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7

8 IN THE UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10

11 R.S.,

Case No. 5:25-cv-02594

12 Petitioner-Plaintiff,

**PETITIONER'S APPLICATION
FOR A TEMPORARY
RESTRAINING ORDER**

13 v.
14 ERNESTO SANTACRUZ JR., Field Office
15 Director of Enforcement and Removal
Operations, Adelanto Field Office, U.S.
16 Immigration and Customs Enforcement,
U.S. Department of Homeland Security;
17 TODD M. LYONS, Acting Director of
Immigration and Customs Enforcement,
U.S. Department of Homeland Security;
18 KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
19 DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S.
20 Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; FERETI
21 SEMAIA, Warden of Adelanto Detention
Facility,
22

23 Respondents-Defendants.
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1 PLEASE TAKE NOTICE that Petitioner-Plaintiff R.S. through his undersigned
2 counsel, hereby applies to this Court, *ex parte*, pursuant to Rule 65 of the Federal Rules of
3 Civil Procedure, and Rule 65-1 of the Central District of California's Local Rules for an
4 Order that:

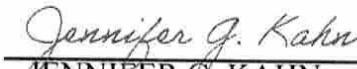
5 1. R.S. be released immediately from Respondents-Defendants' custody;
6 2. Respondents-Defendants not impose any additional restrictions on R.S.,
7 such as electronic monitoring, unless that is determined to be necessary at a future pre-
8 deprivation/custody hearing;
9 3. Respondents-Defendants be enjoined and restrained from re-arresting or re-
10 detaining R.S. absent compliance with constitutional protections, which include at a
11 minimum, pre-deprivation notice describing the change of circumstances necessitating his
12 arrest and detention, and a timely hearing;
13 4. At any such hearing, Respondents-Defendants bear the burden of
14 establishing, by clear and convincing evidence, that R.S. poses a danger to the community
15 or a risk of flight, and R.S. shall be allowed to have counsel present.

16 In support of the Application, R.S. respectfully submits the following
17 Memorandum of Points and Authorities, Declarations of Jennifer G. Kahn, and Proposed
18 Order.

19 Dated: September 30, 2025

20 Respectfully submitted,

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22 DANIEL J. FRIEDMAN
23 JENNIFER G. KAHN

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14 IN THE UNITED STATES DISTRICT COURT
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16 CENTRAL DISTRICT OF CALIFORNIA

17
18 R.S.

19 Case No. _____

20 Petitioner-Plaintiff,
21 v.
22 ERNESTO SANTACRUZ JR., Field Office
23 Director of Enforcement and Removal
24 Operations, Adelanto Field Office, U.S.
25 Immigration and Customs Enforcement,
26 U.S. Department of Homeland Security;
27 TODD M. LYONS, Acting Director of
28 Immigration and Customs Enforcement,
U.S. Department of Homeland Security;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI, U.S.
Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; FERETI
SEMAIA, Warden of Adelanto Detention
Facility,

**PETITIONER'S MEMORANDUM
OF LAW IN SUPPORT OF
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER**

29 Respondents-Defendants.

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PRELIMINARY STATEMENT

Petitioner-Plaintiff R.S. respectfully moves this Court for a temporary restraining order pending its adjudication of his Petition for Writ of Habeas Corpus (“Petition”). Specifically, R.S. requests the Court order Respondents-Defendants to cease any ongoing actions and refrain from taking any additional actions towards effecting R.S.’s removal from the United States until the Court has adjudicated his Petition.

7 R.S. is a 42-year-old-man who is an Iranian citizen. The Petition does not contest
8 his pending removal proceedings or U.S. Immigration and Customs Enforcement's
9 ("ICE") authority to remove him. Instead, the Petition challenges the processes ICE has
10 employed and continues to employ to detain R.S. while his removal proceedings are
11 pending. *See You Xiu Qing v. Nielsen*, 321 F. Supp. 3d 451, 457 (S.D.N.Y. Aug. 2, 2018)
12 (finding, as cognizable, a challenge to the manner of removal employed by the
13 government); *see also Vasquez v. Wolf*, 830 F. App'x 556 (9th Cir. 2020) (same); *S.N.C.*
14 *v. Sessions*, 2018 WL 6175902, at *5 (S.D.N.Y. Nov. 26, 2019) ("Here, the type of relief
15 Petitioner is seeking, the right to have her [] application adjudicated will not, even if
16 granted, nullify her removal order.").

