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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION

IMMIGRATION CASE

Bo Li .
Plaintiff,

v.

JOHN CANTU, ET AL
Defendants,

Civil No.: 2:25-cv-02989-SPL--CDB

PLAINTIFF'S EX PARTE EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION AND NOTICE OF MOTION

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the District of Arizona, that Petitioner Bo Li 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. To preserve this Court's jurisdiction, Petitioner further seeks an order 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 with enclosed memorandum of points and authorities in support of this motion, and the attached evidence and declaration of Petitioner's counsel, Ben Loveman.

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. Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in attached declaration, Respondents counsel has been notified of this motion, this action, and the emergency reasons requiring an ex parte temporary retraining order. As of August 21, 2025, Respondents have not stipulated to a TRO or otherwise responded to Counsel except as described in the attached declaration.

Plaintiff respectfully move the Court for temporary restraining order and preliminary injunction. To allow time for Defendants to be heard, Plaintiff requests the Court initially to grant a temporary restraining order and to set a date for hearing on motion for preliminary injunction if necessary.

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Memorandum of Points and Authorities in Support of Motion for Temporary Restraining Order

I. Correspondence with Respondents' counsel

On August 17, 2025, undersigned counsel for Plaintiff spoke with Lead US Attorney Theo Nickerson and notified her of this case and Plaintiff's intent to file motion for *ex parte* temporary restraining order seeking Petitioner's immediate release from custody. Counsel also emailed Defendants counsel a copy of the complaint and notice of motion and motion for *ex parte* restraining order. A copy of this memorandum in support of Petitioner's motion for temporary restraining order has been emailed to defendants' counsel on August 21, 2025, together with counsel's declaration and exhibits submitted with this memorandum and all previously filed documents in this case. Counsel again spoke with AUSA Nickerson on August 21, 2025 to notify respondents counsel that Petitioner would be resubmitting his motion for *ex parte* TRO. Counsel previously requested that Defendants consider releasing Petitioner from custody immediately so as to avoid the need for TRO in this case. A response has not yet been received from Defendants' counsel. *See* Decl. of Ben Loveman.

II. FRCP 65(b)(1) (ex parte TRO) requirements are met.

The requirements for issuing a temporary restraining order without notice set out in Federal Rule of Civil Procedure 65(b)(1) are met in this case. Counsel, in the attached declaration, ("Loveman Decl."), and the complaint, ECF No. 1, has set out specific facts showing that immediate and irreparable injury, loss, or damage is ongoing and will continue to result before Respondents' opposition can be heard. *See* Fed. R. Civ. Pro. 65(b)(1)(A). Of course, ongoing unlawful detention in violation of the Constitution is an irreparable injury. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir.

2005) (cleaned up). Additionally, counsel spoke with an Assistant United States Attorney at the U.S. Attorney's Office for the District of Arizona and provided a copy of Petitioner's habeas petition and Notice of Motion for *Ex Parte* Temporary Restraining Order, and this memorandum in support of that motion by email. *See* "Loveman Decl.". Fed. R. Civ. P. 65(b)(1)(B).

III. **Summary of Motion and request for relief**

Petitioner asks this Court to find that his re-arrest by immigration authorities in the absence of materially changed circumstances, and his continued detention, constitutes a violation of his liberty interest under the Due Process Clause of the Constitution. To the extent necessary, Petitioner asks the Court to find that his current detention is pursuant to INA § 236 and that he is at a minimum entitled to a bond hearing before an immigration judge if detained again in the future during the pendency of removal proceedings or any appeal to the Board of Immigration Appeals.

Several District Courts, including one within the District of Arizona, have recently found that similar or identical circumstances merited grant of TRO and ordered habeas petitioner's immediate release. *See, e.g., Rosado v. Figueroa, 2025 U.S. Dist. LEXIS 156344, *34-35* (D. AZ August 11, 2025)(granting temporary restraining order requiring release of asylum seeker and a pre-detention bond hearing before re-arrest) *Garro Pinchi v. Noem*, No. 25-cv-05632, 2025 U.S. Dist. LEXIS 127539 at *4 (N.D. Cal. July 4, 2025) (same), (N.D. Cal. July 24, 2025); *Singh v. Andrews*, 2025 U.S. Dist. LEXIS 132500 at *10 (granting preliminary injunction); *Doe v. Becerra*, No. 2:25-cv-647-DJC-DMC, 2025 U.S. Dist. LEXIS 37929 at *8 (E.D. Cal. Mar. 3, 2025) (granting temporary restraining order); *see also Diaz*, 2025 U.S. Dist. LEXIS 113566, 2025 WL 1676854 (granting temporary restraining order requiring pre-detention hearing before re-detention of noncitizen out of custody five years); *Garcia v. Bondi*, No. 25-cv-5070, 2025 U.S. Dist. LEXIS 113570, at *3 (N.D. Cal. June 14, 2025) (granting temporary restraining order requiring pre-detention [*8] hearing before re-detention of noncitizen out of custody six

