A. Ph.D., who has been Petitioner's neighbor for 11 years, writes, "Victor is a humble and hard worker. He has learned English and makes his own way with a variety of jobs. He is a very skilled carpenter, construction worker, house painter, and all-around handyman and mechanic." Dr. Dyke goes on to state, "Victor is a churchgoer and helper at his children's school, too. He is also a soccer Dad who is very concerned about raising his children properly and helping his family, church, school, and community. At the same time, it is important to note that he has been trying through the legal system over the past six years to be given status to remain in the United States to take care of his children." For much of that time he has worn an ankle monitor prescribed by the government to be allowed to stay at home." Id.

Paula Radcliffe Dyke, Dr. Dyke's wife writes, "I also know [Victor] as a hard worker who often works six days a week to make ends meet. Every weekday about 7:00 am, Victor takes the children to school and Victor and his wife drive to work." Mrs. Dyke goes on to state, "Victor and his family attend St. Andrew's Catholic Church in Pasadena on Sundays. Most of the children have been baptized at the church. Victor is also active at his children's school, where he helps out with activities when he can. He is also very helpful to his neighbors. He has fixed plumbing and electrical problems for one neighbor and has helped my husband and I with car

repairs and tire problems and also patched the roof of another neighbor." Id.

Another community member and fellow churchgoer, Marisol Gonzalez, writes, "I have known Victor for approximately five years, and during this time, I have come to know him as a hardworking, responsible individual who is deeply devoted to his family. He is a man of great humility and honesty. Victor regularly attends our Prayer Group at Immaculate Conception Church, accompanied by his wife and young children. His presence is a constant source of strength for his family, and I cannot imagine how they are coping without him. He is their primary support, and they are currency going through a very painful time in his absence." Id.

Josefa Diaz writes, "Victor's detention has devastated his family. He was the sole provider of income in their income in their household. Now, his wife and children face not only the emotional anguish of his absence but also a desperate financial situation. They are at risk of losing their home… Additionally, Victor was part of the local recreational soccer community, actively participating in the "Premier USA Soccer Leagues" and frequently gathering at the John Ferraro Athletic Fields in Los Angeles. There, he shared his passion for the sport with others in the community, promoting a healthy lifestyle, positive relationships, and active, productive integration into our society." Id.

Coach Hector Anaya writes, "I have known Victor Amado Rodriguez Flores for a few years. I coach both of his children Dulce and Camilo Rodriguez, they are part of the Chivitas Soccer Team here at Villa Park in Pasadena, CA. Victor Amado Rodriguez Flores is a good, honest, and hardworking family man, he is always present at his kid's soccer games showing them support. I have witness how this situation has affected his entire family as they depend on him for support." Id.

On April 22, 2020, after being detained in excess of six months, Petitioner was released

on an Alema[2]n bond by an immigration judge in the Otay Mesa Detention Center on a $5000.00 bond and ATD at DHS discretion. Ex. "B"

Since his release in April 2020, Petitioner has been focused on recovering from the effects of the persecution and torture he experienced in Guatemala and addressing the lasting mental and physical scars of that trauma. [redacted] Petitioner has been diagnosed with conditions labeled as [redacted] due to the frequency, intensity and duration of his symptoms. Ex. "C" According to his psychologist, [redacted]

On May 20, 2025, Petitioner filed a petition for classification as a U nonimmigrant Status due to being an indirect victim of a U-visa qualifying crime and having assisted law

[2] *Aleman Gonzalez v. Sessions*, No. 18-CV-01869-JSC, 2018 WL 2688569 (N.D. Cal. June 5, 2018)

enforcement investigate and prosecute the perpetrator of the crime. Ex. "E"

On January 4, 2022, the Ninth Circuit Court of Appeals ordered Petitioner's stay of removal until the mandate issues unless the court orders otherwise. Ex. "F"

On February 25, 2022, Petitioner's appeal was administratively closed by request of the government and by agreement of both parties pursuant to the government's then enforcement priorities policy and exercise of prosecutorial discretion. Ex. "G"

On April 2, 2025,the appeal was reopened by the Ninth Circuit by way of the government's motion (although there has been no changed circumstances in Petitioner's case or his personal circumstances). Ex. "H"

To date, Petitioner had been regularly and timely checking into his ISAP appointments. He has no criminal record and nothing has changed recently.