17 Because R.S. is likely to succeed on the Petition, and to avoid the significant
18 irreparable harm R.S. would suffer if he were to continue to be detained, R.S. requests that
19 the Court issue an order restraining the Respondents-Defendants from continuing to detain
20 him pending a ruling on his Petition.

FACTUAL BACKGROUND

22 R.S. is a 42 year-old native of Iran. Declaration of Jennifer G. Kahn (“Kahn
23 Decl.”), ¶ 3. He fled Iran after he protested the current Iranian regime and was beaten and
24 threatened with jail and execution by the military and police who work for the Iranian
25 regime. *Id.* He is currently detained by ICE at the Adelanto Detention Facility in
26 Adelanto, California. *Id.*, ¶ 13. R.S. arrived in the United States around December 22,
27 2022, crossing the U.S.-Mexico border, entering the U.S. without inspection. *Id.*, ¶ 4.
28 Upon entering the U.S., R.S. surrendered himself to U.S. immigration authorities and

1 requested asylum. *Id.* R.S. was placed in detention for about five days. *Id.* On or around
2 December 27, 2022, R.S. was released on his own recognizance and on February 22,
3 2023, he was served in person with a Notice to Appear. *Id.*, ¶¶ 5-6, Exs. 1 &2. Following
4 R.S.'s release, he obtained a legal work permit and began to work as a freelance
5 construction worker. *Id.*, ¶ 7.

6 DHS placed R.S. in removal proceedings, pursuant to 8 U.S.C. § 1229(a). *Id.*, ¶ 8.
7 ICE charged R.S. with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone
8 who entered the U.S. without inspection. *Id.* Since that time, R.S. has done everything
9 the government has asked of him. *Id.*, ¶ 9. R.S. has diligently attended every immigration
10 court hearing and filed his application for asylum within the one-year filing deadline. *Id.*
11 Specifically, he filed his Form I-589, Application for Asylum, Withholding of Removal,
12 and Protection Under the Convention Against Torture in October 2023 based on political
13 violence he would suffer at the hands of the Iranian regime if he were forced to return to
14 Iran. *Id.*, ¶ 10, Ex. 3.

15 In or around November 2024, R.S. was meeting a friend near the San Ysidro Port
16 of Entry and accidentally crossed the U.S.-Mexico border. *Id.*, ¶ 11, Ex. 4. R.S.
17 explained the situation to the border agents and was immediately let back into the United
18 States and allowed to return home. *Id.*

19 On June 4, 2025, R.S. began his Merits Hearing before the Honorable Joyce Bakke
20 Varzandeh, Immigration Judge. *Id.*, ¶ 12. After she began hearing testimony, Judge
21 Bakke Varzandeh continued the Merits Hearing to July 14, 2025, at 1:00 p.m. for further
22 testimony. *Id.* However, before R.S.'s continued Merits Hearing could commence, on or
23 around June 30, 2025, R.S. was detained by ICE at his home while getting ready to leave
24 for work. *Id.*, ¶ 13. R.S. was immediately taken to the Adelanto Detention Facility in
25 Adelanto, California, where he has remained since. *Id.*, Ex. 5. R.S. sought a bond hearing
26 on July 7, 2025. *Id.*, ¶ 14. The Immigration Judge issued a decision on July 11, 2025,
27 denying bond on the grounds that the IJ did not have jurisdiction, relying on *Matter of Q.*
28 *Li*, 29 I&N Dec. 66 (BIA 2025). *Id.*

