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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Angie Loren RODRIGUEZ RODRIGUEZ, Petitioner-Plaintiffs, 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; Minga WOFFORD, Mesa Verde ICE Processing Center Facility Administrator Respondents-Defendants.	Case No. **MOTION FOR TEMPORARY RESTRAINING ORDER; POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rules of Civil Procedure 65(b) and 42(a)(1) and Local Rule 231 of this Court, Petitioner-Plaintiff Angie Loren Rodriguez Rodriguez hereby moves this Court for a temporary restraining order consistent with the Court's prior rulings in substantially equivalent matters. *See, e.g.*, *Salazar v. Kaiser*, No. 1:25-CV-01017, 2025 WL 2456232, at *10-11 (E.D. Cal. Aug. 26, 2025); *Castellon v. Kaiser*, No. 1:25-CV-00968, 2025 WL 2373425, at *12 (E.D. Cal. Aug. 14, 2025); *Maklad v. Murray*, No. 1:25-CV-00946, 2025 WL 2299376, at *10 (E.D. Cal. Aug. 8, 2025); *Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025). Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment. Petitioner respectfully requests that this Court (1) order her immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring and (2) order that Respondents must provide her with 10 days' notice and a pre-deprivation bond hearing before an immigration judge prior to any future re-arrest, where Respondents shall bear the burden of proof, by clear and convincing evidence, that she is a danger or a flight risk. To preserve this Court's jurisdiction and practically ensure prompt compliance with court orders, Petitioner further seeks an immediate order (3) enjoining Respondents from transferring Petitioner out of this District or deporting her during this suit's pendency.

This Motion is based upon the accompanying Memorandum of Points and Authorities, the Petition/Complaint, and any other evidence or argument as may be presented at or before the time this Motion is heard by the Court. Petitioner made direct contact with undersigned *pro bono* counsel today, September 2, 2025. Since her detention on July 23, 2025, and the news that she was pregnant, she has been desperately seeking representation to request release from ICE custody. Beyond being unlawfully incarcerated, Petitioner is severely distressed psychologically and physically after enduring over a month of pregnancy while detained and suffering a miscarriage.

Petitioner requests that her TRO motion be considered simultaneously with the motion pending before the Court in *Leon Espinoza, et al., v. Kaiser, et al.*, No. 1:25-cv-1101-JLT-SKO (E.D. Cal. Aug. 29, 2025). Pursuant to Fed. R. Civ. P. 42(a)(1), the Court has discretion to "join for hearing" actions that "involve a common question of law or fact." Here, Petitioner's

re-arrest follows a common pattern alleged in *Leon Espinoza* wherein ICE has recently moved to re-detain people previously released on their own recognizance upon entering the United States, at least in part, to push them out of immigration court and into expedited removal procedures and to subject them to mandatory detention under the agency's newly conceived interpretation of the immigration statutes. Also, like the petitioners in *Leon Espinoza*, shortly after entering the United States, Petitioner was determined to be neither a danger nor a flight risk, and nothing has changed since then. Petitioner seeks the same relief as in *Leon Espinoza*, and it would promote judicial economy to consider her motion contemporaneously to the motion pending in that case.

Finally, consistent with L.R. 231(a), and as further detailed in the Declaration of Victoria Petty, Petitioner's counsel contacted the United States Attorney's Office for the Eastern District of California to provide notice of Petitioners' need to seek a temporary restraining order of the nature described above.

Date: September 2, 2025

Respectfully Submitted,

/s/ Victoria Petty
Attorney for Petitioner-Plaintiff

In the interest of expedition and considering the ongoing irreparable harm, Petitioner-Plaintiff hereby incorporate and respectfully refer the Court to her Verified Petition-Complaint for a full statement of the facts giving rise to this motion.

