

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GUADALUPE LUCERO COHETERO

Petitioner-Plaintiff

v.

JOHN TSOURKARIS, *et al.*

Respondent-Defendants.

Civil Action No.
25-14364-BRM

Judge Brian R. Martinotti

**MOTION DAY:
SEPTEMBER 15, 2025**

**PETITIONER-PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Federal Rule of Civil Procedure 65, Petitioner-Plaintiff Gudalupe Lucero Cohetero respectfully request that the Court issue an order restraining Respondents-Defendants (“Defendants”) from continuing to unlawfully detain Mr. Lucero Cohetero. In the alternative, Mr. Lucero Cohetero requests that the Court issue an order requiring Defendants to place them in community- based alternatives to detention, subject to reasonable and appropriate conditions. Mr. Lucero Cohetero’s motion is supported by the accompanying Memorandum of Law in Support of Motion for a Temporary Restraining Order and exhibits.

As explained in the accompanying memorandum, Mr. Lucero Cohetero likely \to succeed on his claims that Defendants, by refusing to accept his bond payment, violated his rights under the Fifth Amendment of the U.S. Constitution exceeded the powers granted to the Department of Homeland Security by Congress. As to irreparable harm, Mr. Lucero Cohetero will remain unlawfully detained, separated from his family, and subjected to punitive ICE detention conditions absent an injunction. The public interest lies in discouraging unlawful government detention, especially where a court has already found the detained individual to not be dangerous or present an irredeemable flight risk.

Counsel for Mr. Lucero Cohetero provided notice of his intent to file this application to counsel for Defendants at the U.S. Attorney’s Office for the District of New Jersey. For the reasons stated above and in the accompanying documents,

Mr. Lucero Cohetero respectfully request that this Court grant the motion for temporary restraining order.

Dated: August 22, 2025

Respectfully submitted,

/s/ Jeremy Jong

Jeremy Jong
Al Otro Lado
634 S Spring St., Suite 908
Los Angeles, CA 90014
Phone: (504) 475-6728
Email: jeremy@alotrolado.org

Counsel for Petitioner-Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2025, I electronically filed the foregoing motion, as well as the accompanying memorandum of law, exhibits, and proposed order with the Clerk of the Court using the CM/ECF system. I further certify that I spoke with AUSA Frances C. Bajada on the telephone and advised her of this filing on August 22, 2025, prior to its filing. In addition, I have emailed copies of these documents to AUSAs Basiak and Bajada at the following email addresses:

john.basiak@usdoj.gov
frances.bajada@usdoj.gov

Dated: August 22, 2025

/s/ Jeremy Jong
Jeremy Jong