

1 KEKER, VAN NEST & PETERS LLP
ERIN E. MEYER - # 274244
2 emeyer@keker.com
KAYLA M. CROWELL - # 349061
3 kcrowell@keker.com
633 Battery Street
4 San Francisco, CA 94111-1809
Telephone: 415 391 5400
5 Facsimile: 415 397 7188

6 Attorneys for Petitioner SALAM MAKLAD

7
8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 Salam Maklad,

11 Petitioner,

12 v.

13 RON MURRAY, Warden of Mesa Verde ICE
Processing Center; POLLY KAISER, Acting
14 Field Office Director of the San Francisco
Immigration and Customs Enforcement
15 Office; TODD LYONS, Acting Director of
United States Immigration and Customs
16 Enforcement; KRISTI NOEM, Secretary of
the United States Department of Homeland
17 Security, PAMELA BONDI, Attorney
General of the United States, acting in their
18 official capacities,

19 Respondents.

Case No. 1:25-at-00644

**PETITIONER'S NOTICE OF MOTION
AND EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

Date Filed: August 2, 2025

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Eastern District of California, that Petitioner Salam Maklad will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 231. Because Petitioner's detention—at Mesa Verde ICE Processing Center as of the filing of this motion—violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the San Francisco Immigration Court, where Respondents shall bear the burden of proof to show, by clear and convincing evidence, that Petitioner is a danger or a flight risk. To preserve this Court's jurisdiction, Petitioner further seeks an order enjoining Respondents from transferring Petitioner out of this District or deporting her during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the supporting Declarations of Petitioner's husband Nisar Abo Faker Abo Assi and Petitioner's counsel Erin Meyer; the Proposed Order; the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 1).

Consistent with Civil L.R. 231, Petitioner seeks relief at the earliest possible opportunity. Petitioner is filing this motion on the same day that she filed her Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 231(c), and as detailed further in the supporting Declaration of Erin Meyer, Counsel for Petitioner provided Counsel for Respondents with notice of this Motion and advised Respondents of the emergency reasons requiring Petitioner to seek an *ex parte* application for a temporary restraining order. At 7:30 a.m. on August 2, 2025, Counsel for Petitioner left a voicemail with the Civil Chief of the U.S. Attorney's Office for the Eastern

1 District of California. Meyer Decl. ¶ 4. Counsel informed the Civil Chief that the habeas petition
2 and Motion for TRO would be filed imminently and briefly explained the bases for the motion. At
3 7:43 a.m., Counsel for Petitioner received a return phone call from the Civil Chief acknowledging
4 the forthcoming habeas petition and TRO motion. *Id.* ¶ 5. At 7:46 a.m., Counsel for Petitioner
5 also followed up with an email to the Civil Chief. *Id.* At 8:30 a.m., the Civil Chief acknowledged
6 receipt of that follow-up email. *Id.* At 8:49 a.m., Counsel for Petitioner provided a copy of the as-
7 filed habeas petition by email to the Civil Chief. *Id.* ¶ 6.

8 As of this filing, Respondents have not stipulated to a TRO or responded to Counsel for
9 Petitioner's offer to discuss alternatives to emergency practice following the brief phone call on
10 August 2, 2025.

11
12
13 Dated: August 2, 2025

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

14
15 By: /s/ Erin E. Meyer
16 ERIN E. MEYER
KAYLA M. CROWELL

17 Attorneys for Petitioner SALAM
18 MAKLAD
19
20
21
22
23
24
25
26
27
28