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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 **ARELY ALEJANDRA FERNANDEZ**
12 **LOPEZ,**

13 Petitioner,

14 v.

15 MINGA WOFFORD, Mesa Verde ICE
16 Processing Center Facility Administrator;
17 SERGIO ALBARRAN, Acting Field
18 Office Director of the San Francisco
19 Immigration and Customs Enforcement
20 Office; TODD M. LYONS, Acting
21 Director of United States Immigration and
22 Customs Enforcement; KRISTI NOEM,
23 Secretary of the United States Department
24 of Homeland Security; PAMELA BONDI,
25 Attorney General of the United States,

26 Respondent.

No. 1:25-at-00841

**PLAINTIFF'S EX-PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

NOTICE OF MOTION

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2 Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Rule 231 of the Local
3 rules of this Court, Petitioner hereby moves this Court for an order enjoining Respondents
4 Department of Homeland Security (“DHS”), United States Immigration and Customs
5 Enforcement (“ICE”), Pam Bondi, in her official capacity as the U.S. Attorney General, and
6 Tonya Andrews, in her official capacity as Facility Administrator at Mesa Verde, Bakersfield,
7 California to release Petitioner-Petitioner Arely Alejandra Fernandez Lopez (“Petitioner”) until
8 she is afforded a hearing, as required by the Due Process clause of the Fifth Amendment, to
9 determine whether circumstances have changed such that Petitioner’s detention is warranted.
10 Petitioner also seeks to enjoin Respondents from transferring Petitioner outside the jurisdiction of
11 the San Francisco Field Office and/or the Eastern District of California pending the resolution of
12 this case.
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15 The reasons in support of this Motion are set forth in the accompanying Memorandum of
16 Points and Authorities. This Motion is based on the attached Declaration of Karen Pedraza in
17 Support of Petition for Writ of Habeas Corpus and Ex-Parte Motion for Temporary Restraining
18 Order. As set forth in the Points and Authorities in support of this Motion, Petitioner raises that
19 she warrants a temporary restraining order due to her weighty liberty interest under the Due
20 Process Clause of the Fifth Amendment in remedying her unlawful re-detention, where that
21 detention appears indefinite and which was imposed absent a pre-deprivation due process hearing.
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1 WHEREFORE, Petitioner prays that this Court grant her request for a temporary
2 restraining order enjoining ICE to release her from custody unless and until she is afforded a
3 hearing before on the question of whether circumstances have changed such that Petitioner's
4 detention is warranted. The only mechanism to ensure that she is not continuously unlawfully
5 detained in violation of her due process rights is an ex-parte temporary restraining order from this
6 Court.

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8 Dated: September 19, 2025




Respectfully Submitted

/s/Karen Pedraza

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10 Attorney for Petitioner-Petitioner
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1 **I. INTRODUCTION**