ARGUMENT

2 Where a party requests a TRO that enjoins governmental action, the party must
3 demonstrate that “he is likely to succeed on the merits, that he is likely to suffer
4 irreparable harm in the absence of preliminary relief, that the balance of equities tip in his
5 favor, and that an injunction is in the public interest. *Winter v. Natural Resources Def.*
6 *Council, Inc.*, 555 U.S. 7, 20 (2008). “[I]f a plaintiff can only show that there are ‘serious
7 questions going to the merits’—a lesser showing than likelihood of success on the
8 merits—then a preliminary injunction may still issue if the ‘balance of hardships tips
9 sharply in the plaintiff’s favor and the other two *Winter* factors are satisfied.’” *All. For*
10 *the Wild Rockies v. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017) (quoting *Shell Offshore,*
11 *Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)). The final two factors
12 “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435
13 (2009). Here, because R.S. meets both the irreparable harm and the likelihood of success
14 prongs and because the requested relief is not overly burdensome on Respondents-
15 Defendants, he merits such relief.

16 To the extent that Respondents-Defendants argues that there is a question regarding
17 the Court's jurisdiction, it does not preclude this Court from exercising its inherent
18 authority to issue emergent relief pending further briefing. “[A] federal court always has
19 jurisdiction to determine its own jurisdiction.” *U.S. v. Ruiz*, 536 U.S. 622, 628 (2002).

R.S. Is Likely To Succeed On The Merits Of His Due Process Claim, Or At Least Raises Serious Questions

22 The Due Process Clause protects all persons within the United States from being
23 “deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V.
24 It is settled law that the Due Process clause applies to noncitizens within the United States
25 “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v.*
26 *Davis*, 533 U.S. 678, 693 (2001); *Trump v. J. G. G.*, — U.S. —, 145 S. Ct. 1003, 1006
27 (2025) (“It is well established that the Fifth Amendment entitles aliens to due process of
28 law in the context of removal proceedings.”).

1 “Once it is determined that due process applies, the question remains what process
2 is due.” *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). The Constitution typically
3 “requires some kind of a hearing before the State deprives a person of liberty or property.”
4 *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is particularly true when the interest
5 is in liberty, the loss of which cannot fully be compensated after the fact. *Aceros v.*
6 *Kaiser*, 2025 U.S. Dist. LEXIS 179594, at *14 (N.D. Cal. Sept. 12, 2025).

7 To determine what procedures are required, courts apply the three-part test of
8 *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). The Ninth Circuit has “assume[d]
9 without deciding” that *Mathews* applies in the immigration detention context. *Diaz*, 53
10 F.4th at 1206-07; *see also Pinchi v. Noem*, 2025 U.S. Dist. LEXIS 142213, at n.2 (N.D.
11 Cal. July 24, 2025) (collecting cases where the Ninth Circuit has applied *Mathews* in due
12 process challenges to removal proceedings). Moreover, many courts in this district have
13 applied the *Mathews* test to noncitizens in circumstances similar or identical to those here.
14 *See e.g., Rodrigues v. Garland*, Case No. EDCV 23-0216-JPR, 2025 U.S. Dist. LEXIS
15 84802 (C.D. Cal. May 8, 2024); *Jensen v. Garland*, No. 5:21-cv-01195-CAS (AFM),
16 2023 U.S. Dist. LEXIS 78505, 2023 WL 3246522, at *4 (C.D. Cal. May 3, 2023); *Lewis*
17 v. *Garland*, No. EDCV 22-296 JGB (AGRx), 2023 U.S. Dist. LEXIS 231037, 2023 WL
18 8898601, at *3-4 (C.D. Cal. July 31, 2023).

19 Those in R.S.’s position, a noncitizen granted the liberty of release pending
20 removal proceedings, have due process rights. The breadth of those rights turns on the
21 application of the *Mathews* test. *Mathews* requires consideration of three factors: (1) the
22 private interest affected; (2) the risk of an erroneous deprivation; and (3) the
23 Government’s interest. *Mathews*, 424 U.S. at 335. Here, all three factors suggest that
24 R.S. has a right to a pre-detention hearing before a neutral arbiter.

