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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MERAV BUSKILA EDIRI

Petitioner,

v.

KRISTI NOEM SCRETARY OF
HOMELAND SECURITY ; HEAD OF
ERO-ICE LOS ANGELES,
CALIFORNIA; WARDEN
ADELANTO ICE DETENTION
FACILITY CALIFORNIA, ET AL.

Respondents.

Case No.: 25-cv-9305-MCF-BFM

**PETITIONER'S EX PARTE
EMERGENCY APPLICATION TO
HEAR MOTION FOR
TEMPRORARY RESTRAINING
ORDER RE: PETITION FOR WRIT
OF HABEAS CORPUS TO RELEASE
INS DETAINEE UNDER 28 USC §
2241;ORDER**

**IN CUSTODY:
A#203-049-907 (Alien Registration
Number)**

Hearing Date:

Time:

**Judge: HON. BRIANNA
FULLER MIRCHEFF**

Petitioner, MERAV BUSKILA EDIRI ("Petitioner"), who has been detained and is presently in Immigration and Customs Enforcement ("ICE") custody in Los Angeles, California, hereby submits this ex parte application. Petitioner is imminent danger of her religious freedom unnecessarily being violated by remaining in custody during Yom Kippur, She will be transferred to another facility in State or our of State

1 by the end of today where she will face removal charges. Petitioner's constitutional
2 rights underlying the immigration officer's decision to detain her without bond was
3 unconstitutional under the First Amendment and under the Fifth Amendment of the
4 U.S. Constitution. Petitioner respectfully request an immediate hearing of Petitioner's
5 Motion for a Temporary Restraining Order ("TRO") and setting of a hearing re:
6 Preliminary Injunction to enjoin Respondent Head of ERO-ICE Los Angeles,
7 Executive Office for Immigration Review and Defendant U.S. Department of
8 Homeland Security, Immigration and Customs Enforcement, Warden Adelanto ICE
9 Detention Facility in California from continue to detain Petitioner without bond and
10 force her to face removal proceedings while in custody.

11 An immediate hearing is necessary to allow the Court to adjudicate the merits
12 of Petitioner's claim of her unconstitutional detention which resulted will result in a
13 violation of her religious freedom by not actively participating in Yom Kippur.

14 Plaintiff provided notice of this application to the U.S. Attorney's Office for the
15 Central District of California and served the TRO on September 30, 2025. Plaintiff
16 also provided notice of this application to Department of Homeland Security;
17 Immigration.

18 19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **A. IMMEDIATE AND IRREPERABLE HARM**

21
22 Pursuant to Federal Rules of Civil Procedure 65, the standard for granting a
23 temporary restraining order without written or oral notice to the adverse parties' attorney
24 if it clearly appears that immediate and irreparable harm will result to the moving party
25 before the non-moving party can be heard in opposition, and the moving party's attorney
26 certifies to the court the efforts made to give notice and that actual notice was given.
27 Immediate and irreparable harm to Plaintiff, the moving party, will occur if this
28 Honorable Court does not grant its application for a Temporary Restraining Order.

1 Plaintiff is in immediate danger of her religious freedom being violated unnecessarily
2 and being transferred out of Los Angeles detention facility today. Therefore, Petitioner
3 can be removed at any moment to another ICE detention facility in State or out of State
4 where she could not appear before a Judge to request bond in time to be release to
5 participate in Yom Kippur with her Synagogue and family. This is a violation under
6 the Sixth Amendment of the U.S. Constitution, and it is necessary for this Court to have
7 the opportunity to hold a hearing on Petitioner's claims prior to her being transferred or
8 removed to another facility.

9
10 **B. LIKELIHOOD OF SUCCES ON THE MERITS**

11 Based upon Petitioner's factual allegations set forth above, in the Petition for Writ of
12 Habeas Corpus, it is highly likely that Petitioner will prevail on the merits of her claim
13 in the Petition that the continued detention and denial bond is unconstitutional.
14 Additionally, this violation will cause her religious rights to be violated if she is unable
15 to participate in Yom Kippur religious services starting on October 1. See EXHIBIT 1
16 (Rabbi Declaration)

17 In the beginning of September of this year, the Petitioner became statutorily
18 eligible for permanent residency through her U.S. citizen daughter who filed on her
19 behalf an I-130 petition to classify her as an immediate relative of a U.S. citizen ("IR").
20 Concurrently with the I-130 petition, the Petitioner filed form I-485 (application to
21 adjust status to that of a permanent resident). Attached hereto are the receipts of the
22 filing accepted by the United States Citizenship and Immigration Service (USCIS)
23 evidencing a pending application for permanent residency. See EXHIBIT 2 (USCIS
24 Receipts). On September 28, 2025, at 8:00 a.m., the petitioner appeared at the ICE
25 substation in Camarillo, CA pursuant to a letter she received to appear in person "to
26 update her service record". Prior to appearing, petitioner's counsel, sent the ICE officer
27 in charge of her case, the entire adjustment of status application for permanent residency
28 based on her United States Citizen (USC) daughter's petition for her together with the

1 receipts showing the applications have been received by USCIS and her application is
2 in process with USCIS.