On June 7, 2025, Petitioner was called in for a nonscheduled check-in and told by individuals representing themselves to be ICE agents and demanded that he report to a particular location in Los Angeles. When he arrived at said location, these individuals were waiting for him and immediately detained him and transported him to a detention center and ultimately to the Adelanto Detention facility. Ex. "I" Undersigned counsel immediately contacted the Los Angeles ERO Office as well as Joanne S. Osinoff, Assistant United States Attorney, Chief, Complex and Defensive Litigation Section, Civil Division, U.S. Attorney's Office, Central District of California, in order to obtain an explanation regarding what authority Respondents were detaining Petitioner. Neither one provided a response to this query. Id.

Petitioner was re-detained without any notice, a hearing, or an on-the-record determination. Neither Petitioner nor his counsel were contacted or provided with any reason for his detention until June 26, 2025, when his sponsor, Dr. Richard Dyke received a Notice of Immigration Bond Cancelation. Ex. "J" Although this notice is dated June 7, 2025, it was not

mailed until June 23, 2025. Despite his counsel contacting various offices, no one has provided him with any reasons for the cancellation of the bond or any changed circumstances that would justify cancelling a bond that an Immigration Judge had set. Nor did the government file any motion for redetermination of custody, or any other motion or notice with the Court.

Therefore, on July 3, 2025, Petitioner, through his undersigned counsel of record moved the Adelanto Immigration Court to reinstate the previously issued bond or enter a new custody redetermination order pursuant to 8 C.F.R §236.1(d)(1) and 1003.19(c)(1), and Chapter 9.1(d)(ii) of the Immigration Court Practice Manual, as well as Aleman Gonzalez v. Sessions, No. 18-CV-01869-JSC, 2018 WL 2688569 (N.D. Cal. June 5, 2018).

On July 11, 2025, the Immigration Judge denied the motion based on a claimed lack of jurisdiction. Ex. "K" This, despite counsel citing several federal court decisions supporting that due process requires the government to provide noncitizens with notice and a hearing prior to re-detention, and that re-detention, without prior notice, a showing of changed circumstances, or a meaningful opportunity to respond, does not satisfy the procedural requirements of the Fifth Amendment. See Ortega v. Bonnar, 415 F. Supp. 3d 963 (N.D. Cal. 2019); Lopez v. Sessions, 2018 U.S. Dist. LEXIS 98712 (S.D.N.Y. June 12, 2018); and Meza v. Bonnar, No. 18-cv-02708-BLF, 2018 U.S. Dist. LEXIS 94664 (N.D. Cal. June 4, 2018) See also, Rosales-Garcia v. Holland, 322 F.3d 386, 409 (6th Cir. 2003) ("Excludable aliens—like all aliens—are clearly protected by the Due Process Clauses of the Fifth and Fourteenth Amendments.") (citing Yick Wo v. Hopkins, 118 U.S. 356, 6 S. Ct. 1064, 30 L. Ed. 220 (1886).

The Immigration Judge stated that although he sympathized with Petitioner's situation, and that he agreed that the government had not shown any changed circumstances, and that if he did have jurisdiction, he would order Petitioner released on the same conditions that the prior immigration judge had released Petitioner. The IJ went on to claim that he would only

have jurisdiction if Petitioner was detained in excess of 180 days or if he had an order from a federal court ordering a custody redetermination hearing.

Intervention from this Court is therefore required to ensure that Petitioner does not continue to suffer irreparable harm.

III. LEGAL STANDARD

Petitioner is entitled to a temporary restraining order if he establishes that he is "likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [his] favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining order standards are "substantially identical"). Even if Petitioner does not show a likelihood of success on the merits, the Court may still grant a temporary restraining order 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 (9th Cir. 2011). As set forth in more detail below, Petitioner overwhelmingly satisfies both standards.

IV. ARGUMENT

A. PETITIONER WARRANTS 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). As explained *infra* at Section III.A.1, when Petitioner was re-arrested

prior to receiving a hearing before a neutral adjudicator or any material change in circumstances, it clearly violated his due process rights. Petitioner has already suffered irreparable injury in the form of incarceration and will continue to suffer irreparable injury each day he remains detained without due process.