25 **A. R.S. Has A Liberty Interest.**

26 “Freedom from imprisonment—from government custody, detention, or other
27 forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
28 protects.” *Zadvydas*, 533 U.S. at 690. “A protected liberty interest may arise from a
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1 conditional release from physical restraint.” *Rodriguez v. Kaiser*, 2025 U.S. Dist. LEXIS
2 172756, at *8 (E.D. Cal. Sep. 4, 2025) (citing *Young v. Harper*, 520 U.S. 143, 147-49
3 (1997)). “[E]ven when an initial decision to detain or release an individual is
4 discretionary, the government’s subsequent release of the individual from custody creates
5 ‘an implicit promise’ that the individual’s liberty will be revoked only if they fail to abide
6 by the conditions of their release.” *Calderon v. Kaiser*, 2025 U.S. Dist. LEXIS 163975, at
7 *5 (N.D. Cal. Aug. 22, 2025) (citing *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)).
8 “The fact that a decision-making process involves discretion does not prevent an
9 individual from having a protectable liberty interest.” *Ortega v. Bonnar*, 415 F. Supp. 3d
10 963, 970 (N.D. Cal. 2019). Accordingly, a noncitizen released from custody pending
11 removal proceedings has a protected liberty interest in remaining out of custody. *See e.g.*,
12 *Ramirez Clavijo v. Kaiser*, 25-cv-06248-BLF, 2025 U.S. Dist. LEXIS 163056, at *13
13 (N.D. Cal. Aug. 21, 2025) (collecting cases); *Castellon v. Kaiser*, Case No. 1:25-cv-00968
14 JLT EPG, 2025 U.S. Dist. LEXIS 157841, at *16-17 (E.D. Cal. Aug. 14, 2025); *Rosado v.*
15 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 U.S. Dist. LEXIS 156344, at *35
16 (D. Ariz. Aug. 11, 2025).

17 In this case, R.S. gained a liberty interest in his continued freedom when DHS
18 elected to release him on his own recognizance. Under *Morrissey*, this release implied a
19 promise that he would not be re-detained so long as he abided by the terms of his release.
20 *See e.g.*, *Calderon*, 2025 U.S. Dist. LEXIS 163975, at *5. That promise accords with the
21 protections afforded by statute.

22 R.S. was released pursuant to the authority contained in section 236 [§1226] of the
23 Immigration and Nationality Act and part 236 of title 8, Code of Federal Regulations.
24 Kahn Decl., Ex. 1. Under federal regulation, DHS was authorized to release R.S. under
25 § 1226 only upon a determination that “such release would not pose a danger to property
26 or persons” and that he was “likely to appear for any future proceeding.” 8 C.F.R. §
27 1236.1(c)(8). DHS’s decisions to release R.S. thus reflected “a determination by the
28 government that the noncitizen is not a danger to the community or a flight risk.” *Saravia*
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1 *v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), aff'd sub nom. *Saravia for A.H.*
2 *v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). R.S. has complied with the obligations set
3 forth in his Notice to Appear, including by appearing for all of his immigration hearings.

4 A noncitizen detained under Section § 1226(a) has the right to contest his custody
5 determination before an immigration judge, at which time the government bears the
6 burden to prove that the detention is justified. *Diaz v. Garland*, 53 F.4th 1189, 1196 (9th
7 Cir. 2022) (citing 8 C.F.R. §§ 236.1(d)(1)); 8 CFR 1003.19. This right becomes available
8 at the “outset of detention.” *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (citing 8
9 C.F.R. § 236.1(d)(1)). R.S. was rightfully released under Section 1226 since he was
10 neither a danger nor a flight risk, as a bond hearing would likely have found, and he was
11 entitled to maintain his freedom while removal proceedings were ongoing absent a change
12 in circumstances. *See Saravia*, 280 F. Supp. 3d at 1176.