3 Notwithstanding the fact that for the last 30 years applicants for Adjustment of
4 Status who have never been in immigration court proceedings, and have never
5 committed any crimes, and have never failed to appear when requested to do so, and
6 have a lawful entry, are not taken into custody by ICE, the Petitioner was in fact taken
7 into custody. This custodial action by ICE taking the petitioner into custody is a
8 deviation of this practice which has been in existence for over thirty years. See
9 EXHIBIT 4 (Declaration of Erika Roman-immigration counsel) Pursuant to Loper
10 Bright Enterprises v. Raimondo, 603 U.S. 369 (2024) which states “the longstanding
11 practice of the government informs a court of what the law is”. This practice of not
12 taking applicants who are presently in adjustment of status proceedings (AOS) and
13 statutorily eligible for AOS are not taken into custody has been the Immigration policy
14 for over thirty years.

15 Another factor to consider for the Habeas Petition is that the petitioner sought in
16 the alternative a bond or parole from ICE under 8 USC § 1226 (Section 236 of the INA)
17 which statutorily gives the petitioner the right to receive a bond. Despite the lawful
18 request of a bond from ICE, the officer handling her case refused and stated that she
19 would need to go in front of an immigration judge after he filed the NTA with the EOIR
20 Immigration Court. He could not even give a time when this would happen, nor could
21 he even say which court it would be filed with. See EXHIBIT 3 (Emails between ICE
22 and Petitioner’s immigration counsel). ICE officers have routinely granted bond in
23 these types of cases with these set of facts and circumstances. Typically in these
24 matters, a bond of \$1500 would be required. If the court finds it necessary, petitioner
25 can post such a bond for \$1500, whatever bond this court finds appropriate. Petitioner
26 is not a flight or security risk. She is on the doorstep of becoming a permanent resident
27 and has retained counsel to complete the process.

1 Because the holiday of Yom Kippur begins on Wednesday October 1, 2025 at
2 sundown and it is the holiest day for members of the Jewish faith, of which the Petitioner
3 is a member, this Petition for Habeas is being filed on an EMERGENCY BASIS. See
4 EXHIBIT 1 (Rabbi Declaration) The petitioner is a fully practicing member of the
5 Jewish faith who would be deprived of her ability to practice her religion and her
6 freedom of religion if she were to remain in custody during this time.

7 8 **C. EQUITIES WEIGH IN THE FAVOR OF GRANTING THE TRO**

9 Balancing of the equities is an important factor in assessing whether to grant a TRO.
10 "In evaluating the procedures in any case, the courts must consider the interest at stake
11 for the individual, the risk of an erroneous deprivation of the interest through the
12 procedures used as well as the probable value of additional or different procedural
13 safeguards, and the interest of the government in using the current procedures rather
14 than additional or different procedures. (Id. at 34, citing Mathews v. Eldridge, 424 U.S.
15 319, 334-335 (1976). "[R] esolution of the issue whether the administrative procedures
16 provided [...] are constitutionally sufficient requires analysis of the governmental and
17 private interests that are affected." (citations omitted, Mathews v. Eldridge (197 6) 424
18 U.S. 319, 334-335.)

19
20 Here, Plaintiffs' private interest of freedom from unlawful detention and
21 freedom of religion will be severely and irreparably impacted if she is detained any
22 longer in ICE custody. There is a serious risk of erroneous deprivation of that interest
23 if Petitioner's constitutional claims are not adjudicated and she is kept in custody or
24 transferred to another facility. There is a high probable value of an additional
25 procedural safeguard if this Honorable Court were to make a determination on the
26 merits of Petitioner's constitutional challenges before she transferred to another
27 facility thereby causing her to miss Yom Kippur.

28 Petitioner acknowledges that the Government has an interest in efficient

1 "administration of the immigration laws at the border also is weighty." Id. "The role of
2 the judiciary is limited to determining whether the procedures meet the essential
3 standard of fairness under the Due Process Clause and does not extend to imposing
4 procedures that merely displace congressional choices of policy." Id.

5 Here, Petitioner avers that the essential standard of fairness in this case is having
6 the merits of her constitutional challenges heard before she is kept in custody one
7 more day or transferred which would violate her religious freedom and freedom from
8 unlawful detention.

9 **D. NO HARM WILL RESULT TO RESPONDENTS**

10 On the other hand, no harm to the Respondents will result if a TRO is issued
11 precluding them from keeping Petitioner in custody without bond and holding such
12 hearing in abeyance. This court has jurisdiction of this action pursuant to 28 U.S.C. §
13 2201, et seq., 28 U.S.C. § 1331, 28 USC§ 2241 and 28 USC§ 2254. This action is
14 timely under 28 U.S.C. § 2401. Venue is proper under 28 U.S.C. §1391(a) in that
15 Petitioner resides in this district.

16 **E. PETITIONER REQUEST RELEASE FROM CUSTODY**

17 Petitioner requests to be released from custody immediately on her own recognizance
18 or in the alternative a reasonable bond in the amount of \$1500.

19 **PRAYER FOR RELIEF:**

- 20 1. To grant Petitioner's Motion for Temporal Restraining Order and Release
21 Petitioner from custody.
22 2. To enjoin Respondents Kristi Noem Secretary of Homeland Security; Head of
23 ERO-ICE Los Angeles, California; Warden Adelanto ICE Detention Facility
24 California and Respondents U.S. Department of Homeland Security,
25 Immigration and Customs Enforcement from proceeding with continued
26 detention and transfer of Petitioner to another facility without issuing a bond.
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1 3. To grant all other relief this court finds appropriate.
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4 Dated: September 30, 2025

Respectfully Submitted,

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ARMAND AVAZIAN

Attorney for Petitioner
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