

1 Victoria Hartanto (SBN 259833)
vhartanto@apilegaloutreach.org
2 Audrey Daniel (SBN 266117)*
adaniel@apilegaloutreach.org
3 ASIAN PACIFIC ISLANDER LEGAL OUTREACH
310 8th Street, Suite 305
4 Oakland, CA 94607
Telephone: (415) 567-6255

5 **Application for Admission Forthcoming*

6 *Attorneys for Petitioner*

7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO DIVISION**

11 FABIAN ALEXANDER ALVARENGA
MATUTE,

12 Petitioner,

13 v.

14 MINGA WOFFORD, Mesa Verde ICE
15 Processing Center Facility Administrator;
16 JOHNNY J. BAILEY, Acting Field Office
17 Director of the San Francisco Immigration and
18 Customs Enforcement Office; TODD LYONS,
19 Acting Director of United States Immigration
and Customs Enforcement; KRISTI NOEM,
20 Secretary of the United States Department of
Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting
in their official capacities,

21 Respondents.

Case No. 1:25-cv-01206-KES-SKO

**PETITIONER'S NOTICE OF
MOTION AND *EX PARTE* MOTION
FOR TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

1
2 PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court
3 for Eastern District of California, that Petitioner Fabian Alexander Alvarenga Matute will and
4 hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure
5 65(b) and Civil Local Rule 231. Because Petitioner's detention at Mesa Verde ICE Processing
6 Center violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner
7 respectfully requests that this Court (1) order Petitioner's immediate release from Respondents'
8 custody pending these proceedings, without requiring bond or electronic monitoring, or, in the
9 alternative, (2) order Petitioner's immediate release from Respondents' custody and, within 14
10 days, order a pre-deprivation bond hearing before the San Francisco Immigration Court, where
11 Respondents shall bear the burden of proof to show, by clear and convincing evidence, that
12 Petitioner is a danger or a flight risk. To preserve this Court's jurisdiction, Petitioner further
13 seeks an order enjoining Respondents from transferring Petitioner out of this District or
14 deporting him during the pendency of the underlying proceedings. This motion is based on this
15 Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the
16 supporting Declarations of Claudia Mejia Suazo and Victoria Hartanto, the Proposed Order,
17 and TRO Checklist filed herewith; the papers, evidence, and records on file in this action; and
18 any other written or oral evidence or argument as may be presented at or before the time this
19 motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas
20 Corpus (ECF No. 2). Consistent with Civil L.R. 231(b), Petitioner seeks relief at the earliest
21 possible opportunity. Petitioner is filing this motion two days after he filed his Petition for Writ
22 of Habeas Corpus. Pursuant to Civil L.R. 142 and 231(c)(5), and as detailed further in the
23 supporting Declaration of Victoria Hartanto, counsel for Petitioner provided counsel for
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1 Respondents with notice of this Motion and advised Respondents of the emergency reasons
2 requiring Petitioner to seek an *ex parte* application for a temporary restraining order. Counsel
3 for Petitioner communicated by email regarding the habeas petition, and Counsel for Petitioner
4 emailed a copy of the filed petition to Counsel for Respondents. Counsel for Petitioner advised
5 Counsel for Respondents that a Motion for TRO would be forthcoming and inquired if
6 Respondents would consider a stipulation to a TRO or any alternatives. Counsel for Petitioner
7 will email Counsel for Respondents a copy of the Motion for TRO and supporting documents
8 immediately after filing it. As of this filing, Respondents have not stipulated to a TRO.
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12 Date: September 17, 2025

Respectfully Submitted,

13 /s/ Victoria Hartanto

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23 *Attorneys for Petitioner*
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