2 Petitioner-Petitioner Petitioner, by and through undersigned counsel, hereby file this
3 motion for a temporary restraining order and preliminary injunction to order the U.S. Department
4 of Homeland Security’s (“DHS”) Immigration and Customs Enforcement (“ICE”) to release her
5 from custody unless and until she is afforded notice and a hearing before a neutral decision maker
6 on the question of whether circumstances have otherwise changed such that Petitioner’s re-
7 detention is warranted.
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9 Petitioner Arely Alejandra Fernandez Lopez an non-U.S. citizen currently detained by
10 Immigration Customs Enforcement (“ICE”) at the Mesa Verde Detention Center. She entered the
11 United States on August 7, 2021 and fear return to her country of Chile because she suffered
12  She was placed in expedited removal proceedings
13 and was released by ICE on parole under her own recognizance to file her asylum application.
14 Petitioner complied with the order of supervision from ICE both in the appointments and in filing
15 changes of address. ICE scheduled a credible fear interview and found her not credible and
16 decided to re-detain her without a prior hearing before a neutral decision maker. An immigration
17 judge from the Executive Office of Immigration Review, thereafter, vacated the ICE finding and
18 the applicant resubmitted her asylum application with USCIS. ICE is now threatening to deport
19 Petitioner to a third country.
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22 By statute and regulation, the Immigration and Nationality Act, “INA” allows habeas
23 review of certain determinations made in expedited removal proceedings. *See* 8 U.S.C.
24 §1252(e)(2). The court has the authority to review the termination of Petitioner’s parole. *Jennings*
25 *v. Rodriguez*, 583 U.S. 281, 294 (2018) (holding that § 1252(g) precludes judicial review only as
26 to the three areas specifically outlined in the subsection); see also *Reno v. American-Arab Anti-*
27 *Discrimination Committee*, 525 U.S. 471, 482 (1999). Most recently, in *Coalition for Humane*
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1 *Immigrant Rights, et al., v. Kristi Noem*, the U.S. District Court of the District of Columbia
2 granted the stay for agency (DHS) action, stayed the Huffman Memorandum, to the extent that
3 the Challenged Actions subjected to expedited removal individuals who were at any point in time
4 paroled into the United States at any point of entry. *Coal. for Humane Immigrant Rts. v. Noem*,
5 No. 25-CV-872, 39 (JMC), 2025 WL 2192986 (D.D.C. Aug. 1, 2025). To clarify, Coalition
6 concluded that the statute “forbids the expedited removal of noncitizens who have been, at any
7 point in time, paroled into the United States.” 2025 WL 2192986, at *22.6 Coalition at *22-*27
8 conducts an exhaustive analysis of 1225(b)(1)(A)(iii)/§ 235.3(b)(1), relevant directives, and case
9 authority to come to its holding. Coalition holds that § 1225(b)(1)(A)(iii) “forbids the expedited
10 removal of noncitizens who have been, at any point in time, paroled into the United States.” 2025
11 WL 2192986, at *22. *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO, 2025 WL 2581185, at
12 *5 (E.D. Cal. Sept. 5, 2025)
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15 Most relevant, in *Espinoza v. Kaiser*, the United States Eastern District of California
16 ordered a motion for a temporary restraining order, their immediate release, and no additional
17 restrictions such as electronic monitoring, unless it was determined to be necessary at a future
18 pre-deprivation/custody hearing for a series of petitioners including Ms. *Lorgia* who had been
19 placed in expedited removal proceedings. . *Espinoza v. Kaiser*, No. 1:25-CV-01101 JLT SKO,
20 2025 WL 2581185, at *2 (E.D. Cal. Sept. 5, 2025).
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22 Ms. Fernandez meets the standard for a temporary restraining order. She will suffer
23 immediate and irreparable harm absent an order from this Court enjoining the government to
24 release her from detention unless and until she receives a hearing before a neutral adjudicator, as
25 demanded by the Constitution. Since holding federal agencies accountable to constitutional
26 demands is in the public interest, the balance of equities and public interest are also strongly in
27 Petitioner’s favor.
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1 **II. STATEMENT OF FACTS¹**

2 Petitioner Arely Alejandra Fernandez Lopez is a Chilean citizen currently detained by
3 Immigration Customs Enforcement (“ICE”) at the Mesa Verde Detention Center in Bakersfield,
4 CA.

5 The petitioner is charged with 8 C.F.R. 212(a)(7)(A)(i)(I), “being an immigrant not in
6 possession of a valid unexpired immigrant visa, entry permit, border crossing card, or other valid
7 entry document required by the Immigration Nationality Act; to wit, that she illegally entered the
8 United States by wadding across the Rio Grande River near the Del Rio, Texas Port of Entry 1,
9 on August 7, 2021, with the intention of going to Madison, Alabama to reside and seek
10 employment.” *Exhibit 1*. On August 9, 2021, upon entry she was placed under 8 U.S.C.
11 §1225(b)(1)/ 8 C.F.R. §235(b)(1) expedited removal proceedings, was released by the
12 Respondents under INA §212(d)(5) parole, and released on her own recognizance with
13 supervisory conditions for the remainder of her proceedings. *Exhibit 5*.

14 The Petitioner has lived in public since the date of her parole on September 9, 2021. She
15 has been an employed working member of society, paid and filed income taxes, and sought
16 asylum based on past persecution and fear of future persecution. The Petitioner does not have any
17 criminal history that makes her a danger to public safety or flight risk.

18 DHS scheduled the Respondent for a Credible Fear Interview on August 22, 2025 and
19 found her fear of returning to Chile not credible. *Exhibit 6*. Without notice of cause or a prior
20 hearing before a neutral decision maker, DHS took her into custody during this appointment.
21 There is no evidence of any other change relevant to her detention status, removability, or
22 anything that makes her a danger to the community or a flight risk.
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28 ¹ All the facts mentioned in this pleading document are true and accurate and mentioned in the affidavit in support of the motion for a temporary restraining order. The petitioner has told the attorney the facts mentioned above in person prior to her detention, over video, or over the phone.