In sum, this case presents facts like recent cases in which courts have provided swift interim relief: ICE detained Petitioner during a routine ICE check-in, not because she presented a danger or flight risk (she does not), but rather pursuant to a new, unlawful policy spontaneously arresting people for the purposes of applying a purported authority to impose mandatory detention and/or re-routing them through expedited removal procedures. *See, e.g.*, *Castellon v. Kaiser*, No. 1:25-CV-00968 JLT EPG, 2025 WL 2373425 (E.D. Cal. Aug. 14, 2025) (granting preliminary injunction); *Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025) (same); *Clavijo v. Kaiser*, 2025 WL 2419263, *25 (N.D. Cal. Aug. 21, 2025) (same); *Paz Hernandez v. Kaiser*, No. 1:25-cv-00986 (same) (E.D. Cal. Aug. 21, 2025); *Prieto Salazar v. Kaiser*, 1:25-CV-01017 (E.D. Cal. Aug. 26, 2025) (same); *Ruiz Otero v. Kaiser*, No. 25-cv-06536, 2025 WL 2453969 (N.D. Cal. Aug. 3, 2025) (granting *ex parte* TRO); *Garro Pinchi v. Noem*, 2025 WL 1853763, *4 (N.D. Cal. July 4, 2025) (same), *converted to preliminary injunction at* __ F. Supp. 3d __, 2025 WL 2084921 (N.D. Cal. July 24, 2025); *Jaraba Oliveros v. Kaiser*, No. 25-cv-07117, 2025 WL 2430495 (N.D. Cal. Aug. 22, 2025) (same); *Salcedo Aceros v. Kaiser*, No. 1:25-cv-06924 (N.D. Cal. Aug. 16, 2025) (same); *Jimenez Garcia v. Kaiser*, No. 25-cv-06916 (N.D. Cal. Aug. 17, 2025) (same); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921 (N.D. Cal. Aug. 17, 2025) (same); *Pineda Campos v. Kaiser*, No. 25-cv-06920 (N.D. Cal. Aug. 15, 2025) (same); *Valera Chuquillanqui v. Kaiser*, No. 3:25-cv-06320 (N.D. Cal. July 29, 2025) (same); *Pablo Sequen v. Kaiser*, No. 5:25-cv-06487 (N.D. Cal. Aug. 1, 2025) (same). Respondents have been on notice that this conduct violates due process, yet they have not changed course, necessitating Petitioner to bring this motion.

This re-detention violates Petitioner's due process rights and causes her irreparable, ongoing harm. The unconstitutional deprivation of "physical liberty" "unquestionably constitutes irreparable injury." *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed,

"[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). While being deprived of her physical liberty, ICE subjected Petitioner to an isolating, distressing pregnancy and miscarriage. She has felt no greater loss in her life.

Petitioner respectfully requests that this Court issue a temporary restraining order (1) prohibiting the government from transferring or removing her pending these proceedings; and (2) releasing her from custody and enjoining the government from re-arresting her absent 10 days' notice and the opportunity to contest that arrest at a hearing before a neutral decision maker.

ARGUMENT

To warrant a TRO, Petitioner need only show that (1) she is "likely to succeed on the merits," (2) is "likely to suffer irreparable harm in the absence of preliminary relief," (3) "the balance of equities tips in [her] favor," and that (4) "an injunction is in the public interest." *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)); *see Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting the analysis for issuing a temporary restraining order and a preliminary injunction is substantially the same). Even if Petitioner were to only raise "serious questions" as to the merits of her claims, the Court can still grant relief because the balance of hardships tips "sharply" in her favor. *All. for the Wild Rockies*, 632 F.3d at 1135. As this Court has found in similar circumstances, all factors here weigh decisively in Petitioner's favor. *See, e.g.*, *Garcia*, 2025 WL 1927596, at *2-5 (granting preliminary injunction requiring ICE to release individual who had been previously freed from immigration custody).

I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.

A. Petitioner's detention violates substantive due process.

The Due Process Clause applies to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. "The touchstone of due process is protection of the individual against

arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas*, 533 U.S. at 690.

To comply with substantive due process, Respondents' deprivation of an individual's liberty must be justified by a sufficient purpose. Therefore, immigration detention, which is "civil, not criminal," and "nonpunitive in purpose and effect," must be justified by either (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at 690; *see Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) ("[T]he government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions."). When these rationales are absent, immigration detention serves no legitimate government purpose and violates substantive due process. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (detention must have a "reasonable relation" to the government's interests in preventing flight and danger); *see also Mahdawi v. Trump*, No. 2:25-CV-389, 2025 WL 1243135, at *11 (D. Vt. Apr. 30, 2025) (ordering release from custody after finding petitioner may "succeed on his Fifth Amendment claim if he demonstrates *either* that the government acted with a punitive purpose *or* that it lacks any legitimate reason to detain him").

