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6 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
7 **SAN FRANCISCO DIVISION**

8
9 MIRLEY ADRIANA BAUTISTA PICO,
BINGBING MEI, HERIBERTO MOSQUERA
10 SANCHEZ, MARLON ANTONIO SIEZA
MENDOZA, HARBANS SINGH,

11 Petitioners,

12 v.

13 SERGIO ALBARRAN, Field Office Director of
the San Francisco Immigration and Customs
14 Enforcement Office; TODD LYONS, Acting
Director of United States Immigration and
15 Customs Enforcement; KRISTI NOEM,
Secretary of the United States Department of
16 Homeland Security, PAMELA BONDI,
Attorney General of the United States, acting in
17 their official capacities,

18 Respondents.

CASE NO. 3:25-cv-08002

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

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Northern District of California, that Petitioners Mirley Adriana Bautista Pico, Bingbing Mei, Heriberto Mosquera Sanchez, Marlon Antonio Sieza Mendoza, Harbans Singh, will and hereby do move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 65-1. Because Petitioners' detention violates the Due Process Clause of the Fifth Amendment to the United States, Petitioners respectfully request that this Court (1) order Petitioners' immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioners' immediate release from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the San Francisco Immigration Court, where Respondents shall bear the burden of proof to show, by clear and convincing evidence, that Petitioners are a danger or a flight risk. To preserve this Court's jurisdiction, Petitioners further seek an order enjoining Respondents from transferring Petitioners out of this District or deporting them during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the supporting Declarations of Vanessa Sibrian, and Petitioners' counsel Talia Housman; the Proposed Order; the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 2).

Consistent with Civil L.R. 65-1, Petitioner seeks relief at the earliest possible opportunity. Petitioners are filing this motion a day after they filed their Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Talia Housman, Counsel for Petitioners emailed a copy of the filed petition to Counsel for Respondents and advised that a Motion for TRO would be forthcoming. Petitioners also emailed Counsel for

Respondents informing them that copies of these filings would be coming as soon as they are filed with the court if there was no stipulation. As of this filing, Respondents have not stipulated to a TRO.

Date: September 19, 2025

Respectfully Submitted,

/s/ Talia Housman
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