1. Petitioner is Likely to Succeed on the Merits of His Claim That in This Case the Constitution Required a Hearing Before a Neutral Adjudicator Prior to Any Re-Incarceration by ICE

Petitioner is likely to succeed on his claim that, in his particular circumstances, the Due Process Clause of the Constitution prevents Respondents from re-arresting Petitioner without first providing a pre-deprivation hearing before a neutral adjudicator where the government demonstrates by clear and convincing evidence that there has been a material change in circumstances such that Petitioner is now a danger or a flight risk.

The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's immigration bond and re-arrest the noncitizen at any time. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language granting ICE the power to revoke an immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981), the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens. The BIA held that "where a previous bond determination has been made by an immigration judge, no change should be made by [the DHS] absent a change of circumstance." *Id.* In practice, DHS "requires a showing of changed circumstances both where the prior bond determination was made by an immigration judge *and* where the previous release decision was made by a DHS officer." *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (emphasis added). The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has no authority to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th

Cir. 2021) ("Thus, absent changed circumstances … ICE cannot redetain Panosyan.").

ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances." *Saravia*, 280 F. Supp. 3d at 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (quoting Defs.' Second Supp. Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may re-arrest a noncitizen who had been previously released on bond only after a material change in circumstances. *See Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

ICE's power to re-arrest a noncitizen who is at liberty following a release on bond is also constrained by the demands of due process. *See Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the requirements of due process"). In this case, the guidance provided by *Matter of Sugay*—that ICE should not re-arrest a noncitizen absent changed circumstances—is insufficient to protect Petitioner's weighty interest in his freedom from detention.

Federal district courts in California have repeatedly recognized that the demands of due process and the limitations on DHS's authority to revoke a noncitizen's bond or parole set out in DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen on bond, like Petitioner, *before* ICE re-detains him. *See, e.g.*, *Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021).

Recently, in March, 2025, in a published decision, Honorable Judge Daniel J. Calabretta, for the Eastern District of California, granted Petitioner's application for TRO and subsequently converted it to a preliminary injunction for a Petitioner who Petitioner was similarly released

from custody on bond on November 8, 2019, after an Immigration Judge found that Petitioner did not present a danger to the community or risk of flight, Petitioner remained out of ICE custody for over five years until January 28, 2025, when ICE rearrested Petitioner, similar to Mr. Rodriguez Flores. *Doe v. Becerra*, 2:25-cv-00647, (E.D. Cal.).

Courts analyze procedural due process claims such as this one in two steps: the first asks whether there exists a protected liberty interest under the Due Process Clause, and the second examines the procedures necessary to ensure any deprivation of that protected liberty interest accords with the Constitution. *See*

Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454, 460 (1989).

a. Petitioner Has a Protected Liberty Interest in His Conditional Release

Petitioner's liberty from immigration custody is protected by the Due Process Clause: "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

For over five years preceding his re-detention on June 6, 2025, Petitioner exercised that freedom under an immigration judge's order granting him release on a $5,000 bond. Ghazialam Decl. at Ex. "B" (Immigration Judge Order Granting Bond). Although he was released on bond (and thus under government custody), he retained a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972).

In *Morrissey*, the Supreme Court examined the "nature of the interest" that a parolee has in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the conditions of his parole, [a parolee] can be gainfully employed and is free to be with family and friends

and to form the other enduring attachments of normal life." *Id.* at 482. The Court further noted that "the parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* The Court explained that "the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and often others." *Id.* In turn, "[b]y whatever name, the liberty is valuable and must be seen within the protection of the [Fifth] Amendment." *Id.*

This basic principle—that individuals have a liberty interest in their conditional release—has been reinforced by both the Supreme Court and the circuit courts on numerous occasions. *See, e.g.*, *Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process). As the First Circuit has explained, when analyzing the issue of whether a specific conditional release rises to the level of a protected liberty interest, "[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*." *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted). *See also, e.g.*, *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) ("a person who is in fact free of physical confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due process before he is re-incarcerated") (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