1 While in detention and custody of the Respondent, on August 28, 2025, and Immigration
2 Judge vacated the negative finding because “[U]pon de novo consideration, she was not presumed
3 ineligible for asylum under 8 CFR§1208.33(a)((1)-(2) and she had established a significant
4 possibility of eligibility for asylum under section 208 of the INA. Under §208.30(g) an IJ’s
5 determination is final.” *Exhibit 2*. On September 15, 2025, counsel filed a new application for
6 asylum for the Petitioner.
7

8 The Petitioner has been unlawfully detained in immigration custody for over three weeks
9 even though no neutral decision maker—federal judge or immigration judge “IJ” has conducted a
10 hearing to determine whether her length incarceration is warranted based on danger or flight risk.
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12 The Petitioner suffers from high blood pressure, constipation, depression, and post
13 traumatic stress disorder and is unable to receive care while in detention. Prior to her detention,
14 she was employed and supporting her partner’s family and her family abroad.

15 On September 17, 2025, Petitioners Attorney was notified by her client that DHS intends
16 to remove her to a third country without hearing and without prior hearing before a neutral
17 decision maker regarding her detention.

18 Petitioners prolonged detention without hearing on danger and flight risk violates the Due
19 Process Clause of the Fifth Amendment.
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22 **III. STANDARD OF REVIEW**

23 An ex parte Temporary Restraining Order (“TRO”) may be issued upon a showing that
24 “immediate and irreparable injury, loss, or damage will result to the movant before the adverse
25 party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A). As discussed below, Petitioner
26 readily meets the requirements for a TRO because her current detention is prohibited by law; she
27 is irreparably harmed by this imprisonment by way of her health and right to apply for asylum;
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1 and because the balance of the equities plainly favors an order enjoining the government from
2 continuing to violate federal law.

3 The standard for a TRO is the same as the standard for a preliminary injunction.
4 *Velazquez-Hernandez v. ICE*, 500 F.Supp.3d 1132, 1141 (S.D. Cal. 2020). The party seeking
5 relief “must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer
6 irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in their
7 favor, and [4] that an injunction is in the public interest.” *City & County of San Francisco v.*
8 *USCIS*, 944 F.3d 773, 788-89 (9th Cir. 2019) (quoting *Winter v. Nat. Res. Def. Council, Inc.*, 555
9 U.S. 7, 20 (2008). “Likelihood of success on the merits is the most important factor.” *California*
10 *v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018) (quotations omitted). Where the government is the
11 opposing party, the third and fourth factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).
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13 Additionally, in the Ninth Circuit, courts may “employ an alternative ‘serious questions’
14 standard, also known as the ‘sliding scale’ variant of the *Winter* standard.” *Fraihat v. ICE*, 16
15 F.4th 613, 635 (9th Cir. 2021) (quotations and citations omitted and alterations accepted). Under
16 that test, “serious questions going to the merits and a balance of hardships that tips sharply toward
17 the Petitioner[s] also show[] that there is a likelihood of irreparable injury and that the injunction
18 is in the public interest.” *Id.* (internal citations omitted).
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21 Petitioner meets all requirements for relief.
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IV. ARGUMENT

A. Petitioner is likely to succeed on the merits of her claim that her re-detention is unconstitutional because she should have been afforded a hearing before a neutral adjudicator prior to any re-detention by ICE

The first Winter factor, the likelihood of success on the merits, “is a threshold inquiry and is the most important factor in any motion for preliminary injunction.” *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023) (cleaned up). This is especially true where, as here, the moving party alleges a constitutional violation and injury. *Id.* Here, the Petitioner has established a likelihood of success on the merits based on the violation of his due process rights.

The Fifth Amendment Due Process Clause prohibits government deprivation of an individual's life, liberty, or property without due process of law. *Hernandez*, 872 F.3d at 990. While noncitizens located outside the country are not granted the full protections of the Constitution, the Due Process Clause applies to all “persons” within the borders of the United States, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001) (“[T]he Due Process Clause applies to all “persons” within the United States, including noncitizens, whether their presence here is lawful, unlawful, temporary, or permanent.”). These due process rights extend to immigration proceedings, including final deportation orders. *Id.* at 693–94, 121 S.Ct. 2491; see *Demore v. Kim*, 538 U.S. 510, 523, 123 S.Ct. 1708, 155 L.Ed.2d 724 (2003) (Recognizing that Fifth Amendment due process protections extend to deportation proceedings but noting that “detention during deportation proceedings [is] a constitutionally valid aspect of the deportation process.”).

