

1 Diana Mariscal (SBN 335389)

Diana@lrcl.org

2 La Raza Centro Legal

474 Valencia St., Ste. 295

3 San Francisco, CA 94103

Telephone: (415) 926-5821

4 *Attorney for Petitioners*

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

8 YAMILETH ALDANA SERRANO, et al.,

9 Petitioners,

10 v.

11 SERGIO ALBARRAN et al.,

12 Respondents.

CASE NO. 3:25-cv-8408

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

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PETITIONERS' NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
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CASE NO. 3:25-cv-8408

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 Yamileth Aldana Serrano, Edwin Manuel Fernandez Sanchez, Rafaela del Rosario Salgado Sotomayor and Andres Daniel Vasquez Oviedo 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, 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. 1).

Consistent with Civil L.R. 65-1, Petitioners seek relief at the earliest possible opportunity. Petitioners are filing this motion the same day 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 Diana Mariscal, 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 a copy of the Memorandum of Points and Authorities shortly before filing it. As of

1 this filing, Respondents have not stipulated to a TRO.

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3 Date: October 2, 2025

Respectfully Submitted,

4 /s/ Diana Mariscal

5 La Raza Centro Legal
6 474 Valencia St., Ste. 295
7 San Francisco, CA 94103
8 Telephone: (415) 926-5821
9 E-mail: Diana@lrcl.org

10 *Attorney for Petitioners*