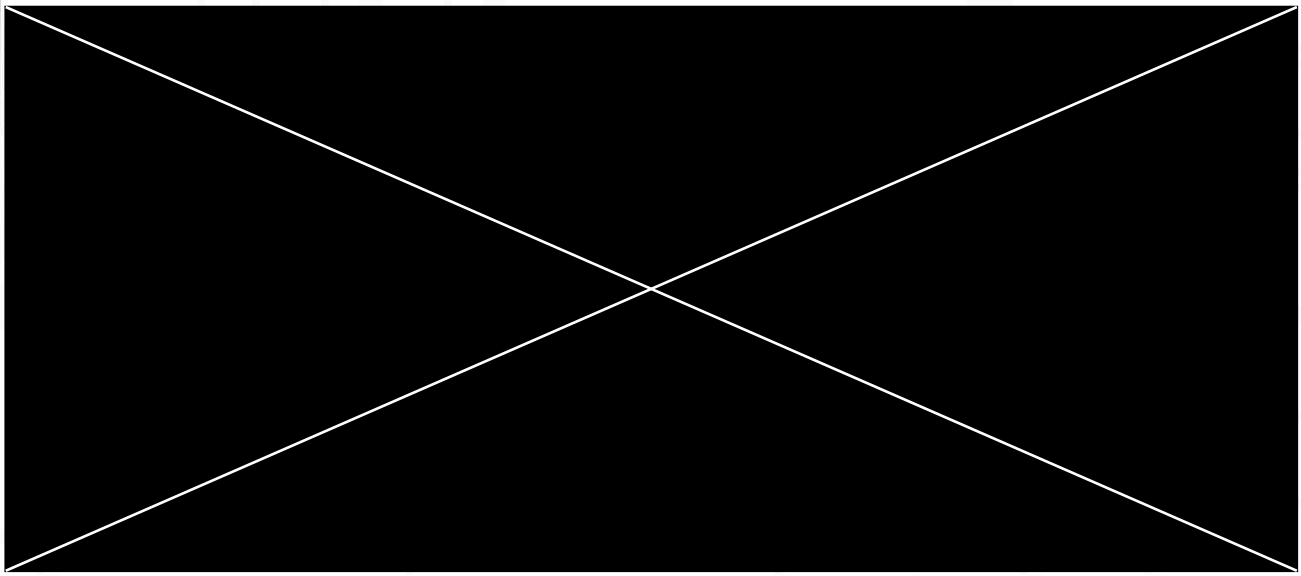
In fact, it is well-established that an individual maintains a protectable liberty interest even where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-*

Fuentes, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process considerations support the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted to society, so it "would be inconsistent with fundamental principles of liberty and justice" to return him to prison) (internal quotation marks and citation omitted).

Here, when this Court "'compar[es] the specific conditional release in [Petitioner's case], with the liberty interest in parole as characterized by *Morrissey*,'" it is clear that they are strikingly similar. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Petitioner's release "enables him to do a wide range of things open to persons'" who have never been in custody or convicted of any crime, including to live at home, work, support his U.S. citizen children, and be active in the community, and "be with family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482.

Since his release in April 2020, Petitioner has been focused on recovering from the effects of the persecution and torture he experienced in Guatemala and addressing the lasting mental and physical scars of that trauma. [redacted]

[redacted]



On May 20, 2025, Petitioner filed a petition for classification as a U nonimmigrant Status due to being an indirect victim of a U-visa qualifying crime and having assisted law enforcement investigate and prosecute the perpetrator of the crime.

b. Petitioner's Liberty Interest Mandated a Hearing Before any Re-Arrest and Revocation of Bond

Petitioner asserts that, here, (1) where his detention is civil, (2) where he has diligently complied with ICE's reporting requirements on a regular basis, (3) where he has a substantial application for protection or relief pending, (4) where ICE is unable to show any changed circumstances, and (5) where ICE officers claim that circumstances had not changed and they were taking the action because of the new administration, due process mandates that he was required to receive notice and a hearing before a neutral adjudicator prior to any re-arrest or revocation of a bond.

"Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must "balance [Petitioner's] liberty interest against the [government's] interest in the efficient

administration of" its immigration laws in order to determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test: "first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards; and finally the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (*citing Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

The Supreme Court "usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies are "the only remedies the State could be expected to provide" can post-deprivation process satisfy the requirements of due process. *Zinermon*, 494 U.S. at 985. Moreover, only where "one of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible in preventing the kind of deprivation at issue" such that "the State cannot be required constitutionally to do the impossible by providing predeprivation process," can the government avoid providing pre-deprivation process. *Id.*