1 The Petitioner is a noncitizen who has been present in the United States for over four
2 years. As a person inside the United States, the Petitioner is entitled to the protections of the Due
3 Process Clause. *See Zadvydas*, 533 U.S. at 693, 121 S. Ct. 2491. This Court must first consider
4 whether the Petitioner has a liberty interest. If the Petitioner possesses a cognizable liberty
5 interest, the court must evaluate what procedure under the framework provided by *Mathews. v.*
6 *Eldridge*, 424, U.S. 319, 96 S. Ct. 893, 47 L.Ed. 2d 18 (1976).

8 **1. Petitioner has a protected liberty interest in her release**

9 A protected liberty interest may arise from a conditional release from physical restraint.
10 *Young v. Harper*, 520 U.S. 143, 147-49 (1997). Even when a statute allows the government to
11 arrest and detain an individual, a protected liberty interest under the Due Process Clause may
12 entitle the individual to procedural protections not found in the statute. *See id.* (Due Process
13 requires pre-deprivation hearing before revocation of pre parole); *Gagnon v. Scarpelli*, 411 U.S.
14 778, 782 (1973)(same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)
15 (same, in parole context). (“the liberty interest that arises upon release [from immigration
16 detention] is inherent in the Due Process Clause.” *Guillermo M. R. v. Kaiser*, No. 25-CV_05436-
17 RFL, 2025 WL1983677, at *4 (N.D. Cal. July 17, 2025) To determine whether a specific
18 conditional release rises to the level of a protected liberty interest , “[c]ourts have resolved the
19 issue by comparing the specific conditional release in the case before them with the liberty
20 interest in parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F. 3d 864, 887
21 (1st Cir. 2010)(internal quotation marks and citation omitted).

24 In *Morrissey*, the Supreme Court explained that parole “enables [the parolee] to do a wide
25 range of things open to persons” who have never been in custody or convicted of any crime,
26 including to live at home, work, and “be with family and friends and to form the other enduring
27 attachments of normal life.” *Morrissey*, 408 U.S. at 482. “Though the [government] properly
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1 subjects [the parolee] to many restrictions not applicable to other citizens,” such as monitoring
2 and seeking authorization to work and travel, her “condition is very different from that of
3 confinement in a prison.” *Id.* “The parolee has relied on at least an implicit promise that parole
4 will be revoked only if [she] fails to live up to the parole conditions.” *Id.* The revocation of parole
5 undoubtedly “inflicts a grievous loss on the parolee.” *Id.* (quotations omitted). Therefore, a
6 parolee possesses a protected liberty interest in her “continued liberty.” *Id.* at 481–84.
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8 The Petitioner has relied on the implicit promise that if she lived up to her parole
9 conditions, she would remain in the public able to connect with her chosen family, friends, and
10 develop her asylum application. When immigration officials released her under 212(d)(5) parole
11 upon entry in 2021, it reflected a determination that she did not pose a flight risk or danger to the
12 community. *Exhibit 5., See Saravia, 280 F. Supp. 3d at 1176.* The Petitioner has no criminal
13 record, except for a vehicle infraction but she paid the fine. She complied with her release terms
14 and appeared at all ICE-check ins as required. The government then rearrested the petitioner
15 without showing any changed circumstances. The revocation of her parole has inflicted a huge
16 loss on the Petitioner’s health, family life, and finances. Since September 1, 2021, the petitioner
17 lived at an apartment and was a contributing member to society. She prepared her asylum
18 application and sought counsel. She worked at several restaurants and then supported her partner
19 in a painting business. As such, the Petitioner has an interest in remaining free to continue
20 improving her health and gathering evidence for her asylum application. *Morrisey, 408 U.S. at*
21 *482.*
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24 **2. Petitioner’s liberty interest mandated a due process**
25 **hearing before any re-detention**

26 To determine what process is due, the Court considers three factors: (1) “the private
27 interest that will be affected by the official action[.]” (2) “the risk of an erroneous deprivation of
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1 such interest through the procedures used, and the probable value, if any, of additional or
2 substitute procedural safeguards[.]” and (3) “the Government’s interest, including the function
3 involved and the fiscal and administrative burdens that the additional or substitute procedural
4 requirement would entail.” *Mathews*, 424 U.S. at 335, 96 S.Ct. 893.; *Doe v. Becerra*, No. 2:25-
5 CV-00647-DJC-DMC, 2025 WL 691664, at *5 (E.D. Cal. Mar. 3, 2025);
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8 **a. Petitioner’s private interest in her liberty is**
9 **profound**

