

1 **Sean Lai McMahon (SBN: 329684)**

2 California Collaborative for Immigrant Justice

3 1999 Harrison St, Ste 1800

4 Oakland, CA 94612

(415) 875-0550

scan@ccijjustice.org

5 **Pirzada Ahmad (*pro hac vice* application pending)**

6 Dontzin, Kolbe & Fleissig LLP

7 31 E 62nd St, Fl. 7

New York, NY 10065

(212) 717-2900

pahmad@dkfllp.com

9 **Counsel for Petitioner**

10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA**

12
13 M.T.M.,

14 *Petitioner,*

15 v.

16 TONYA ANDREWS, in her official
17 capacity as Facility Administrator of
Golden State Annex Detention Facility,

18 MOISES BECERRA, in his official
19 capacity as Acting Field Office Director of
the Immigration and Customs
20 Enforcement, Enforcement and Removal
Operations, San Francisco,

21 KRISTI NOEM, in her official capacity as
22 Secretary of the Department of Homeland
Security; and

23 PAM BONDI, in her official capacity as
24 Attorney General of the United States,

25 *Respondents.*

No. 1:25-CV-01094-JLT-SKO

**NOTICE OF SUPPLEMENTAL FILING IN
SUPPORT OF PETITIONER'S
EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

1 Petitioner M.T.M., by and through his undersigned counsel, hereby supplements the factual
2 record for his emergency motion for a temporary restraining order. Attached hereto is a declaration
3 by Petitioner's counsel, Pirzada Ahmad. Petitioner alerts the Court that there may be contested
4 factual issues that could implicate the Court's August 28, 2025 Order and its jurisdictional analysis.
5 If the Court would find it helpful, Petitioner is prepared to brief any jurisdictional issues.

6
7
8 Dated: August 29, 2025

Respectfully submitted,

/s/ Sean Lai McMahon

Sean Lai McMahon (SBN: 329684)
California Collaborative for Immigrant
Justice
1999 Harrison St, Ste 1800
Oakland, CA 94612
(415) 875-0550
sean@ccijjustice.org

**Pirzada Ahmad (*pro hac vice* application
submitted)**
Dontzin, Kolbe & Fleissig LLP
31 E 62nd St, Fl. 7
New York, NY 10065
(212) 717-2900
pahmad@dkfllp.com

Counsel for Petitioner

Sean Lai McMahon (SBN: 329684)
California Collaborative for Immigrant Justice
1999 Harrison St, Ste 1800
Oakland, CA 94612
(415) 875-0550
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Dontzin, Kolbe & Fleissig LLP
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New York, NY 10065
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Counsel for Petitioner

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

M.T.M.,

Petitioner,

v.

TONYA ANDREWS, in her official
capacity as Facility Administrator of
Golden State Annex Detention Facility,

MOISES BECERRA, in his official
capacity as Acting Field Office Director of
the Immigration and Customs
Enforcement, Enforcement and Removal
Operations, San Francisco,

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security; and

PAM BONDI, in her official capacity as
Attorney General of the United States,

Respondents.

No. 1:25-CV-01094-JLT-SKO

AFFIDAVIT OF PIRZADA AHMAD

1 I, Pirzada Ahmad, hereby declare and state the following:

2 1. My name is Pirzada Ahmad. I am currently employed as an attorney with the law
3 firm of Dontzin Kolbe & Fleissig LLP. I am *pro bono* counsel of record for Petitioner M.T.M. in
4 this action. Local co-counsel filed a *pro hac vice* application for me on August 28, 2025.

5 2. In order to aid the Court, I would like to provide a rough chronology of events as I
6 understand them.

7 3. At 6:47 PM PT yesterday, I spoke on the phone with M.T.M. with the aid of his
8 immigration counsel, Madhavi Narayanan, and an interpreter that Ms. Narayanan provided.
9 M.T.M. shared his experiences with me:

10 a. Early morning, August 28, 2025: M.T.M. was at Golden State Annex Facility,
11 where he has been detained continuously for a long time.

12 b. Approximately 3:00 AM PT, August 28, 2025: M.T.M. was put on a bus and
13 transported to another facility, arriving at around 4:15 AM PT.

14 i. Based on information provided directly to me by the U.S Attorney's
15 Office for the Eastern District of California, it appears that facility was
16 in Bakersfield, California.

17 c. Approximately 11:00 AM PT, August 28, 2025: M.T.M. was put on a bus and
18 transported to an airport in Victorville, California. The bus ride took
19 approximately four hours.

20 d. Approximately 3:00 PM PT, August 28, 2025: M.T.M. arrived at the airport in
21 Victorville, California. By this point, M.T.M. had repeatedly requested the
22 opportunity to speak to counsel but was ignored each time.

23 e. Sometime between 3:30 PM PT and 4:00 PM PT, August 28, 2025: M.T.M. was
24 put on a plane and strapped down in a very rough and uncomfortable manner.
25 The plane took off shortly thereafter, and the flight lasted approximately 45
26 minutes. The rough and uncomfortable nature of how ICE handled M.T.M.
27 caused him significant pain and he vomited several times during the flight.
28 M.T.M. promptly requested medical attention. It is unclear if he was provided

1 medical attention.

2 f. Approximately 5:00 PM PT, August 28, 2025: The flight lands in what appeared
3 to be somewhere in southern California. M.T.M. was not sure where he precisely
4 was, but he believed he was in southern California based on what he saw and
5 heard.

