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5 *Attorney for Petitioner*

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

9 LEIVA FLORES, Lesbia Jesenia

10 Petitioner,

11 v.

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

17 Respondents.

CASE NO. 3:25-cv-09302-AMO

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**NOTICE OF MOTION AND *EX*
PARTE MOTION FOR TEMPORARY
RESTRANDING ORDER**

NOTICE OF MOTION AND MOTION

2 PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court
3 for the Northern District of California, that Petitioner Lesbia Jesenia Leiva Flores will and hereby
4 does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and
5 Civil Local Rule 65-1. Because Petitioner's detention violates the Due Process Clause of the Fifth
6 Amendment to the United States, Petitioner respectfully requests that this Court (1) order her
7 immediate release from Respondents' custody pending these proceedings, without requiring bond
8 or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from
9 Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the San
10 Francisco Immigration Court, where Respondents shall bear the burden of proof to show, by clear
11 and convincing evidence, that Petitioner is a danger or a flight risk. To preserve this Court's
12 jurisdiction, Petitioner further seeks an order enjoining Respondents from transferring Petitioner
13 out of this District or deporting her during the pendency of the underlying proceedings.

14 This motion is based on this Notice of Motion and Motion; the accompanying
15 Memorandum of Points and Authorities; the supporting declarations, the papers, evidence, and
16 records on file in this action; and any other written or oral evidence or argument as may be
17 presented at or before the time this motion is heard by the Court. This motion is also supported by
18 the Petition for Writ of Habeas Corpus (ECF No. 1).

19 Consistent with Civil L.R. 65-1, Petitioner seeks relief at the earliest possible opportunity.
20 Petitioner is filing this motion the same day she filed her Petition for Writ of Habeas Corpus.

21 Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Kate Lewis,
22 Counsel for Petitioner emailed a copy of the filed petition to Counsel for Respondents and advised
23 that a Motion for TRO would be forthcoming. Petitioner also emailed Counsel for Respondents a
24 copy of the Memorandum of Points and Authorities shortly before filing it. As of this filing,
25 Respondents have not stipulated to a TRO.

1 Date: October 29, 2025

Respectfully Submitted,

2 /s/ Kate Lewis
3 Community Legal Services in East Palo Alto
4 1861 Bay Road
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Phone: 650-422-2889

5 *Attorney for Petitioner*

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28 PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER
CASE NO. 3:25-cv-09302-AMO