

VITAL IMMIGRANT DEFENSE
ADVOCACY & SERVICES, INC.
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Attorney for Petitioner

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MIRIAN E. MENJIVAR SANCHEZ,

Petitioner,

v.

MINGA WOFFORD, Warden, Mesa Verde
Immigrant Processing Center;
NANCY GONZALEZ, Acting Director of
Bakersfield, CA Field Office, U.S. Immigration
& Customs Enforcement;
KRISTI NOEM, Secretary of the U.S. Depart-
ment of Homeland Security; and
PAMELA BONDI, Attorney General of the
United States, in their official capacities,

Respondents.

Case No. 1:25-cv-01187
SKO (HC)

**PETITIONER'S
NOTICE OF MOTION
AND MOTION FOR
EX PARTE
TEMPORARY
RESTRAINING
ORDER AND ORDER
TO SHOW CAUSE
RE: PRELIMINARY
INJUNCTION**

PLEASE TAKE NOTICE that Petitioner Mirian E. Menjivar Sanchez

1 hereby gives notice of, and moves for, a temporary restraining order pursuant to
2 Federal Rule of Civil Procedure 65(b). Petitioner's detention violates 8 U.S.C. §
3 1226(a) and her rights to procedural and substantive due process under the Fifth
4 Amendment. Therefore, Petitioner respectfully requests that this Court order her
5 immediate release from Respondents' custody pending these proceedings.
6

7
8 This motion is based on this Notice of Motion and Motion; the
9 accompanying Memorandum of Law; Petitioner's Petition for Writ of Habeas
10 Corpus with Exhibits; the Proposed Order; the papers, evidence, and records on
11 file in this proceeding; and any other evidence or argument that may be presented
12 before this motion is heard by the Court. Petitioner seeks relief at the earliest
13 possible opportunity.
14

15
16 Pursuant to Local Rule 231, and as further detailed in undersigned counsel's
17 Declaration, counsel notified Respondents' attorney of this Motion and the relief
18 sought.
19

20
21 Dated: September 22, 2025

22 Respectfully submitted,

23 /s/ Richard Coshnear

24 Richard L. Coshnear (SBN 222958)
25 VITAL IMMIGRANT DEFENSE
26 ADVOCACY & SERVICES, INC.
27 Richard L. Coshnear (SBN 222958)
28 rcoshnear@vidaslegal.org

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DECLARATION OF PETITIONER'S COUNSEL PURSUANT TO L.R. 231(c)(5)

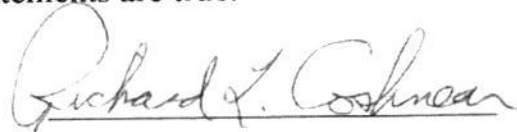
I, Richard L. Coshnear, declare the following under penalty of perjury:

1. I am an attorney licensed in California (SBN 222958) and I represent the Petitioner, Mirian Esmeralda Menjivar Sanchez in these proceedings.
2. I emailed the usacae.ecf2241@usdoj.gov address provided by the cm/ecf system for the legal representative for the four Respondents on Monday, September 22, 2025. The email notified that office of Petitioner's intent to file the Ex Parte Motion for the Temporary Restraining Order either on Monday, Sept. 22 or Tuesday, Sept. 23.
3. Paralegal Specialist Cheri Buxbaum of the U.S. Attorney's Office for the Eastern District of California replied with a request that we wait until Tuesday, Sept. 23, because the Assistant U.S. Attorney assigned was very busy in court.
4. I responded that we would wait the one day and then file.
5. Ms. Buxbaum then gave me the name and email address of the A.U.S.A. assigned, Mr. David Gappa (viz., David.Gappa@usdoj.gov).
6. I then emailed Mr. Gappa on Monday afternoon and attached the Notice of Motion and Motion for the Temporary Restraining Order being filed this morning.

I declare under penalty of perjury under the laws of California and the United States that the foregoing statements are true.

Sept. 23, 2025

Date



Richard L. Coshnear, Attorney

VIDAS Legal Services

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(707) 495-3270

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MIRIAN E. MENJIVAR SANCHEZ,)

Petitioner,)

v.)

MINGA WOFFORD, Warden, Mesa Verde)
Immigrant Processing Center;)

NANCY GONZALEZ, Acting Director of)
Bakersfield, CA Field Office, U.S. Immigration)
& Customs Enforcement;)

KRISTI NOEM, Secretary of the U.S. Depart-)
ment of Homeland Security; and)

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Case No. 1:25-cv-01187
SKO (HC)

**[PROPOSED]
TEMPORARY
RESTRAINING
ORDER AND ORDER
TO SHOW CAUSE**

[PROPOSED] ORDER

Upon review of Petitioner’s Ex Parte Motion for Temporary Restraining Order, and any response filed by Respondents, the application is GRANTED. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the Court orders as follows:

TEMPORARY RESTRAINING ORDER

The Court concludes that Petitioner has met her burden of showing: 1)

likelihood of success on the merits that her detention violates the applicable statutes and the Due Process Clause of the Fifth Amendment; 2) Petitioner is irreparably harmed by her ongoing, unlawful detention; 3) the balance of equities weigh in Petitioner's favor; and 4) the public interest favors granting the motion. Accordingly, a temporary restraining order pursuant to Federal Rule of Civil Procedure 65 and the inherent equitable powers of this Court is warranted.

It is hereby ORDERED that Respondents are ENJOINED as follows:

1. Respondents must immediately release Petitioner from custody upon the payment of \$3000 bond as ordered by the Immigration Judge on August 25, 2025. Petitioner shall not be detained unless Respondents demonstrate, by clear and convincing evidence, that Petitioner is a flight risk or a danger to the community such that her physical custody is required.
2. Respondents are enjoined from deporting Petitioner pending these habeas proceedings.

ORDER TO SHOW CAUSE

Respondents are ordered to show cause before this Court why a preliminary injunction should not issue requiring Respondents to abide by the injunctions ordered herein. The hearing on the order to show cause will be held on _____ at _____. Respondents shall file responsive papers on _____.

Petitioner is ordered to serve this Temporary Restraining Order and Order to Show Cause and all supporting pleadings and papers on Respondents by _____.

Respondents are hereby notified of their right to apply to the Court for modification or dissolution of the Temporary Restraining Order on 2 days' notice or such shorter notice as the Court may allow. Fed. R. Civ. P. 65.

IT IS SO ORDERED.

Date:

United States Magistrate Judge

Submitted by:

Richard L. Coshnear (SBN 222958)

rcoshnear@vidaslegal.org

418 B Street

Santa Rosa, CA 95401

Telephone: (707) 523-1740

Attorney for Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Miriam E. Menjivar Sanchez
Plaintiff/Petitioner

Case Number: 1:25-cv-01187
SKO (HC)

v.
Minga Wofford, et al.
Defendant/Respondent(s)

PROOF OF SERVICE

_____ /

I hereby certify that on 9/23/2025, I served a copy
of the attached Notice of Motion and Motion for Ex Parte TRO
with Proposed Orders
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at
Santa Rosa, CA: and by filing electronically in CM/ECF.

(List Name and Address of each Defendant or Attorney Served)
Asst. U.S. Attorney David Gappa
U.S. Attorney's Office
Robert E. Coyle U.S. Courthouse
2500 Tulare St.
Fresno, CA 93721

I declare under penalty of perjury that the foregoing is true and correct.

Richard L. Cushman
(Signature of Person Completing Service)