6 g. Approximately 5:00 PM PT to 7:45 PM PT, August 28, 2025: M.T.M.
7 repeatedly asked ICE to speak directly to his counsel because there was a
8 language barrier between M.T.M. and the ICE officials. During my call with
9 M.T.M. at 6:47 PM PT, I asked him to hand the phone to an ICE official and tell
10 them his lawyer wanted to share important information about a court order (this
11 Court's Order, ECF Dkt. 6). The ICE official promptly hung up the phone.
12 M.T.M. managed to call us again immediately, but the ICE official again
13 promptly hung up the phone. After this, we were unable to speak with M.T.M.
14 further that evening.

15 4. At approximately 1:30 AM PT on August 29, 2025, M.T.M. called Ms. Narayanan
16 and informed her that after our call with M.T.M. last night, ICE put him on another flight, this time
17 to somewhere in Louisiana, where he was then moved to Alexandria Staging Detention Facility.
18 Upon information and belief, it is my understanding that ICE often transports immigrant detainees
19 to Alexandria Staging Detention Facility in order to promptly effectuate a removal. As far as I
20 know, M.T.M. is still at Alexandria Staging Detention Facility.

21 5. I would now like to share details about Petitioner's efforts to file and notice this
22 action and the information provided to Petitioner's counsel by the United States Attorney's Office
23 for the Eastern District of California:

24 a. 12:58 PM PT, August 28, 2025: I provided notice of this action and full and
25 complete copies of M.T.M.'s habeas petition, motion for temporary restraining
26 order, exhibits, and proposed order to the United States Attorney's Office for
27 the Eastern District of California via email to Edward.Olsen@usdoj.gov
28 (Edward Olsen, Chief of Civil Division), Elliot.Wong@usdoj.gov (Elliott

1 Wong), and Michelle.Rodriguez@usdoj.gov (Michelle Rodriguez). In that
2 email, I explained that we tried to find out M.T.M.'s whereabouts by repeatedly
3 calling several ICE office phone lines on August 27, 2025 and August 28, 2025,
4 but none of the ICE officials we spoke to knew exactly, although one official
5 said M.T.M. seemed to have been put on a flight to Ghana on August 27, 2025.
6 I also explained that M.T.M. had repeatedly asked to speak to counsel but was
7 ignored each time.

8 b. Still around 12:58 PM PT, August 28, 2025: At the same time as I emailed the
9 United States Attorney's Office for the Eastern District of California,
10 Petitioner's counsel Sean Lai McMahon repeatedly attempted to e-file M.T.M.'s
11 habeas petition and motion for temporary restraining order but could not because
12 of a nationwide technical issue with the e-filing portal that an Eastern District of
13 California helpdesk clerk informed us of thereafter. Mr. McMahon tried to file
14 in several ways and asked the helpdesk for assistance by phone and email. Mr.
15 McMahon asked the clerk whether any alternative method of filing would be
16 accepted by the court due to the emergency nature of our filing, and was initially
17 pointed only to Local Rule 134(c) indicating that filings would be considered
18 timely in the event of a technical outage.

19 c. 3:11 PM PT, August 28, 2025: At the direction of a clerk in the Eastern District
20 of California, M.T.M. was able to get on file via counsel's 3:11 PM PT email of
21 M.T.M.'s submissions to the emergency filing email address. M.T.M. and his
22 counsel express their gratitude to each of the clerks that assisted us yesterday.

23 d. 3:45 PM PT, August 28, 2025: Edward Olsen, Chief of Civil Division for the
24 United States Attorney's Office for the Eastern District of California, confirmed
25 receipt of my 12:58 PM PT email and said he forwarded my email and
26 attachments to ICE's Office of the Principal Legal Advisor (OPLA). He also
27 said: "Someone at OPLA is figuring out where your client is now, and I'll get
28 back to you when I hear back."

- 1 e. 4:36 PM PT, August 28, 2025: Mr. Olsen followed up and wrote: "Here's the
2 info I gathered from OPLA: the petitioner departed Bakersfield, CA this
3 morning and arrived at Victorville, CA (Central District) at approximately noon.
4 He was then manifested for a flight to Louisiana and departed Victorville around
5 2:15pm PST." There are obviously discrepancies between M.T.M.'s experiences
6 and this information provided by Mr. Olsen via OPLA. I do not assume any
7 wrongdoing, but nevertheless, it appears clear that M.T.M. was not put on a
8 flight to Louisiana at 2:15 PM PT.
- 9 f. 4:48 PM PT, August 28, 2025: The Court issues its Order "that defendants shall
10 not remove petitioner from the United States nor transfer petitioner out of this
11 District."
- 12 g. 5:03 PM PT, August 28, 2025: Mr. McMahon provides a copy of the Order to
13 Mr. Olsen and another individual at the United States Attorney's Office for the
14 Eastern District of California (Cheri Buxbaum).
- 15 h. 5:24 PM PT, August 28, 2025: Mr. Olsen confirms receipt and that ICE OPLA
16 is in possession of the Order: "I have passed along the minute order to ICE
17 OPLA to make sure they are aware of the order not to remove your client."
18 Nevertheless, ICE thereafter transferred M.T.M. from (apparently) California to
19 Louisiana.

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my
21 knowledge. Executed on August 29, 2025, in New York, NY.

22 /s/ Pirzada Ahmad
23 **Pirzada Ahmad**

24 *Counsel for Petitioner*

CERTIFICATE OF SERVICE

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and L.R. 65-1, I hereby certify that on August 29, 2025, this was filed in the Eastern District of California, which effectuates service on the U.S. Attorney's Office.

Dated: August 29, 2025

Respectfully submitted,

/s/ Sean Lai McMahon

Counsel for Petitioner