years); *Enamorado v. Kaiser*, No. 25-cv-4072-NW, 2025 U.S. Dist. LEXIS 90261, at *3 (N.D. Cal. May 12, 2025).

IV. **Factual background**

Petitioner (Mr. Li) is 33-year-old native citizen of China.. Exh. 3 (Form I-213).[1] Mr. Li entered the United States in November of 2023 without presenting himself for inspection or seeking admission. Id. A Customs Border Protection (CBP) Officer arrested Petitioner several miles from the U.S-Mexico border. Id. The Officer determined that Petitioner did not appear to be a danger to the community, had no known criminal history with appropriate supervisorial authorization, released Petitioner issuing an Order of Release on Own Recognizance (ORR) which explicitly indicates Petitioner was released pursuant to INA § 236. Exhs. 1 (ORR), 3 (I213). Petitioner was simultaneously placed in removal proceedings through issuance and service of a Notice to Appear (NTA) in INA § 240 removal proceedings. Exh. 2 (NTA). The NTA contains a specific box to indicate if the noncitizen is alleged to be an 'arriving alien.' This box was not checked in Petitioner's case. Id. Petitioner was at no time 'inspected,' or treated as an applicant for admission during his brief detention in November of 2023. Exhs. 2, 3.

Thereafter, Petitioner appeared at all required hearings in Immigration Court, filed an asylum application (Form I589) to the Court, and reported to Immigration Customs Enforcement as scheduled. Exh. 5 (EOIR ECAS Docket); Exh. 6. (ICE Reporting log). On July 31, 2025, Respondent appeared at a scheduled hearing before an Immigration Judge in San Francisco, California. ECF No. 1 ¶ 68; Exh. 3 (I213). At that hearing, the attorney for ICE made an oral motion to dismiss proceedings to allow ICE to pursue expedited removal proceedings pursuant to INA § 235. Exh. 3 at p. 2. The IJ did not immediately dismiss proceedings and instead set the case for future "master calendar" (preliminary) hearing affording Mr. Li time to reply to ICE's motion. Id.

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[1] As all Exhibits are attached to the "Loveman Declaration," the documents will be referenced by Exhibit Number (1-7) omitting "Loveman Declaration" for ease of readability and brevity.

However, as Mr. Li departed the Courtroom, he was arrested by ICE officers. Exh. 3. He was then detained at a temporary detention facility within the same building as the Courthouse at 630 Sansome Street, San Francisco, CA for about 7 days before being transferred to Florence, Arizona. He remains in custody in Florence, Arizona at this time. Exh. 7 (ICE detainee locator record-8/21/2025).

On August 13, 2025, Immigration Judge Frank Travieso held a master calendar hearing and bond hearing in Petitioner's case. ECF No. 1 at ¶ 75; Exh. 4. (IJ Bond Order). Immigration Judge Travieso found that DHS was 'substantially likely' to prevail on its argument that Petitioner's detention is pursuant to Section 1225 and therefore that the IJ did not have jurisdiction to order his release. Exh. 4 (IJ Order on Bond). Immigration Judge Frank Travieso did not consider any evidence submitted relating to dangerousness or flight-risk because he found that he did not have jurisdiction. Id. Immigration Judge Travieso did not address the evidence of record showing that Petitioner was not detained pursuant to INA § 235 such as the explicit notation in the ORR indicating Petitioner was released pursuant to INA § 236 or the notation in the NTA indicating respondent was not an arriving alien. ECF No. 1 at ¶ 73-79; Exh. 4.