Because, in this case, the provision of a pre-deprivation hearing was both possible and valuable to preventing an erroneous deprivation of liberty, ICE was required to provide Petitioner with notice and a hearing *prior* to any re-incarceration and revocation of his bond. *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004); *Zinermon*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals

awaiting involuntary civil commitment proceedings may not constitutionally be held in jail pending the determination as to whether they can ultimately be recommitted). Under *Mathews*, "the balance weighs heavily in favor of [Petitioner's] liberty" and required a pre-deprivation hearing before a neutral adjudicator, which ICE failed to provide.

i. Petitioner's Private Interest in His Liberty is Profound

Under *Morrissey* and its progeny, individuals conditionally released from serving a criminal sentence have a liberty interest that is "valuable." *Morrissey*, 408 U.S. at 482. In addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles him to constitutional due process before he is re-incarcerated—apply with even greater force to individuals like Petitioner, who have been released pending civil removal proceedings, rather than parolees or probationers who are subject to incarceration as part of a sentence for a criminal conviction. Parolees and probationers have a diminished liberty interest given their underlying convictions. *See, e.g.*, *U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the parolee cannot be re-arrested without a due process hearing in which they can raise any claims they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes,* 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, Petitioner retains a truly weighty liberty interest even though he was under conditional release prior to his re-arrest.

What is at stake in this case for Petitioner is one of the most profound individual interests recognized by our legal system: whether ICE may unilaterally nullify a prior bond decision and be able to take away his physical freedom, i.e., his "constitutionally protected interest in avoiding physical restraint." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (internal quotation omitted). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

Thus, it is clear that there is a profound private interest at stake in this case, which must

be weighed heavily when determining what process he is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.

ii. The Government's Interest in Keeping Petitioner in Detention Without a Hearing is Low and the Burden on the Government to Release Him from Custody Unless and Until He is Provided a Hearing is Minimal

The government's interest in keeping Petitioner in detention without a due process hearing is low, and when weighed against Petitioner's significant private interest in his liberty, the scale tips sharply in favor of releasing Petitioner from custody unless and until the government demonstrates by clear and convincing evidence that he is a flight risk or danger to the community. It becomes abundantly clear that the *Mathews* test favors Petitioner when the Court considers that the process Petitioner seeks—release from custody pending notice and a hearing regarding whether his bond should be revoked and, if so, whether a new bond amount should be set—is a standard course of action for the government. In the alternative, providing Petitioner with a hearing before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing evidence that Petitioner is a flight risk or danger to the community would impose only a *de minimis* burden on the government, because the government routinely provides this sort of hearing to detained individuals like Petitioner.

As immigration detention is civil, it can have no punitive purpose. The government's only interests in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it had a sudden interest in detaining Petitioner on June 7, 2025. Petitioner was determined by an immigration judge not to be a danger to the community in April 2020 and has done nothing to undermine that determination. In fact, he has continued to appear before ICE for each and every appointment that has been scheduled. *See Morrissey*, 408 U.S. at 482 ("'It is not sophistic to attach greater importance to a person's justifiable reliance in maintaining his conditional freedom so long as he abides by the conditions on his release, than to his mere anticipation or hope of freedom'") (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir. 1971).

As to flight risk, an immigration judge has already determined that a bond of $5,000 and

frequent check-ins were sufficient to guard against any possible flight risk, to "assure [his] presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. Furthermore, Petitioner, a well-known handyman, member of his church and community, including his children's soccer leagues, has a meritorious appeal pending before the Ninth Circuit Court of Appeals, with a stay of removal in place, based on persecution and torture he experienced in Guatemala and eagerly awaits the opportunity to present his case to the Court.

It is difficult to see how the government's interest in ensuring his presence at the moment of removal has materially changed since he was released in April 2020. Petitioner (1) was already subject to a bond in the amount of $5,000, *see* Ghazialam Decl. Ex. "B" and (2) attended regular check-ins with ICE, *see id.* Petitioner's post-release conduct in the form of full compliance with his check-in requirements further confirms that he is not a flight risk and that he is likely to present himself at any future hearings or ICE appearances. The government's interest in detaining Petitioner at this time is therefore low. That ICE has a new policy to make a minimum number of arrests each day under the new administration does not constitute a material change in circumstances or increase the government's interest in detaining him.[3]

Moreover, the "fiscal and administrative burdens" that release from custody unless and until a pre-deprivation bond hearing is provided would impose are nonexistent in this case. *See Mathews*, 424 U.S. at 334-35. Petitioner does not seek a unique or expensive form of process, but rather his release from custody until a routine hearing regarding whether his bond should be revoked and whether he should be re-incarcerated takes place.

