

1 John M. Mitchell (AZ Bar No. 039739)*
2 Christine K. Wee (AZ Bar No. 028535)
3 American Civil Liberties Union
4 Foundation of Arizona
5 2712 N. 7th Street
6 Phoenix, Arizona 85006
7 (602) 650-1854
8 jmmitchell@acluaz.org
9 cwee@acluaz.org

* *Admitted pursuant to Arizona Supreme Court Rule 38(d)*

Attorneys for Petitioner Monnathy L. Nambounmy
Additional attorneys listed on next page

10 **UNITED STATES DISTRICT COURT**
11
12 **DISTRICT OF ARIZONA**

13 Monnathy L. Nambounmy,

14 *Petitioner,*

15 v.
16

17 John E. Cantu, Enforcement and Removal
18 Operations, Arizona Field Office Director,
19 U.S. Immigration and Customs
20 Enforcement; Todd Lyons, Acting
21 Director of Immigration and Customs
22 Enforcement; Kristi Noem, Secretary,
23 U.S. Department of Homeland Security;
David R. Rivas, warden at San Luis
Regional Detention Center; U.S.
Department of Homeland Security; U.S.
Immigration and Customs Enforcement,

24 *Respondents.*
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Civil Case No.

**NOTICE OF MOTION FOR
TEMPORARY ORDER**

1 Andres Holguin-Flores (CA Bar No. 305860)**
2 ACLU Foundation of San Diego and Imperial Counties
3 2760 Fifth Ave #300
4 San Diego, California 92101
5 (619) 232-2121
6 aholguinflores@aclu-sdic.org

7 Geovanna Y. Medel (CA Bar No. 362859)**
8 ABA Immigration Justice Project
9 2727 Camino Del Rio South, Suite 320
10 San Diego, CA 92108
11 (619) 859-6650
12 Geovanna.Medel@abaijp.org

13 ** *Pro hac vice* application forthcoming
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1 Petitioner Monnathy L. Nambounmy hereby notifies this Court and Respondents
2 John E. CANTU, Enforcement and Removal Operations, Arizona Field Office Director,
3 U.S. Immigration and Customs Enforcement; Todd LYONS, Acting Director of
4 Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S. Department of
5 Homeland Security; David R. RIVAS, warden at San Luis Regional Detention Center; U.S.
6 DEPARTMENT OF HOMELAND SECURITY; U.S. IMMIGRATION AND CUSTOMS
7 ENFORCEMENT of this notice of motion for a temporary restraining order and supporting
8 memorandum of points and authorities.

9 The basis for the motion for a temporary restraining order is that Respondents have
10 violated Petitioner's rights under the Fifth Amendment Due Process Clause, Immigration
11 and Nationality Act, 8 U.S.C. § 1231(a), 8 C.F.R. § 241.13, and the Administrative
12 Procedures Act when Respondents re-detained Petitioner; and removing Petitioner to a
13 third country would violate rights under the Fifth and Eighth Amendments, 8 U.S.C. § 1231,
14 Convention Against Torture, Implementing Regulations, and the Administrative Procedure
15 Act. As the memorandum of points and authorities demonstrates, Petitioner is likely to
16 succeed on the merits.

17 Petitioner brings this motion for a temporary restraining order because Respondents
18 can remove Petitioner from the United States at any moment. Petitioner will suffer
19 irreparable harm if relief is not granted because he remains in detention despite the
20 hardships his family currently faces and removal to a third country would be
21 unconstitutional. Finally, the balance of hardships and the public interest weigh in
22 Petitioner's favor because his continued unlawful detention and the potential removal to a
23 third country where he could face imprisonment or worse violate the Constitution and
24 federal law.

1 Respectfully submitted this 10th day of September, 2025.

2 By: /s/ John M. Mitchell

3 John M. Mitchell

4 Christine K. Wee

5 ACLU Foundation of Arizona

6 Andres Holguin-Flores**

7 ACLU Foundation of San Diego and Imperial Counties

8 Geovanna Y. Medel**

9 ABA Immigration Justice Project

10 ** *Pro hac vice* application forthcoming

11 *Attorneys for Petitioner*