V. **Legal standard**

Temporary restraining orders "serv[e] the [] underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439, (1974). Emergency injunctive relief, whether through a temporary restraining order or preliminary injunction, requires a showing of: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of preliminary relief; (3) that the equities balance in the plaintiff's favor; and (4) that preliminary injunctive relief would serve the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction

and temporary restraining order standards are "substantially identical"). Even if Plaintiffs do not show a likelihood of success on the merits, the Court may still grant a temporary restraining order if they raise "serious questions" as to the merits of their claims, the balance of hardships tip "sharply" in their favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

VI. Discussion

The *Winter* factors all weigh in Petitioner's favor in this case. Petitioner's rearrest in the absence of materially changed circumstances constitutes a violation of the Due Process Clause. Petitioner, though a noncitizen, remains protected by the Due Process Clause's protections from unlawful deprivation of liberty. Petitioner is detained, stripped of his fundamental right to liberty, and is separated from his community and family and thus is suffering irreparable harm. Respondents have no legitimate interest in unlawfully detaining noncitizens and the public interest would be served by ensuring that the Respondents do not continue to detain Petitioner, or any person for that matter, in violation of the laws of the United States and at significant cost to the United States public.

1. Likelihood of success on merits-Due Process

a. Due Process Clause Applicable to Noncitizen

The Due Process Clause prohibits deprivations of life, liberty, and property without due process of law. U.S. Const. amend. V. It is firmly established that these protections extend to noncitizens present in the United States. *Trump v. J.G.G.*, 604 U.S. 145 S. Ct. 1003, 1006 (2025) (*per curiam*) ("'It is well established that the Fifth Amendment entitles aliens to due process of law' in the context of removal proceedings," quoting Reno v. Flores, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993)); *Zadvydas v. Davis*, 533 U.S. 678, 693, 121 S. Ct. 2491, 150 L. Ed. 2d 653, (2001) ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

b. Due Process requires hearing prior to rearrest

Well-established precedent firmly holds that, once a noncitizen has been released from civil immigration detention, they may not be rearrested or detained again absent a material change in circumstances. This principle is statutory and Constitutional. S*ee Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021) ("Thus, absent changed circumstances ... ICE cannot redetain Panosyan."); *Matter of Sugay*, 17 I&N Dec. 647, 640 (B.I.A. 1981). Additionally, any change in circumstances must be "material." *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018); *Ortiz Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 U.S. Dist. LEXIS 167842, 2020 WL 5517277, at *2 (N.D. Cal. Sept. 14, 2020).

Here, Petitioner was arrested by CBP at or near the time of his entry to the U.S. Exh. 2. Petitioner was then released with an ORR under § 236 and, thereafter, had an ongoing and protected interest in his liberty absent pre-detention hearing and showing of changed circumstances. He was then rearrested though no change in circumstance occurred, and no pre-detention hearing was afforded.

Courts considering cases with factual circumstances identical or nearly identical to Petitioner have recently, and to counsel's knowledge, uniformly found that rearrest under these circumstances constitutes a violation of the Due Process Clause of the Constitution and that, therefore, Petitioner is likely to succeed on the merits of the claim. *See e.g., Pablo Sequen v. Kaiser, No. 25-cv-06487-PCP, 2025 U.S. Dist. LEXIS 148751, at *2 (N.D. Cal. Aug. 1, 2025) (collecting cases); Rosado v. Figueroa, 2025 U.S. Dist. LEXIS 156344, *35* (D. AZ August 11, 2025).

c. The Mathews Factors all weigh in Petitioner's favor

Where detention of a noncitizen implicates violation of Due Process Clause, the protections of the Due Process Clause must be balanced with the government's countervailing interests in immigration enforcement. To determine whether civil

detention violates a detainee's right to liberty the federal courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022); *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020). *Mathews* requires consideration of (1) "the private interest that will be affected by the official action;: (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335.