In the alternative, providing Petitioner with an immediate hearing before this Court (or a neutral decisionmaker) regarding bond is a similarly routine procedure that the government provides to those in immigration jails on a daily basis. At that hearing, the Court would have the opportunity to determine whether circumstances have changed such that Petitioner is more of a danger to the community or flight risk. But there was no justifiable reason to re-incarcerate Petitioner and ship him to Adelanto Detention Facility prior to such a hearing taking place. As the Supreme Court noted in *Morrissey*, even where the State has an "overwhelming interest in being able to return [a parolee] to imprisonment without the burden of a new adversary

[3] *See* "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post* (January 26, 2025), available at: https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/.

criminal trial if in fact he has failed to abide by the conditions of his parole . . . the State has no interest in revoking parole without some informal procedural guarantees." 408 U.S. at 483.

Release from custody until ICE (1) moves for a bond re-determination before an Immigration Judge and (2) demonstrates by clear and convincing evidence that Petitioner is a flight risk or danger to the community is far *less* costly and burdensome for the government than keeping him detained. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of immigration detention are 'staggering': $158 each day per detainee, amounting to a total daily cost of $6.5 million." *Hernandez*, 872 F.3d at 996. If, in the alternative, the Court chooses to order a hearing for Petitioner at which the government bears the burden of justifying his continued detention, the government would bear no additional cost if the hearing is scheduled within seven days, rather than allowing Petitioner to sit in detention for days or weeks awaiting a hearing. This is particularly true where, as here, DHS has been in possession of the only information it has relied on to justify a dangerousness determination for months on end without taking any action.

iii. Without Release from Custody until the Government Provides a Due Process Hearing, the Risk of an Erroneous Deprivation of Liberty is High, and Process in the Form of a Hearing Would Decrease That Risk

Releasing Petitioner from custody until he is provided a pre-deprivation hearing would decrease the risk of him being erroneously deprived of his liberty. Before Petitioner can be lawfully detained, he must be provided with a hearing before a neutral adjudicator at which the government is held to show that there has been sufficiently changed circumstances such that the April 2020, immigration judge bond determination should be altered or revoked because clear and convincing evidence exists to establish that Petitioner is a danger to the community or a flight risk.

Under the process that ICE maintains is lawful—which affords Petitioner no process whatsoever—ICE can simply re-detain him at any point if the agency desires to do so, as ICE did on June 7, 2025. Petitioner has already been erroneously deprived of his liberty, and the risk he will continue to be deprived is high if ICE is permitted to keep him in detention after making a unilateral decision to re-detain him. Pursuant to 8 C.F.R. § 236.1(c)(9), an arrest of Petitioner automatically revokes his bond. Thus, the regulations permit ICE to unilaterally nullify a bond

order without oversight of any kind. After re-arrest, ICE makes its own, one-sided custody determination and can decide whether the agency wants to hold Petitioner without a bond, or grant him a new bond. 8 C.F.R. § 236.1(c)(9). In this instance, the immigration judge has declined to assume jurisdiction over bond for Petitioner and he was not granted a bond by the Immigration Court. ICE's new custody determination will be subject to review by the IJ. 8 U.S.C. § 1226(a). Therefore, the actual revocation of Petitioner's bond evades any review by the IJ or any other neutral arbiter.

By contrast, the procedure Petitioner seeks—release from custody and reinstatement of his prior bond until he is provided a hearing in front of a neutral adjudicator at which the government proves by clear and convincing evidence that circumstances have changed to justify his detention—is much more likely to produce accurate determinations regarding factual disputes, such as whether a certain occurrence constitutes a "changed circumstance." *See Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir.1989) (when "delicate judgments depending on credibility of witnesses and assessment of conditions not subject to measurement" are at issue, the "risk of error is considerable when just determinations are made after hearing only one side"). "A neutral judge is one of the most basic due process protections." *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a neutral decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v. Napolitano* ("*Diouf II*"), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

Due process also requires consideration of alternatives to detention at any custody redetermination hearing that may occur. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternatives to detention that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to detention must be considered in determining whether Petitioner's re-incarceration is warranted.

