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UNITED STATES DISTRICT COURT
6 ## NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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LESLIE HERNANDEZ NIEVES,	CASE NO. 3:25-cv-06921
Petitioner,	**PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER**
v.	
POLLY KAISER, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security, PAMELA BONDI, Attorney General of the United States, acting in their official capacities,	
Respondents.	

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PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER
CASE NO. 3:25-cv-06921

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Northern District of California, that Petitioner Leslie Hernandez Nieves will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 65-1. Because Petitioner's detention 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 Diana Marisca, PF Gonzalez, and Petitioner's counsel Jordan Weiner; 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. 65-1, Petitioner seeks relief at the earliest possible opportunity. Petitioner is filing this motion the same day she filed her Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Jordan Weiner, Counsel for Petitioner provided Counsel for Respondents with notice of this Motion. Counsel for Petitioner and Counsel for Respondents spoke by telephone and discussed the habeas petition and Counsel for Petitioner emailed a copy of the filed petition to Counsel for Respondents; Counsel for Petitioner advised Counsel for Respondents that a Motion for TRO would be forthcoming; Counsel for Petitioner emailed Counsel for Respondents a copy of the Memorandum

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

CASE NO. 3:25-cv-06921

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of Points and Authorities shortly before filing it. As of this filing, Respondents have not stipulated to a TRO or otherwise responded to Counsel for Petitioner's communications following the brief phone call on August 15, 2025.

Date: August 15, 2025

Respectfully Submitted,

/s/ Jordan Weiner
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