The relevant factors all weigh in Plaintiff's favor. Petitioner has a substantial private interest in remaining out of custody, which would allow him to live at home, work, obtain necessary medical care, and to be with his family and pregnant partner. *See Morrissey v. Brewer*, 408 U.S. 471, 482, 484 (1972). There is also a risk of erroneous deprivation that the additional procedural safeguard of a pre-detention hearing would help protect against. Further, as numerous Courts have recognized, the government's interest in re-detaining (or continuing to detain) Petitioner without a hearing is "low," where Petitioner has consistently appeared for all scheduled immigration hearings and has no criminal record. *See Jorge M.F.*, 2021 U.S. Dist. LEXIS 40823, at *3; *Ortega v. Bonnar, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).* Petitioner is suffering ongoing, immediate, and irreparable harm in the absence of preliminary relief. The Ninth Circuit has recognized "irreparable harms imposed on anyone subject to immigration detention," including "the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Those risks are present here. As previously described, Petitioner has family who he is separated from, and he risks remaining detained for the birth of his first child if he remains detained through November. Moreover, "[i]t is well established that the deprivation of constitutional rights

'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373, (1976)).

Finally, the balance of the equities and the public interest, which merge in light of the fact that the government is the opposing party, weigh heavily in favor of Petitioner. "[T]he public has a strong interest in upholding procedural protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the public of immigration detention are staggering." *Jorge M. F.*, 2021 U.S. Dist. LEXIS 40823, at *3 (cleaned up) (quoting *Ortiz Vargas*, 2020 U.S. Dist. LEXIS 153579, and then quoting *Hernandez*, 872 F.3d at 996). Without the requested relief, Petitioner faces the significant ongoing harms of loss of his liberty and separation from family. There is little or no harm to Respondents of releasing Petitioner until a pre-detention hearing can be completed to show that that detention is warranted. Moreover, a party "cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations." *Zepeda v. U.S. Immigr. & Nat. Serv.*, 753 F.2d 719, 727 (9th Cir. 1983).

For the foregoing reasons it is likely that Petitioner will succeed on the merits of his Due Process claim and request for immediate release from custody. As such, this factor should weigh in favor of granting TRO in this case.

2. The remaining *Winter* factors all weigh in Plaintiff's favor

As discussed above, irreparable harm is certain and ongoing in this case. *See supra,* (discussion of Mathews Factors at p. 7). Additionally, the equities all weigh in favor of Petitioner, and the public interest also favors Petitioners release from unlawful and costly immigration detention. Id. at 7-9.

As all the *Winter* factors weigh strongly in Plaintiff's favor, we respectfully ask the Court to issue a TRO requiring plaintiff's immediate release.

3. **Order of Immediate release is only adequate remedy**

Because Petitioner is in custody, the only remedy adequate at this stage is to order immediate release and enjoin Respondents from redetaining Petitioner absent a pre-

detention hearing with a neutral arbitrator to determine whether detention is lawful and warranted. A Temporary restraining order may, and should where possible, return parties to the 'status quo' which refers to "the last uncontested status which preceded the pending controversy." *Doe v. Noem*, 2025 U.S. Dist. LEXIS 73660, at *9 (W.D. Wash. Apr. 17, 2025) (citing *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)). In this case, the status quo is the moment prior to the Petitioner's likely unlawful detention. *See Pinchi v. Noem*, 2025 U.S. Dist. LEXIS 127539, at *3 (N.D. Cal. July 4, 2025); *Ercelik v. Hyde*, 2025 U.S. Dist. LEXIS 88412, at *15-16 (D. Mass. May 8, 2025); *Kuzmenko v. Phillips*, 2025 U.S. Dist. LEXIS 40961, , at *2 (E.D. Cal. Mar. 10. 2025).

4. Petitioner cannot be detained pursuant to INA § 235

There is abundant evidence and clear precedent that mandatory detention under INA § 235 is not applicable to this case. *See eg. Exhs. 1, 2, 3, Matter of Cabrera-Fernandez, 28 I&N Dec. 747, 749* (BIA 2023)(release on ORR could only be conditional parole under § 236); *Ortega Cervantes v. Gonzales*, 501 F.3d 1111, 1115-16 (9th Cir. 2007) (holding that a noncitizen released on an "Order of Release on Recognizance" necessarily must have been detained and released under INA § 236, including because he was not an "arriving alien" under the regulations governing section 235 examinations); *Jennings v. Rodriguez, 583 U.S. 281, 300 (*with only limited and nonapplicable exceptions, the only way an alien detained under INA § 235 (b) may be released, is temporary parole "for urgent humanitarian reasons or significant public benefit"— Despite all of this, it is likely that Respondents will argue to the contrary as they did in Immigration Court. Exh. 4.