As the above-cited authorities show, Petitioner is likely to succeed on his claim that the Due Process Clause required notice and a hearing in Immigration Court *prior to any* re-

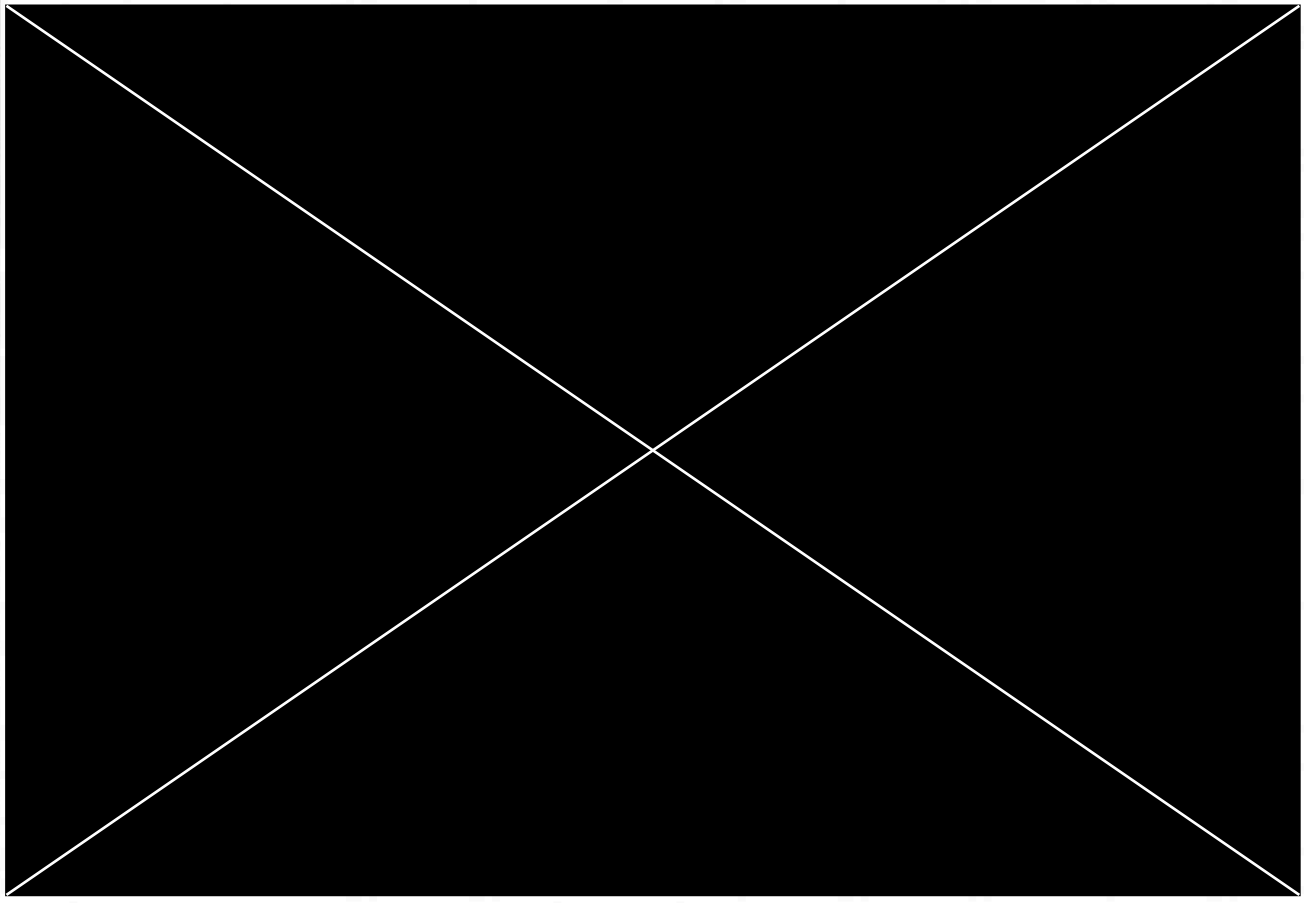
incarceration by ICE. And, at the very minimum, he clearly raises serious questions regarding this issue, thus also meriting a TRO. *See* *Alliance for the Wild Rockies*, 632 F.3d at 1135.

