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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

JUAN CUEVAS GUZMAN,

Petitioner,

v.

TONYA ANDREWS, in official capacity,
Facility Administrator of Golden State Annex;
ORESTES CRUZ, in official capacity, Field
Office Director of ICE's San Francisco Field
Office; TODD M. LYONS, in official capacity,
Acting Director of ICE, KRISTI NOEM, in
official capacity, Secretary of the U.S.
Department of Homeland Security; PAM
BONDI, in official capacity, Attorney General
of the United States,

Respondents.

Case No. 1:25-cv-01015-SKO

**EX-PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

Immigration Habeas Case

1 Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Rule 231 of the Local
2 rules of this Court, Petitioner hereby move the Court for emergency relief in the form of a
3 temporary restraining order directing Respondents to release Petitioner from their custody until
4 he is afforded a hearing as required by the Due Process clause of the Fifth Amendment, to
5 determine whether the government can justify the necessity of his reincarceration by clear and
6 convincing evidence, or in the alternative, to provide Petitioner with an individualized bond
7 hearing before an immigration judge pursuant within seven days of issuance of an Order.

8 Petitioner also seeks a temporary restraining order enjoining Respondents from relocating
9 Petitioner outside of the Eastern District of California pending final resolution of this case.

10 This application is supported by the Memorandum of Points and Authorities, the
11 Declaration of Lydia Sinkus with accompanying exhibits, as well as any additional submissions
12 that may be considered by the Court. As set forth in the Points and Authorities in support of this
13 Motion, Mr. Cuevas Guzman raises that he warrants a temporary restraining order due to his
14 weighty liberty interest under the Due Process Clause of the Fifth Amendment in remedying his
15 unlawful re-incarceration, which was imposed absent a pre-deprivation due process hearing, and
16 in light of his unlawful continued detention without a bond hearing, in violation of his statutory
17 rights under the Immigration and Nationality Act. .

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

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7 Respectfully submitted this 13th day of August, 2025.

8 /s/ Kelsey Morales
9 Kelsey Morales
10 Attorney for Petitioner
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