10 Turning to the first factor, petitioner has a significant private interest in remaining free
11 from detention. “Freedom from imprisonment—from government custody, detention, or other
12 forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”
13 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The petitioner had been out of custody for over
14 four years, and during that time, began a life in Cameron Park, living with her partner, gaining
15 lawful employment, and preparing evidence for her asylum application. She had a high BMI and
16 managed to get it under control. However, since the Respondent re-detained her, Ms. Fernandez’s
17 blood pressure has risen and she is in danger of heart attack. Her detention denies her freedom
18 and health. It also denies her the opportunity to lawfully build up her case for asylum with
19 evidence that only she has access to. Petitioner not only suffers from high blood pressure, she
20 suffers from various other health conditions that make her detention difficult and unbearable.
21 Similar to *Doe v. Becerra*, the “lengthy duration of [her] conditional release as well as the
22 meaningful connections the Petitioner has made with her community during that time create[ed] a
23 powerful interest for the Petitioner in her continued liberty.” *Doe v. Becerra*, No. 2:25-CV-
24 00647-DJC-DMC, 2025 WL 691664, at *5 (E.D. Cal. Mar. 3, 2025).
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27 **b. The risk of an erroneous deprivation of liberty is**
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1 **high**

2 The risk of erroneous deprivation is also considerable in this case because the Respondent
3 is threatening to deport the petitioner to a third country or back to Chile. Petitioner was previously
4 released on parole likely because ICE believed that she was not danger to the community or a
5 flight risk. *Exhibit 5*. While Respondents may argue that there has been a change in
6 circumstances, the Petitioner is still entitled to a hearing before a neutral decision maker. At a
7 hearing, a neutral decisionmaker can consider all of the facts and evidence before him to
8 determine whether Petitioner in fact presents a risk of flight or dangerousness.” *Doe v. Becerra*,
9 No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *5 (E.D. Cal. Mar. 3, 2025). In addition, in
10 light of the brazen deportations to third countries by the Respondent, the risk of erroneous
11 deprivation of due process is high
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14 **c. The government’s interest in keeping petitioner**
15 **in detention is low and the burden of the**
16 **government to release her from custody is**
17 **minimal**

18 The final Mathews factor is simple as the Government’s interest in placing Petitioner in
19 detention without a hearing . *Ortega*, 415 F. Supp. 3d at 970; see *Hernandez*, 872 F.3d at 994.
20 The Respondent may argue that Petitioner intends to change the status quo or that revoking parole
21 is under the U.S. Department of Homeland Security’s sole discretion. The government’s interest
22 in detaining petitioner without a hearing is “low.” *Ortega*, 415 F. Supp. 3d 963, 970 (N.D. Cal.
23 2019); *Doe*, 2025 WL 691664, at *6.

24
25 First, in immigration court, custody hearings are routine and impose a “minimal” cost.
26 *Doe*, 2025 WL 691664, at *6. The government’s interest is further diminished where a person
27 “has consistently appeared for her immigration hearings . . . and [] does not have a criminal
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1 record.” Pinchi, 2025 WL 1853763, at *2. As mentioned above, the Petitioner only has a minor
2 vehicle infraction which she has paid off and does not make her a flight risk or danger to the
3 public.

4 Second, the Petitioner argues that her request for an injunction seeks to return to the status
5 quo not change it. The Petitioner states that she was placed in expedited removal proceedings and
6 was released with parole under 212(d)(5) by the Department prior to her re-detention. The
7 Petitioner seeks that the Respondent restore the status quo ante litem. “The status quo ante litem
8 refers not simply to any situation before the filing of a lawsuit, but instead to the last uncontested
9 status which preceded the pending controversy[.]” *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d
10 1199, 1210 (9th Cir. 2000) (citation omitted). The last uncontested status that existed before the
11 Respondents took the Petitioner in custody was simply that she had her liberty and she could
12 defend herself with the help of counsel before USCIS while living at home.

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15 The Petitioner establishes that she has a strong likelihood of success in showing that she
16 has an interest in her continued liberty and that it would violate her due process rights unless she
17 is afforded adequate process.

