

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CARLOS MARIO SILVA HERNANDEZ,
Petitioner,

v.

MARC MOORE, in his official capacity as
Director of ICE ERO Los Angeles Field Office, et al.,
Respondents.

Case No. 2:25-cv-07157 v. ICE DHS

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
STAY OF REMOVAL

Petitioner, Carlos Mario Silva Hernandez, by and through undersigned counsel, respectfully moves this Court for the immediate issuance of a Temporary Restraining Order (“TRO”) enjoining his removal and/or ordering his release from ICE custody, pending final adjudication of his Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.

Mr. Silva Hernandez is a native and citizen of Colombia who fled to the United States seeking asylum due to credible threats to his life from transnational criminal organizations. His asylum application has been fully documented with a detailed declaration and corroborating evidence, including declarations from family members and country conditions reports detailing the pervasive violence and impunity in Colombia.

Despite the gravity of his claims, the Immigration Judge dismissed his case on July 28, 2025, and denied bond on July 7, 2025, citing lack of jurisdiction under Matter of M-S- and Matter of Q. Li. Petitioner remains detained at Adelanto ICE Processing Center without a pending hearing, facing imminent removal.

Petitioner satisfies the requirements for emergency injunctive relief. He is likely to succeed on the merits of his claim that continued detention and removal would violate his constitutional and statutory rights. He will suffer irreparable harm absent intervention. The balance of equities and public interest overwhelmingly support relief.

WHEREFORE, Petitioner respectfully requests that the Court:

1. Issue a Temporary Restraining Order enjoining Respondents from removing Petitioner from the United States;
2. Order Petitioner's immediate release from ICE custody or schedule a bond hearing within 7 days;
3. Set a hearing on a preliminary injunction, if appropriate;
4. Grant such other and further relief as the Court deems just and proper.

Dated: August 2, 2025

San Jose, California

/s/ Liyuny C. Sosa Velasquez

Liyuny C. Sosa Velasquez, Esq.

Law Office of Liyuny Sosa

Attorney for Petitioner Carlos Mario Silva Hernandez