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

11 Jaime Vinicio ORTIZ DONIS,

12 Petitioner,

13 v.

14 CHRISTOPHER CHESTNUT, in official
15 capacity,
Warden of the California City Correctional
16 Facility;
SERGIO ALBARRAN, in official capacity,
17 Field Office Director of ICE's San Francisco
18 Field Office; TODD M. LYONS, in official
capacity Acting Director of ICE, KRISTI
19 NOEM, in official capacity, Secretary of the
U.S. Department of Homeland Security; PAM
20 BONDI, in official capacity, Attorney General
of the United States,

21 Respondents.
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Case No. 1:25-cv-01228-SAB

**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 the Eastern District of California, that Petitioner Jaime Vinicio Ortiz Donis will and hereby
4 does move for a temporary restraining order (TRO) pursuant to Federal Rule of Civil Procedure
5 65(b) and Civil Local Rule 231. Because Petitioner's detention violates the Due Process Clause
6 of the Fifth Amendment to the United States, Petitioner respectfully requests that this Court grant
7 a TRO that (1) immediately releases him from Respondents' custody and enjoins Respondents
8 from re-detaining him absent further order of this Court; (2) in the alternative, immediately
9 releases him from Respondents' custody and enjoins Respondents from re-detaining him unless
10 they demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Mr.
11 Ortiz is a flight risk or danger to the community such that his physical custody is required; (3) in
12 the alternative, orders Respondents to release him from custody if he is not provided a custody
13 redetermination hearing pursuant to 8 U.S.C. § 1226(a) within seven days of the TRO; and (4)
14 prohibits the government from transferring him out of this District and/or removing him from the
15 country until these habeas proceedings have concluded.
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18 This motion is based on this Notice of Motion and Motion, the accompanying
19 Memorandum of Points and Authorities, the supporting Declaration of Bonita S. Gutierrez, and
20 the Proposed Order; the papers, evidence, and records on file in this action; and any other written
21 or oral evidence or argument as may be presented at or before the time this motion is heard by the
22 Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 1) and
23 the exhibit attached thereto.
24

25 Consistent with Civil L.R. 231, Petitioner seeks relief at the earliest possible opportunity.
26 Petitioner is filing this motion the same day as he filed his Petition for Writ of Habeas Corpus.

27 Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the supporting Declaration of
28 Bonita S. Gutierrez, Counsel for Petitioner provided Counsel for Respondents with notice of this

1 Motion and advised Respondents of the emergency reasons requiring Petitioner to seek an *ex*
2 *parte* application for a TRO. Counsel for Petitioner and Counsel for Respondents communicated
3 by email regarding the habeas petition, and Counsel for Petitioner emailed a copy of the filed
4 petition to Counsel for Respondents. Counsel for Petitioner advised Counsel for Respondents that
5 a Motion for TRO would be forthcoming. Counsel for Petitioner will email Counsel for
6 Respondents a copy of the Memorandum of Points and Authorities immediately after filing it. As
7 of this filing, Respondents have not stipulated to a TRO.
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10 Date: September 18, 2025

Respectfully Submitted,

11
12 /s/ Bonita S. Gutierrez

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