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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TATIANA ZAIKO

Plaintiff,  
v.

JAMES JANECKA, in his official  
capacity as warden of the  
Adelanto ICE processing center;  
TINA PATEL, in her official  
capacity as Field Office Director  
of the Immigration and Customs  
Enforcement Los Angeles Office;  
ALEJANDRO MAYORKAS, in his  
official capacity as Secretary of  
the Department of Homeland  
Security; MERRICK GARLAND  
in his official capacity as Attorney  
General of the United States,

Respondents.

Case No.

EX PARTE APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Petitioner Tatiana Zaiko hereby moves this Court ex parte for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65 and 28 U.S.C. § 2241, enjoining Respondents from continuing to detain Petitioner without legal authority and from removing Petitioner from the United States pending resolution of her Petition for Writ of Habeas Corpus.

This motion is based on this Ex Part Application for Motion and Motion, the accompanying Memorandum of Points and Authorities, the Petition for Writ of Habeas Corpus filed concurrently herewith, the Declaration of Gary Minevich, and all papers and records on file in this action.

Petitioner requests that this matter be heard on an emergency basis due to the ongoing unlawful detention and imminent threat of coerced removal.

Dated: 9/11/25

Respectfully submitted,

MINEVICH LAW, APC

By:  \_\_\_\_\_

Gary Minevich  
California State Bar No. 256136  
Attorney for Petitioner

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

Petitioner Tatiana Zaiko seeks emergency relief from this Court to halt her unlawful detention and prevent her coerced removal from the United States. Ms. Zaiko has been detained at the Adelanto ICE Processing Center since August 21, 2025, without any charging document being filed and without any immigration proceedings being initiated. ICE officials have subjected her to coercive tactics, including repeatedly waking her in the middle of the night to pressure her to sign removal documents. This Court should immediately enjoin Respondents from continuing this unlawful detention and from removing Ms. Zaiko based on any documents obtained through coercion.

### II. STATEMENT OF FACTS

Ms. Zaiko, a Russian citizen, has been detained at Adelanto ICE Processing Center since August 21, 2025. No Notice to Appear has been filed with the immigration court. Despite the absence of any charges or proceedings, ICE continues to detain Ms. Zaiko and has engaged in a pattern of coercive conduct, including waking her multiple times during the night to pressure her to sign removal documents while she is disoriented from sleep.

### III. LEGAL STANDARD

A temporary restraining order may issue upon a showing that: (1) the movant is likely to succeed on the merits; (2) the movant is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in the movant's favor; and (4) an injunction is in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008).

In the Ninth Circuit, "serious questions going to the merits and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest." *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

### IV. ARGUMENT

#### A. Petitioner Is Likely to Succeed on the Merits

##### 1. Detention Without Charges Violates the INA and Due Process

Ms. Zaiko's detention violates 8 U.S.C. § 1229, which requires that removal proceedings be initiated through the filing of a Notice to Appear. No such document has been filed, meaning there are no proceedings that could justify detention. This detention without

charges also violates the Due Process Clause, which requires notice and an opportunity to be heard before deprivation of liberty.

## 2. Any Consent to Removal Was Obtained Through Coercion

The repeated nighttime interrogations and sleep deprivation tactics employed by ICE constitute coercion that invalidates any purported consent to removal. Courts have long recognized that sleep deprivation impairs cognitive function and undermines voluntariness. See *Reck v. Pate*, 367 U.S. 433, 440-41 (1961).

### B. Petitioner Will Suffer Irreparable Harm Absent Emergency Relief

Every day of unlawful detention constitutes irreparable harm. See *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) ("continued detention in violation of the Constitution constitutes irreparable injury"). Moreover, if removed based on coerced documents, Ms. Zaiko would lose her ability to pursue relief in the United States and would face potential persecution in Russia.

### C. The Balance of Equities Tips Sharply in Petitioner's Favor

Ms. Zaiko seeks only to vindicate her constitutional and statutory rights to due process and freedom from unlawful detention. The government has no legitimate interest in detaining individuals without

charges or in obtaining removal through coercion.

#### D. The Public Interest Favors Granting Relief

The public interest is served by ensuring that immigration detention complies with statutory requirements and constitutional protections. Allowing detention without charges and removal through coercion would undermine the rule of law.

#### V. NOTICE

Petitioner brings this application on an emergency ex parte basis. Counsel for Petitioner provided notice of this application to the United States Attorney's Office for the Central District of California by email on September 11, 2025 at 4:30 p.m. Opposing counsel was informed of Petitioner's intent to file this application and the nature of the relief sought.

Given the ongoing coercion of Petitioner to sign removal documents in the middle of the night, immediate relief is necessary, and Petitioner respectfully submits that further notice should not delay this Court's ability to act.

#### VI. CONCLUSION

For the foregoing reasons, this Court should immediately issue a

temporary restraining order enjoining Respondents from continuing to detain Ms. Zaiko without proper charges and from removing her from the United States based on any documents obtained through coercion.

Dated: 9/11/25

Respectfully submitted,

MINEVICH LAW, APC

By:  \_\_\_\_\_

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Attorney for Petitioner

## DECLARATION OF GARY MINEVICH

I, Gary Minevich, declare as follows:

1. I am an attorney licensed to practice law in the State of California and before this Court. I represent Petitioner Tatiana Zaiko in this matter.

2. I submit this declaration in support of Petitioner's Motion for Temporary Restraining Order. The facts stated herein are based on my personal knowledge, including communications with my client and review of relevant documents.

3. Ms. Zaiko has been detained at the Adelanto ICE Processing Center since August 21, 2025. To date, no Notice to Appear or other charging document has been filed with any immigration court.

4. Ms. Zaiko has informed me that ICE officers have repeatedly woken her during the night—sometimes multiple times in a single night—to pressure her to sign documents. These encounters occur when she is disoriented from sleep and unable to fully comprehend what she is being asked to sign.

5. During these nighttime sessions, ICE officers have provided misleading or incomplete information about the documents and the consequences of signing or not signing them.

6. Ms. Zaiko has not been provided with adequate opportunity to consult with counsel before being subjected to these coercive tactics.

7. Based on my experience in immigration law, detention without the filing of a Notice to Appear is unlawful, and any consent to removal obtained through sleep deprivation and coercion is invalid.

8. If Ms. Zaiko is removed based on these coerced documents, she will lose her ability to pursue any relief in the United States and may face persecution in Russia.

9. Immediate judicial intervention is necessary to prevent irreparable harm to Ms. Zaiko's rights and well-being.

10. On September 11, 2025 at approximately 4:30 p.m., I personally checked the EOIR Automated Case information page and confirmed tha no case number had been filed for Ms. Zaiko by looking up her "A" number, which is A  A true and correct copy of the screenshot of that inquiry is attached hereto as Exhibit A.

I further received a telephone call from Ms. Zaiko the same day wherein she confirmed that she had not been served with a Notice to Appear, and she continues to be detained at the Adelanto Detention Center.

I declare under penalty of perjury under the laws of the United

States that the foregoing is true and correct.

Executed on September 11, 2025 at Encino, California.

  
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Gary Minevich

# EXHIBIT A