

JULIO J. RAMOS (SBN. 189944)
LAW OFFICES OF JULIO J. RAMOS
35 Grove St, Suite 130
San Francisco, California 94102
Telephone: (415) 948-3015
Email: ramoslawgroup@yahoo.com

Attorneys for Petitioner MANUEL DE JESUS DIAZ

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MANUEL DE JESUS DIAZ,

Petitioner/Plaintiff,

vs.

MINGA WOFFORD Facility Administrator
(Warden), Golden State Annex, 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,

Respondent/Defendant

Case No.: 1:25-cv-01079(EPG)

**NOTICE OF EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

PLEASE TAKE NOTICE that, as soon as this matter may be heard or by September 1,
2025, Petitioner MANUEL DE JESUS DIAZ moves ex parte for a Temporary Restraining Order
under Fed. R. Civ. P. 65(b) and E.D. Cal. Civil L.R. 231. Petitioner seeks immediate release from
detention because he is being unlawfully detained incident to DHS's attempt to route him into
expedited removal despite indisputable proof of more than two years' continuous presence in the

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1 United States and he was given no prior notice or opportunity to be heard despite 5 years parole
2 after entry. Petitioner invokes habeas review authorized by 8 U.S.C. § 1252(e)(2), including §
3 1252(e)(2)(B) (Unlawful Executive Detention).

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5 As grounds, Petitioner states: DHS paroled him in April, 2019, as shown in the ICE Order
6 of Supervision and directed him to report to the San Francisco ERO office at 630 Sansome Street
7 at regular intervals, which he has consistently done for over five years, at his last check-in on
8 August 8, 2025 he was detained. *See* Order of Supervision, 04/10/2019 listing 630 Sansome St.
9 reporting location, signature, and conditions on 04/09/2019, DHS issued a Notice of
10 Intent/Decision to Reinstate Prior Order under 8 U.S.C. § 1231(a)(5); On September 6, 2024, Mr.
11 Diaz's family, including his spouse, Deysi Cristela Padilla de Diaz (aged 38), and their children,
12 Josue Diaz Padilla (aged 11), David Diaz Padilla (aged 11), and Valeria Diaz Padilla (aged 13)
13 submitted asylum applications to USCIS. A Form I-589 was received from Ms. Padilla de Diaz,
14 denoting Mr. Diaz as a derivative applicant; a Receipt Notice was issued on September 6, 2024,
15 confirming receipt of the application by the San Francisco Asylum Office as of August 26, 2024.
16
17 Petitioner's 2024 federal tax return (Form 1040) confirms residence. These government records
18 collectively establish continuous presence since 2019 and frame the unlawful nature of DHS's
19 current actions.

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21 The immediate precipitating event for this application is Petitioner's arrest at his routine
22 ICE check-in at 630 Sansome Street, San Francisco, on August 8, 2025, at 8:00 a.m. He presented
23 as directed and was taken into custody for expedited-removal processing, without a judicial or
24 administrative warrant, notwithstanding the statutory two-year presence limitation that restricts
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1 nationwide expedited removal to individuals who cannot demonstrate two years' continuous
2 physical presence. Petitioner's ICE Personal Report Record itself reflects his compliant reporting.

3 Petitioner respectfully asks the Court to issue a Temporary Restraining Order directing his
4 immediate release pending adjudication of this action; or, in the alternative, ordering immediate
5 release and requiring a custody hearing within 14 days at which the government bears the
6 clear-and-convincing burden to establish danger or flight risk. Petitioner further asks the Court to
7 enjoin any transfer or removal that would defeat this Court's jurisdiction and to prohibit
8 Respondents from placing or maintaining him in expedited removal while this habeas case is
9 pending, in light of his documented two-plus years of U.S. presence and prior parole.
10

11 This application is supported by the concurrently-filed Verified Petition for Writ of Habeas
12 Corpus (including the "Unlawful Executive Detention" claim under 8 U.S.C. § 1252(e)(2)(B)), the
13 Memorandum of Points and Authorities, the Declaration of Counsel (providing notice details under
14 Rule 65(b)(1)(B) and Local Rule 231, and attached Exhibits, including the mandatory TRO
15 checklist.
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19 Date: August 26, 2025

Respectfully submitted,

20 /s/ Julio J. Ramos

21 Julio J. Ramos (SBN. 189944)

22 LAW OFFICES OF JULIO J. RAMOS

23 *Attorney for Petitioner*
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