Petitioner here, who has no criminal record and who is diligently appearing for immigration court hearings and ICE check-ins, is neither a danger nor a flight risk. Therefore, her re-detention is not justified by a legitimate purpose. Indeed, Respondents chose to release Petitioner from custody soon after her entry in 2022, indicating that Respondents determined that she was neither dangerous nor a flight risk. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) ("Release reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk."). Nothing of significance has transpired since to disturb that finding.

First, because Petitioner had no criminal history at the time of their initial release from Border Patrol custody, with no intervening criminal history or arrests since her release, there is no credible argument that she is a danger to the community.

Second, as to flight risk, the question is whether custody is reasonably necessary to secure a person's appearance at immigration court hearings and related check-ins. *See Hernandez*, 872 F.3d at 990-91. There is no basis to argue that Petitioner, who was arrested by Respondents *at a routine ICE check-in*, is a flight risk. Moreover, Petitioner has a viable path toward immigration relief, further mitigating any risk of flight. *See Padilla v. U.S. Immigr. and Customs Enf't*, 704 F. Supp. 3d 1163, 1173 (W.D. Wash. 2023) (finding no legitimate flight risk where plaintiffs have bona fide asylum claims and desire to remain in United States). Petitioner's immigration case remains pending before the San Francisco Immigration Court. Respondents have no evidence to suggest otherwise.

In sum, Petitioner's actions since Respondents first released her confirm that she is neither a danger nor flight risk. Indeed, her ongoing compliance compels the conclusion that she is even *less* of a danger or flight risk than when she was originally released. Accordingly, Petitioner's ongoing detention is unconstitutional, and due process principles require her release.

B. Petitioner's detention without the opportunity to contest her detention before a neutral decision-maker violates procedural due process.

Noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. The Supreme Court "usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d 671, 683 (D.C. Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (holding the same, in probation context).

Accordingly, the Supreme Court has repeatedly held that individuals released from custody on bond, parole, or other forms of conditional release have a protected interest in their ongoing liberty, because "[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). "By whatever name, the[ir] liberty is valuable and must be seen within the protection of the [Due Process Clause]." *Id.* This liberty interest also applies to noncitizens, including those who have been conditionally released from immigration custody. *See Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019); *Garcia*, 2025 WL 1927596, at *4 (agreeing with petitioner that release on immigration bond "create[d] a powerful interest for Petitioner in his continued liberty."). Petitioner thus has a protected liberty interest in her freedom from physical custody.

Once a petitioner has established a protected liberty interest, as Petitioner has here, courts in this circuit apply the *Mathews* test to determine what procedural protections are due. *See Johnson v. Ryan*, 55 F.4th 1167, 1179-80 (9th Cir. 2022) (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). Under that test, the court weighs: (1) the private interest affected; (2) the risk of erroneous deprivation and probable value of procedural safeguards; and (3) the government's interest. *Id.* In this case, the factors weigh heavily in favor of releasing Petitioner and prohibiting her re-detention without a custody hearing at which the government bears the burden of proof.

First, the private interest affected in this case is profound. When considering this factor, courts look to "the degree of potential deprivation." *Nozzi v. Hous. Auth. of City of Los Angeles*, 806 F.3d 1178, 1193 (9th Cir. 2015) (citing *Mathews*, 424 U.S. at 341). The degree of deprivation here is high. Petitioner faces prolonged detention, denying her the "free[dom] to be with family and friends and to form the . . . enduring attachments of normal life." *Morrissey*, 408 U.S. at 482. Cutting Petitioner off from the "core values of unqualified liberty"—including her ability to be with family, and enjoy the peace and safety they could not find in their respective countries of origin—creates a "grievous loss." *Id.* Moreover, because Petitioner face *civil detention*, their liberty interest "is arguably greater than the interest of the parolees in *Morrissey*." *See Ortega*, 415 F. Supp. 3d at 970. It therefore "stands to reason that [Petitioner] is entitled to protections at least

as great as those afforded to a[n] . . . individual . . . accused but not convicted of a crime." *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004).