Petitioner believes the issue is not relevant to the question of Petitioner's immediate release from custody, see above, Petitioner asks the Court to consider his position on the non-applicability of § 235, should this Court find the issue determinative to this petition and because it is likely to be raised by Respondents. Further, a

determination that Petitioner's initial detention and current detention can only be governed by § 235, would afford Petitioner another avenue to relief and more security for the future from illegal rearrest and deprivation of bond hearing before an immigration judge.

Section 235 governs the arrest and detention of arriving aliens. It provides that, "in the case of an alien who is an application for admission, if the examining officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for [removal proceedings]." Section 235 does not allow for release from custody on ORR and does not allow for an immigration judge to have jurisdiction to make a custody redetermination. Individuals detained under INA § 235 can only be paroled into the United States "for urgent humanitarian reasons or significant public benefit." *Jennings*, 583 U.S. at 300 (quoting INA § 212(d)(5)(A). Release on recognizance is not "humanitarian" or "public benefit" "parole into the United States" under section 1182(d)(5)(A) but rather a form of "conditional parole" from detention upon a charge of removability, authorized under section 1226. *Ortega Cervantes v. Gonzales*, 501 F.3d 1111, 1115-16 (9th Cir. 2007) (holding that a noncitizen released on an "Order of Release on Recognizance" necessarily must have been detained and released under INA § 236, including because he was not an "arriving alien" under the regulations governing section 235 examinations).

On the other hand, INA § 236, governs the custody rules where an individual is "already in the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289, 138 D.Ct 830 (2018). Again, any claim that respondent was initially detained pursuant to INA § 235 cannot be squared with the facts or applicable law. See e.g. *Matter of Cabrera-Fernandez*, 28 I&N Dec. 747, 749 (BIA 2023) (holding that an immigration judge erred in treating release on recognizance of non-citizens "detained soon after their unlawful entry" as constructive humanitarian parole where Government had not followed the "procedures for parole under [INA 212(d)(5)(A)]").

As evidenced here, there is a clear factual record showing that Petitioner's prior arrest, in November of 2023, was pursuant to INA § 236. Specifically, the ORR and I213 specifically indicate release on own recognizance and the ORR specifically indicates the release is pursuant to § 236. Exhs. 1, 3.

Secondly, and as has been noted by the few, but growing number of Courts to address habeas petitions under this new ICE/EOIR policy initiative, decades of precedent and policy reflect the fact that noncitizens apprehended within the United States are not treated as 'arriving aliens' and not subject to mandatory detention under INA § 235. *See* e.g. *Rosado v. Figueroa*, 2025 U.S. Dist. LEXIS 156344, *30 ("It is worth noting that such an approach would upend decades of practice. Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security ("DHS") for a few weeks, since July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had 'revisited its legal position'"). These Courts have also noted that this novel legal position would contravene the plain meaning of sections 236, 235, and would render key aspects of § 236 as meaningless. *Id. See also Martinez v. Hyde,* 2025 U.S. Dist. LEXIS 141724 *11-13 (D. Mass. July 24, 2025). Further, these Court's noted that the novel interpretation proposed by ICE would render recent amendments to the Statute, made by the Laken Riley Act, Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025), as meaningless. *Id* at 17.

For the reasons described here, and more fully explicated by the well-reasoned decisions in *Marinez and Rosado*, Petitioner asks this Court to determine and declare that Petitioner's prior detention in November of 2023 was pursuant to INA § 236 and that any future detention should comport with the Due Process Clause and the mandates of § 236 which afford Petitioner, and similarly situated noncitizens, with the rights to pre-detention hearing prior to rearrest and a bond hearing before an immigration judge whether rearrest is warranted.

REQUESTED RELIEF

For the foregoing reasons, Plaintiff respectfully requests that the Court:

(1) GRANT this Motion and ORDER Petitioner's immediate release from Respondents' custody and;
(2) Enjoin and Restrain Respondents from re-detaining Petitioner without notice and a pre-deprivation hearing before a neutral decision maker and;
(3) Order Respondents to file a notice of change in custody status to the Immigration Court and to transfer proceedings back to San Francisco, California and:
(4) Declare that Petitioner's November 2023 arrest and any future civil arrests, while his removal proceedings remain pending, are governed by INA § 236 and;
(5) ORDER any other relief this Court finds necessary and proper.

Dated: August 21, 2025,

Respectfully,

/s/Ben Loveman

Ben Loveman

Attorney for the Plaintiff