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10 Attorneys for Petitioner,  
Fidel Arias Torres

11  
12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA  
14

15 FIDEL ARIAS TORRES, ) Case No. 25CV2457 BAS MSB  
16 Petitioner, )  
17 v. ) PETITIONER'S *EX PARTE*  
18 PAM BONDI, Attorney General of the ) APPLICATION FOR  
19 United States, in her official capacity; ) TEMPORARY RESTRAINING  
20 KRISTI NOEM, Secretary of the U.S. ) ORDER AND ORDER TO SHOW  
21 Department of Homeland Security, in her ) CAUSE RE: PRELIMINARY  
22 official capacity; EXECUTIVE OFFICE ) INJUNCTION  
23 FOR IMMIGRATION REVIEW; TODD )  
24 LYONS, Acting Director of U.S. )  
25 Immigration and Customs Enforcement, )  
26 in his official capacity; PATRICK )  
27 DIVVER, ICE Field Office Director for )  
San Diego County, in his official capacity. )  
Respondent. )

1 For the reasons set forth in the accompanying Memorandum of Points and  
2 Authorities, Petitioner Fidel Arias Torres respectfully submits this *Ex Parte*  
3 Application for a Temporary Restraining Order and Order to Show Cause re:  
4 Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, 28 U.S.C.  
5 §§ 2241 and 2243, and 5 U.S.C. § 705.

6  
7 Petitioner has resided in California for over two decades. He and his wife  
8 own a home in Borrego Springs, where they are raising three children, including a  
9 U.S.-citizen son born [REDACTED] 2007. Petitioner is the beneficiary of an approved  
10 I-130 petition filed by his U.S.-citizen father. He operates a licensed construction  
11 business, pays taxes, and is an active member of his church.

12  
13 On June 25, 2025, Petitioner was detained after voluntarily appearing for a  
14 scheduled adjustment interview based on the approved petition. He was placed in  
15 INA § 240 removal proceedings. On July 14, 2025, the Immigration Judge  
16 determined that § 1226(a) governs his custody, found him neither dangerous nor a  
17 flight risk, and ordered release on a \$2,500 bond with Alternatives-to-Detention  
18 conditions.

19  
20 DHS appealed solely on the basis of a newly announced policy reclassifying  
21 long-time residents as “applicants for admission” under § 1225(b)(2). Relying on  
22 that policy, DHS invoked the automatic stay under 8 C.F.R. § 1003.19(i)(2) to  
23 block Petitioner’s release. That stay, intended only to preserve the status quo for  
24 brief appellate review, now functions as a categorical bar to release. ICE’s July 8,  
25 2025, memorandum and the BIA’s precedential decision in *Matter of Yajure*  
26 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), entrench this no-bond classification

1 nationwide. Petitioner now faces months or years of detention while the legality of  
2 this policy is litigated.

3 These measures convert what Congress authorized as discretionary release  
4 into mandatory, prolonged detention, contrary to the INA, its implementing  
5 regulations, and controlling Ninth Circuit precedent. The policy contradicts the  
6 plain text of § 1226(a), was adopted without statutory authority or notice-and-  
7 comment procedures, and is arbitrary, capricious, and unlawful under the  
8 Administrative Procedure Act.

9 Absent immediate intervention, Petitioner will suffer irreparable injury.  
10 Each day of detention compounds the loss of liberty, separates him from his  
11 family, jeopardizes his business, and harms his community.

12 Because the agency has already adopted and is categorically applying this  
13 new policy to all long-term residents, administrative appeal is futile and judicial  
14 relief is the only meaningful remedy.

15 Petitioners request that the Court issue a temporary restraining order and  
16 order to show cause re: preliminary injunction in the form of the proposed order  
17 submitted concurrently with this Application.

18 This Application is based on the Petition for Writ of Habeas Corpus,  
19 Memorandum of Points and Authorities, and the declaration and exhibits in  
20 support thereof.

21 Respectfully submitted,  
22

23 Dated: October 3, 2025

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/s/ Pedro De Lara, Jr.  
Pedro De Lara, Jr.

