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

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9 *Attorneys for Petitioner Monnathy L. Nambounmy*
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12 **UNITED STATES DISTRICT COURT**
DISTRICT OF ARIZONA

13 Monnathy L. Nambounmy,

Civil Case No.

14 *Petitioner,*

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16 **NOTICE OF MOTION FOR**
TEMPORARY ORDER

v.

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

24 *Respondents.*

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1 Andres Holguin-Flores (CA Bar No. 305860)**
2 ACLU Foundation of San Diego and Imperial Counties
2760 Fifth Ave #300
3 San Diego, California 92101
3 (619) 232-2121
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5 Geovanna Y. Medel (CA Bar No. 362859)**
6 ABA Immigration Justice Project
7 2727 Camino Del Rio South, Suite 320
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8 Geovanna.Medel@abaijp.org

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10 ** *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.

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

2 By: /s/ John M. Mitchell
3 John M. Mitchell
4 Christine K. Wee
ACLU Foundation of Arizona

5 Andres Holguin-Flores**
6 ACLU Foundation of San Diego and Imperial Counties

7 Geovanna Y. Medel**
8 ABA Immigration Justice Project

9 ** *Pro hac vice* application forthcoming

10 *Attorneys for Petitioner*

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