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8 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
9 **FRESNO DIVISION**

10 NORWIN ALEJANDRO GARCIA BARRERA,

11 Petitioner,

12 v.

13 TONYA ANDREWS, Facility Administrator of
14 Golden State Annex Detention Facility;

15 POLLY KAISER, Acting Field Office Director
16 of the San Francisco Immigration and Customs
Enforcement Office;

17 TODD LYONS, Acting Director of United
States Immigration and Customs Enforcement;

18 KRISTI NOEM, Secretary of the United States
19 Department of Homeland Security,

20 PAMELA BONDI, Attorney General of the
United States, acting in their official capacities,

21 Respondents.
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Case No. 1:25-at-00673

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

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for Eastern District of California, that Petitioner Norwin Alejandro Garcia Barrera 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 Golden State Annex Detention Center 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 Concord 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 (3) enjoining Respondents from transferring Petitioner out of this District or deporting him 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 Norwin Alejandro Garcia Barrera, his partner Janury Mejia Vergara, and Attorney Jane Lee, the Proposed Order, and TRO Checklist filed herewith; 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) and the exhibits attached thereto.

Consistent with Civil L.R. 231(b), Petitioner seeks relief at the earliest possible opportunity.

Pursuant to Civil L.R. 142 and 231(c)(5), and as detailed further in the supporting Declaration of Jane Lee, 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. Counsel for Petitioner and counsel for Respondents spoke by telephone and discussed the habeas petition, motion, relief sought, and basis for the relief, alternatives to a TRO hearing, and whether Respondents would stipulate to a TRO, which Respondents declined to do.

1 Date: August 12, 2025

Respectfully submitted,

2 /s/ Jane Lee

3 Jane Lee (SBN 296021)

4 Attorney for Petitioner