13 **B. Risk Of Erroneous Deprivation**

14 The second factor, the risk of erroneous deprivation, also weighs in R.S.’s favor.
15 Once a liberty interest is established, the question is whether process – a hearing – would
16 lessen the risk of an erroneous detention. Where an individual has not received a bond or
17 redetermination hearing, “the risk of an erroneous deprivation [of liberty] is high.” *Singh*
18 *v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 U.S. Dist. LEXIS 132500, at *18
19 (E.D. Cal. July 11, 2025). Here, the risk of erroneous deprivation is high because a
20 hearing will likely reveal R.S. presents no risk to public safety and no risk of non-
21 appearance. Indeed, given his performance on release, Respondent-Defendants cannot
22 argue otherwise. The second factor therefore favors R.S.

23 **C. The Government’s Interest**

24 Finally, the Government cannot show any countervailing interest against releasing
25 R.S. *Pinchi, supra*, is directly on point here:

26 [T]he public has a strong interest in upholding procedural
27 protections against unlawful detention, and the Ninth Circuit
28 has recognized that the costs to the public of immigration
detention are staggering.” *Jorge M. F.*, 2021 WL 783561, at

*3 (cleaned up) (quoting *Ortiz Vargas*, 2020 WL 5074312, at *4, and then quoting *Hernandez*, 872 F.3d at 996); *see also Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.”) . . . Yet the comparative harm potentially imposed on Respondents-Defendants is minimal—a mere short delay in detaining Petitioner-Plaintiff, should the government ultimately show that detention is intended and warranted. Moreover, a party “cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations.” *Zepeda v. U.S. Immigr. & Nat. Serv.*, 753 F.2d 719, 727 (9th Cir. 1983).

This Court therefore joins a series of other district courts that have recently granted temporary restraining orders barring the government from detaining noncitizens who have been on longstanding release in their immigration proceedings, without first holding a pre-deprivation hearing before a neutral decisionmaker. *See, e.g., Diaz v. Kaiser*, No. 25-cv-05071, 2025 WL 1676854, at *2 (N.D. Cal. June 14, 2025); *Garcia v. Bondi*, No. 25-cv-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025). Although Petitioner filed her motion shortly after being detained, rather than immediately beforehand, the same reasoning applies to her situation. Her liberty interest is equally serious, the risk of erroneous deprivation is likewise high, and the government's interest in continuing to detain her without the required hearing is low. *See Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, at *6 (E.D. Cal. Mar. 3, 2025) (granting a TRO as to an individual who had been detained over a month earlier).

2025 U.S. Dist. LEXIS 142213, at *20.

There is no concern with a hearing delaying Respondents-Defendants' efforts to remove R.S. either. Any such delay would be minimal, and in any case, R.S. is currently subject to full removal proceedings and scheduled for a continued asylum hearing later this week. A pre-deprivation bond hearing will not interfere with the proceedings. Whether Respondents-Defendants conduct a pre-detention hearing – or, indeed, whether R.S. is in detention or not – will not obstruct the removal process. And detention for its

1 own sake is not a legitimate governmental interest. *Pinchi*, 2025 U.S. Dist. LEXIS
2 142213, at *16-17 (“Detention for its own sake, to meet an administrative quota, or
3 because the government has not yet established constitutionally required pre-detention
4 procedures is not a legitimate government interest.”). In addition, there appears to be no
5 dispute that there is no evidence that R.S. poses a risk of flight or a danger to the
6 community.

7 As each *Mathew* factor favors R.S., he has shown a likelihood of success on the
8 merits that due process entitles him to a bond hearing before a neutral arbiter prior to any
9 re-arrest. Given that, as discussed below, the balance of equities tips sharply in R.S.’s
10 favor, he also satisfies this factor even if he has only raised serious questions as to the
11 merits of his claim.