18 **3. The Petitioner is suffering Irreparable Harm without**
19 **injunctive relief**

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21 Each day that Petitioner remains in ICE custody her physical and mental health
22 deteriorates and her ability to defend her asylum case diminishes. “It is well established that the
23 deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Melendres v.*
24 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
25 The Ninth Circuit has specifically recognized irreparable harm imposed on anyone subject to
26 unconstitutional immigration detention. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir.
27 2017).
28

1 The Petitioner is suffering irreparable harm because her detention has till this day
2 remained indefinite. Absent a review of her detention before a neutral decision maker, she risks
3 remaining in custody until a final adjudication of her asylum application or until the Respondent's
4 decide to deport her to a third country. The Petitioner more than satisfies the irreparable harm
5 requirement.
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8 **4. Balance of Equities and the public interest favor**
9 **granting the temporary restraining order**

10 The public interest weighs strongly in the petitioners favor. "The public has a strong
11 interest upholding procedural protections against unlawful detention, and the Ninth Circuit has
12 recognized that the costs to the public of immigration detention are staggering." *Diaz*, 2025 WL
13 1676854, at *3 (citing *Jorge M.G. v. Wilkonson*, No. 21-CV_01434-JST, 2021 WL 783561, at *3)
14 (N.D. Cal. Mar. 1, 2021); see also *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F. 3d 817,
15 838 (9th Cir. 2020) ("It is always in the public interest to prevent the violation of a party's
16 constitutional rights." (citing *Padilla*, 953 F. 3d at 1147-48). "[N]either equity nor the public's
17 interest are furthered by allowing violations of federal law to continue." *Galvez v. Jaddou*, 52
18 F.4th 821, 832 (9th Cir. 2022); *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005)
19 ("Generally, public interest concerns are implicated when a constitutional right has been violated,
20 because all citizens have a stake in upholding the Constitution"); see also *Hernandez*, 872 F.3d at
21 996 ("The public interest benefits from an injunction that ensures that individuals are not
22 deprived of their liberty and held in immigration detention because of bonds established by a
23 likely unconstitutional process").
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26 In addition, based on the evidence now before the court, public safety is not jeopardized
27 because the Petitioner does not have any serious criminal convictions and has never been charged
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1 with a crime. The only argument that the Respondents may have is that they have control over
2 immigration as a sovereign. The Plaintiff's life up to before detention has proven that she is an
3 essential component of her community, Cameron Park, CA. Whenever her partner's family
4 needed help, she has been there to support them. Her sister-in-law frequently got ill, and she
5 asked for her to take care of her U.S. citizen daughters. The Petitioner promised to take care of
6 her minor U.S. citizen daughter. The Plaintiff also takes care of her partner's mother when she is
7 in town. She paid for her cellphone and hosted her in her home. The Petitioner states that she
8 would do anything for her partners family and lifts them up when they are having a hard time.
9
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11 **V. CONCLUSION**

12 For the foregoing reasons, this Court should issue a temporary restraining order or
13 preliminary injunction and instruct Respondents to immediately release Petitioner. This Court
14 should make a finding that the Petitioner was denied a hearing before a neutral decision maker
15 prior to her re-detention and that has caused her stress and anxiety. The court should also enjoin
16 the Respondent from re-detaining the petitioner before a hearing before a neutral decision maker
17 and enjoin the Respondent from transferring the Petitioner to another detention center outside of
18 the jurisdiction of the Eastern District of California.
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21 Dated: September 9, 2025



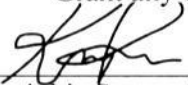
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23 Respectfully submitted,
24 /s/Karen Pedraza
25 Karen Pedraza
26 Attorney for Petitioner
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PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Assume jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the Eastern District while this habeas petition is pending;
3. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
4. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §1226(a) within seven days;
5. Enjoin and restrain the Respondents from re-detaining the petitioner unless they demonstrate, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that the petitioner is a flight risk or danger to the community such that her physical custody is legally justified.
6. Declare that Petitioners’ detention is unlawful under the Due the Process Clause;
7. Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act “EAJA”, as amended 28 U.S.C. 72412, and on any other basis justified under the law; and
24. Grant any other and further relief that this court deems just and proper.



Dated this September 19, 2025
Respectfully submitted,
/s/ Attorney Name

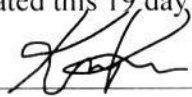
Karen Pedraza

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Arely Alejandra Fernandez Lopez, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 19 day of September of 2025.



Karen Pedraza