Second, "the risk of an erroneous deprivation [of liberty] is high" where, as here, "[the petitioner] has not received any bond or custody redetermination hearing." *A.E. v. Andrews*, No. 1:25-cv-00107, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025) (quoting *Jimenez v. Wolf*, No. 19-cv-07996-NC, 2020 WL 510347, at *3 (N.D. Cal. Jan. 30, 2020)); *see also Diep v. Wofford*, No. 1:24-cv-01238, 2025 WL 6047444, at *5 (E.D. Cal. Feb. 25, 2025). Respondents grabbed Petitioner by surprise during her ICE check-in, detaining her with no notice and no opportunity to contest her re-detention before a neutral arbiter. In such circumstances, when Respondents have provided *no* procedural safeguards, "the probable value of additional procedural safeguards, *i.e.*, a bond hearing, is high." *A.E.*, 2025 WL 1424382, at *5. This is especially true here, where there is no change in Petitioner's circumstances suggesting that she now poses a flight risk or danger to the community. Their re-detention instead appears to be motivated by Respondents' arrest and removal quotas. Neither constitutes a lawful justification to re-detain a person who does not pose a flight risk or danger to the community.

Because the private interest in freedom from immigration detention is substantial, due process also requires that in cases like this one, the government bears the burden of proving "by clear and convincing evidence that the [noncitizen] is a flight risk or danger to the community." *Singh v. Holder*, 638 F.3d 1196, 1203-04 (9th Cir. 2011); *see Martinez v. Clark*, 124 F.4th 775, 785-86 (9th Cir. 2024) (holding that government properly bore burden by clear and convincing evidence in court-ordered bond hearing); *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025) (ordering pre-deprivation bond hearing in which government bears burden by clear and convincing evidence).

Third, the government's interest in detaining Petitioner without first providing notice and submitting to a custody hearing is negligible. Immigration courts routinely conduct custody hearings, which impose a "minimal" cost to the government. *See Doe*, 2025 WL 691664, at *6; *A.E.*, 2025 WL 1424382, at *5. Petitioner has a record of compliance, and there is no reason to

believe that will change between the date of her release and her custody hearing. Indeed, courts regularly hold that the government's interest in re-detention without a custody hearing is low when the petitioner "has long complied with his reporting requirements." *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854, at *3-*4 (N.D. Cal. June 14, 2025) (granting TRO prohibiting re-detention of noncitizen without a pre-deprivation bond hearing); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *3-*4 (N.D. Cal. Mar. 1, 2021) (same); *Ortega*, 415 F. Supp. 3d at 970 (granting habeas petition ordering the same); *see also Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737, at *4-*5 (S.D.N.Y. June 18, 2025) (granting habeas petition and immediately releasing petitioner who had been detained without process, who had "voluntarily attended his scheduled immigration court proceedings" and "established ties" through his work and volunteering with the church).

In similar cases, courts have ruled that re-detaining noncitizens without a pre-deprivation hearing in which the government bears the burden of proof violates due process, and courts have granted the emergency relief Petitioner seeks here. *See Garro Pinchi*, 2025 WL 2084921, at *7 (prohibiting re-detention absent a hearing); *Singh*, 2025 WL 1918679, at *8-10 (granting PI under similar circumstances); *Doe*, 2025 WL 691664, at *8 (granting TRO over one month after petitioner's initial detention); *see also, e.g.*, *Diaz*, 2025 WL 1676854, at *3-*4; *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025); *Jorge M. F.*, 2021 WL 783561, at *4; *Romero v. Kaiser*, No. 22-CV-02508-TSH, 2022 WL 1443250, at *4 (N.D. Cal. May 6, 2022); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020).

In short, Respondents violated Petitioner's due process rights when they detained her without notice and without a custody hearing before a neutral arbiter. Here, only an order releasing Petitioner and enjoining re-detention—unless Respondents provide her with a custody hearing where the government bears the burden of proof—would return the parties to the "last uncontested status which preceded the pending controversy." *Doe v. Noem*, __ F. Supp. 3d __, 2025 WL 1141279, at *9 (W.D. Wash. Apr. 17, 2025) (quoting *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d

1199, 1210 (9th Cir. 2000)); *see also Valdez*, 2025 WL 1707737, at *4-*5 (ordering petitioner's immediate release as remedy for procedural due process violation).

* * * * *

For the foregoing reasons, Petitioner-Plaintiff is likely to succeed on the merits of her claims. But even if the Court disagrees, Petitioner-Plaintiff presents at least "serious question[s] going to the merits," alongside a "balance of hardships" tipping decidedly in her favor. *All. for the Wild Rockies*, 632 F.3d at 1135. Indeed, the constitutional concerns delineated above are of the weightiest order and beyond colorable. This Court should therefore enter the requested TRO.