12 **R.S. Faces Irreparable Harm**

13 R.S. is likely to suffer irreparable harm in the absence of injunctive relief.
14 “Deprivation of physical liberty by detention constitutes irreparable harm.” *Arevalo v.*
15 *Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018); *see also Hernandez v. Sessions*, 872 F.3d
16 976, 994 (9th Cir. 2017) (“It is well established that the deprivation of constitutional rights
17 ‘unquestionably constitutes irreparable injury.’”). “When an alleged deprivation of a
18 constitutional right is involved, most courts hold that no further showing of irreparable
19 injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005).
20 Unconstitutional deprivation of liberty satisfies the burden of irreparable harm. Further,
21 the Ninth Circuit has recognized the “irreparable harms imposed on anyone subject to
22 immigration detention.” *Hernandez*, 972 F.3d at 995.

23 **The Balance Of Equities And Public Interest Favor R.S.**

24 “[T]he public has a strong interest in upholding procedural protections against
25 unlawful detention, and the Ninth Circuit has recognized that the costs to the public of
26 immigration detention are staggering.” *Jorge M.F. v. Wilkinson*, 2021 U.S. Dist. LEXIS
27 40823, at *9 (cleaned up); *see also Index Newspapers LLC v. U.S. Marshals Serv.*, 977
28 F.3d 817, 838 (9th Cir. 2020) (quoting *Padilla v. Immigration & Customs Enforcement*,

1 953 F.3d 1134, 1147–48 (9th Cir. 2020)) (“It is always in the public interest to prevent the
2 violation of a party’s constitutional rights.”); *Preminger v. Principi*, 422 F.3d 815, 826
3 (9th Cir. 2005) (“Generally, public interest concerns are implicated when a constitutional
4 right has been violated, because all citizens have a stake in upholding the Constitution.”).
5 Further, the government “cannot reasonably assert that it is harmed in any legally
6 cognizable sense by being enjoined from constitutional violations.” *Zepeda v. U.S. Immigr. & Nat. Serv.*, 753 F.2d 719, 727 (9th Cir. 1983). “Faced with . . . a conflict
7 between minimally costly procedures and preventable human suffering, [the Court has]
8 little difficulty concluding that the balance of hardships tips decidedly in plaintiffs’
9 favor.” *Singh*, 2025 WL 1918679, at *9 (quoting *Hernandez*, 872 F.3d at 996).

10
11 The only potential injury the government faces is a short delay in detaining R.S. if
12 it ultimately demonstrates to a neutral decisionmaker by the preponderance of the
13 evidence that his detention is necessary to prevent danger to the community or flight. *See Pinchi*, 2025 U.S. Dist. LEXIS 142213, at *20-21 (N.D. Cal. July 24, 2025); *See Jorge M. F*, 2021 U.S. Dist. LEXIS 40823; *Diaz v. Kaiser*, 2025 U.S. Dist. LEXIS 113566 (N.D. Cal. June 14, 2025). In fact, the procedures undertaken by DHS of detaining noncitizens
14 who dutifully appear at immigration courts undermines legitimate government interests.
15 Given that Respondents-Defendants face no real injury from abiding by the Constitution,
16 the balance of equities tips sharply in R.S. favor.
17
18

20 CONCLUSION

21 As such, R.S. requests that this Court issue an order that: (i) R.S. be released
22 immediately from Respondents-Defendants’ custody; (ii) Respondents-Defendants not
23 impose any additional restrictions on R.S., unless that is determined to be necessary at a
24 future pre-hearing/custody hearing; (iii) Respondents-Defendants be enjoined and
25 restrained from re-arresting or re-detaining R.S. absent compliance with constitutional
26 protections, which include at a minimum, pre-deprivation notice describing the change of
27 circumstances necessitating his arrest and detention, and a timely hearing; and (iv) at any
28 such hearing, Respondents-Defendants bear the burden of establishing, by clear and

1 convincing evidence, that R.S. poses a danger to the community or a risk of flight, and
2 R.S. shall be allowed to have counsel present.

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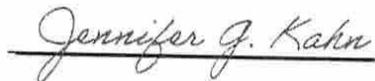
5 Dated: September 30, 2025

Respectfully submitted,

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7 DANIEL J. FRIEDMAN
JENNIFER G. KAHN

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10 JENNIFER G. KAHN

11 Attorneys for Petitioner-Plaintiff

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