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s/LeRoy George Siddell  
LeRoy George Siddel  
Attorneys for Petitioner

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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**  
14

15 FIDEL ARIAS TORRES, ) Case No. 3:25-CV-02457-BAS-MSB  
16 Petitioner, )  
17 v. )  
18 PAMELA BONDI, et al. ) DECLARATION OF PEDRO DE  
19 Respondents. ) LARA, Jr. AND L. GEORGE  
20 ) SIDDELL IN SUPPORT OF  
21 ) PETITIONER'S NOTICE TO  
22 ) COUNSEL FOR *EX PARTE*  
23 ) APPLICATION FOR  
24 ) TEMPORARY RESTRAINING  
25 ) ORDER AND ORDER TO SHOW  
26 ) CAUSE RE: PRELIMINARY  
27 ) INJUNCTION  
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1 I, Pedro De Lara, Jr., and George Siddell, hereby declare and state the  
2 following:

3 1. My business address is Law Offices of Pete de Lara, 355 Third Avenue,  
4 Suite C, Chula Vista, CA 919102 and Law Offices of George Siddell, 2323  
5 Broadway, Ste. 104, San Diego, CA 92102, respectively.

6 2. I have personal knowledge of the events described below.

7 3. On October 3, 2025, I, Pete de Lara, spoke with Deputy Chief, Civil  
8 Division, Glen Dorgan, as the case was not assigned. I informed him of  
9 Petitioners' intent to file an *ex parte* motion to seek his release from  
10 custody and sent a copy of the complaint to his office via email.

11 4. On October 7, 2025, Attorney Siddell's staff called Attorney Dorgan to  
12 follow up and was informed Attorney Laura Sambataro was assigned to  
13 the case.

14 5. Attorney Siddell emailed a copy of the complaint and TRO to Attorney  
15 Laura Sambataro. A message was left on her voicemail by staff. We have  
16 not received Government's position as to the application at this time.

17 6. Attorney Laura Sambataro spoke with Attorney de Lara via phone and  
18 confirmed receipt of the courtesy copies and no stated position.

19 4. Attached as Exhibit A is the Immigration Judges, Bond Order (July 14,  
20 2025) and Written Memorandum (July 31, 2025).

21 5. Attached as Exhibit B is the DHS EOIR-43, Notice of Appeal (July 14,  
22 2025).

23 6. Attached as Exhibit C is the Request for Petitioner to Appear for  
24 Adjustment of Status Interview.

7. Attached as Exhibit D is the Notice to Appear in INA 240 Removal Proceedings.

8. Attached as Exhibit E is Petitioner's Motion for Custody Redetermination filed in the Immigration Court. (July 7, 2025)

9. Attached as Exhibit F is excerpts of from Exhibits to Petitioner's Motion for Custody Redetermination, including Letters of Support; Residence, Business, Tax, and Church Records.

10. Attached as Exhibit G is the ICE Memorandum - ICE's Interim Guidance Regarding Detention Authority for Applicants for Admission - with new no bond policy for all aliens who entered without inspection. (July 8, 2025).

11. Attached as Exhibit H is a copy of the BIA Decision: *Matter of Yajure Hurtado* (Sept. 2025).

Pursuant to 28 C.F.R. § 24.201(f), I hereby verify that the information provided in the application and all accompanying material is true and correct to the best of my information and belief. Executed this 7th day of October, 2025 at San Diego, CA.

Respectfully submitted,

/s/ Pedro De Lara, Jr.  
Pedro De Lara, Jr.  
delara.law77@gmail.com

/S/ LeRoy George Siddell  
LeRoy George Siddell  
attorneysiddell@yahoo.com

1 INDEX  
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3 A . IJ's Bond Order (July 14, 2025) and Written Memorandum (July 31, 2025).  
4  
5 B. DHS EOIR-43, Notice of Appeal (July 14, 2025).  
6  
7 C. Request to Appear for Adjustment of Status Interview  
8  
9 D. Notice to Appear- Removal Proceedings  
10  
11 E. Motion for Custody Redetermination (July 7, 2025)  
12  
13 F. Excerpts of Exhibit -Letters of Support; Residence, Business, Tax, Church  
14 Records.  
15  
16 G. ICE Memorandum re New Bond Policy (July 2025).  
17  
18 H. BIA Decision: *Matter of Yajure Hurtado* (Sept. 2025).  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28