II. PETITIONER WILL CONTINUE TO SUFFER IRREPARABLE INJURY ABSENT A TRO.

Without a temporary restraining order, Petitioner will continue to suffer irreparable injury. Indeed, she faces such injury every day that she remains in detention, in violation of her Fifth Amendment rights. "It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Hernandez*, 872 F.3d at 994-95 (citing *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). And the unlawful deprivation of physical liberty is the quintessential irreparable harm. *See Hernandez*, 872 F.3d at 994 (holding that plaintiffs were irreparably harmed "by virtue of the fact that they [we]re likely to be unconstitutionally detained for an indeterminate period of time"); *see also, e.g.*, *Rosales-Mireles v. United States*, 585 U.S. 129, 139 (2018) (recognizing that "[a]ny amount of actual jail time is significant, and has exceptionally severe consequences for the incarcerated individual") (cleaned up).

In addition to constitutional injury, Petitioner will suffer other irreparable harms from continued detention. Petitioner has just suffered a miscarriage after a tumultuous pregnancy from the confines of ICE detention. She lacks the physical presence of anyone in her family or community to hold her through this terrible loss. She is physically ill and requires meaningful

medical and psychological care to help her transition through this time. Further, she has a hearing before the San Francisco Immigration Court on October 22, 2025. ICE agents confiscated Petitioner's records when she was detained, and she now has no way of preparing for her immigration proceedings.

III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH STRONGLY IN PETITIONER'S FAVOR.

When the government is the party opposing the request for emergency relief, the balance of the equities and the public interest merge. *Env't Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 991 (9th Cir. 2020) (citing *California v. Azar*, 911 F.3d 558, 581 (9th Cir. 2018)). Here, the balance of equities overwhelmingly favors Petitioner, who faces irreparable injury in the form of ongoing constitutional harm and additional suffering if the TRO is not granted. *See Hernandez*, 872 F.3d at 996 ("Faced with … preventable human suffering, … the balance of hardships tips decidedly in plaintiffs' favor.") (internal citation omitted). On Respondent's end, detaining Petitioner unlawfully imposes a fiscal cost that will be eliminated by releasing her. As recently as 2019, the Department of Justice reported an average cost of detaining noncitizens, in 2019, of $88.19 per prisoner per day … So, retaining and housing detainees imposes substantial costs as well." *Black v. Decker*, 103 F.4th 133, 154 (2d Cir. 2024). Further, the government "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).

The public interest likewise weighs strongly in Petitioner's favor. As another California district court recently concluded, "[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." *Diaz*, 2025 WL 1676854, at *3 (citing *Jorge M. F.*, 2021 WL 783561, at *3). More fundamentally, "[i]t is always in the public interest to prevent the violation of a party's constitutional rights." *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 838 (9th Cir. 2020) (citing *Padilla v. Immigr. & Customs Enf't*, 953 F.3d 1134, 1147-48 (9th Cir. 2020) (internal quotation marks omitted)).

IV. SECURITY

No security is necessary here. Courts "may dispense with the filing of a bond when," as here, "there is no realistic likelihood of harm to the defendant from enjoining his or her conduct." *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003). It is also proper to waive the bond requirement in cases raising constitutional claims, because "to require a bond would have a negative impact on plaintiff's constitutional rights, as well as the constitutional rights of other members of the public." *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996). And Petitioner's high likelihood of success on the merits supports the Court's waiving of bond in this case. *See, e.g., People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Plan. Agency*, 766 F.2d 1319, 1326 (9th Cir.), *amended*, 775 F.2d 998 (9th Cir. 1985).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court consolidate consideration of this motion with consideration of the substantially equivalent motion pending before the Court in *Leon Espinoza* and grant a TRO to restore the *status quo ante* that (1) immediately releases Petitioner from Respondents' custody without any intrusive electronic monitoring and enjoins Respondents from re-detaining her absent further order of this Court; and (2) enjoins Respondents from re-detaining her unless they provide 10 days' notice and demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community such that her physical custody is legally justified; and (3) prohibits the government from transferring Petitioner out of this District and/or removing her from the country until these habeas proceedings have concluded.

Date: September 2, 2025

Respectfully Submitted,

/s/ Victoria Petty

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