2. Petitioner will Suffer Irreparable Harm Absent Injunctive Relief

Petitioner will suffer irreparable harm were he to remain deprived of his liberty and subjected to continue incarceration by immigration authorities without being immediately released and provided the constitutionally adequate process that this motion for a temporary restraining order seeks. Detainees in ICE custody are held in "prison-like conditions." *Preap v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016). As the Supreme Court has explained, "[t]he time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972); *accord* *Nat'l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in "concrete terms the irreparable harms imposed on anyone subject to immigration detention" including "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez*, 872 F.3d at 995. Finally, the government itself has documented alarmingly poor conditions in ICE detention centers. *See, e.g.*, DHS, Office of Inspector General (OIG), Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years 2020-2023 (2024) (reporting violations of environmental health and safety standards; staffing shortages affecting the level of care detainees received for suicide watch, and detainees being held in administrative segregation in unauthorized restraints, without being allowed time outside their cell, and with no documentation that they were provided health care or three meals a day).[4]

Petitioner had been out of ICE custody for over five years. During that time, he had expanded his community of friends. The likelihood that Petitioner will suffer irreparable harm is heightened by Petitioner recent diagnosis of conditions labeled as [redacted]

[4] Available at https://www.oig.dhs.gov/sites/default/files/assets/2024-09/OIG-24-59-Sep24.pdf (last accessed Feb. 6, 2024).



If Petitioner remains detained in an immigration jail, his health would be endangered. On June 3, 2019, the U.S. Department of Homeland Security's Office of Inspector General (DHS OIG) conducted an unannounced inspection at the Adelanto Detention Facility and released a report detailing significant findings, including issues with detainee safety, medical care, and segregation practices.[5] The report highlighted concerns about nooses in detainee cells, inadequate medical care, and improper segregation practices. The DHS OIG recommended that ICE conduct a thorough review of the facility to ensure compliance with detention standards, specifically in areas like personal care, segregation, and medical care. The report detailed significant health and safety risks, including inadequate medical care, found during an inspection of the Adelanto Detention Facility. The inspection specifically highlighted concerns regarding nooses in detainee cells, improper and overly restrictive segregation, and untimely and inadequate medical care. Reports from the DHS OIG (.gov) confirm that the facility was not

[5] https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf#:~:text=OFFICE%20OF%20INSPECTOR%20GENERAL%203%20The%20inspection,restrictive%20segregation%2C%20and%20inadequate%20detainee%20medical%20care.

in compliance with ICE's 2011 Performance-Based National Detention Standards.

Finally, as detailed *supra*, Petitioner contends that his re-arrest absent a hearing before a neutral adjudicator violated his due process rights under the Constitution. It is clear that "the 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, 373 (1976)). Thus, a temporary restraining order is necessary to prevent Petitioner from suffering irreparable harm by remaining in unlawful and unjust detention.

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 Petitioner. 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."). Therefore, the government cannot allege harm arising from a temporary restraining order or preliminary injunction ordering it to comply with the Constitution.

Further, any burden imposed by requiring the DHS to release Petitioner from custody until he is provided notice and a hearing before a neutral decisionmaker is both *de minimis* and clearly outweighed by the substantial harm he will suffer as long as he continues to be detained. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) ("Society's interest lies on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required.").

Finally, a temporary restraining order is in the public interest. First and most importantly, "it would not be equitable or in the public's interest to allow [a party] . . . to violate the requirements of federal law, especially when there are no adequate remedies available." *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (quoting *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)). If a temporary restraining

order is not entered, the government would effectively be granted permission to detain Petitioner in violation of the requirements of Due Process. "The public interest and the balance of the equities favor 'prevent[ing] the violation of a party's constitutional rights.'" *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002); *see also Hernandez*, 872 F.3d at 996 ("The public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of bonds established by a likely unconstitutional process."); *cf. Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) ("Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.").

Therefore, the public interest overwhelmingly favors entering a temporary restraining order and preliminary injunction.

V. CONCLUSION

For all the above reasons, this Court should find that Petitioner warrants a temporary restraining order and a preliminary injunction ordering that Respondents release him from custody and refrain from re-arresting him unless and until he is afforded a hearing before a neutral adjudicator on whether a change in bond amount or revocation of his bond is justified by clear and convincing evidence that he is a danger to the community or a flight risk.

Dated: August 7, 2025

Respectfully submitted,

s/Bashir Ghazialam
Bashir Ghazialam
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2025, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Central District of California by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

Executed on: August 7, 2025

/s/ Bashir Ghazialam
Bashir Ghazialam