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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 Juan PEREZ SANTILLAN, ,

12 Petitioner-Plaintiff,

13 v.

14 Kristi NOEM, in her Official Capacity, Secretary,
15 U.S. Department of Homeland Security;

16 Pam BONDI, in her Official Capacity, Attorney
17 General of the United States;

18 Todd M. LYONS, Acting Director, Immigration and
19 Customs Enforcement, U.S. Department of Homeland
20 Security;

21 Jason KNIGHT, Salt Lake City Field Office Director
22 for Detention and Removal, U.S. Immigration and
23 Customs Enforcement, Department of Homeland
24 Security; and

25 Darin BALAAM, Sherriff, Washoe County Detention
26 Center.

27 Respondents-Defendants.
28

Agency No.

A 

**MOTION FOR
TEMPORARY
RESTRAINING
ORDER**

**POINTS AND
AUTHORITIES IN
SUPPORT OF EX
PARTE MOTION FOR
TEMPORARY
RESTRAINING
ORDER AND MOTION
FOR PRELIMINARY
INJUNCTION**

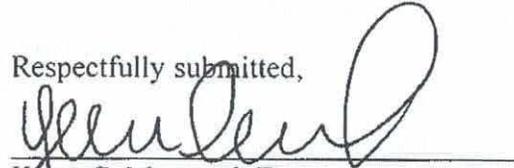
Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive Relief

NOTICE OF MOTION

1
2 Petitioner, by and through undersigned counsel, respectfully moves this Court for a
3 Temporary Restraining Order (“TRO”) and Preliminary Injunction pursuant to Federal Rule of
4 Civil Procedure 65, enjoining Respondents from continuing his unlawful detention and ordering
5 his immediate release, or in the alternative, a constitutionally adequate bond hearing within seven
6 (7) days at which the government bears the burden of proving, by clear and convincing evidence,
7 that his detention is necessary. If the Court deems oral argument necessary, Petitioner requests to
8 appear by video.

9 Dated this 3rd day of November 2025

Respectfully submitted,



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11 Karen S. Monrreal, Esq.
12 Attorney for Petitioner Mr. Perez Santillan
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1 **I. INTRODUCTION**

2 Petitioner Juan Perez Santillan (“Mr. Perez Santillan”), Agency Number [REDACTED] by
3 and through undersigned counsel, respectfully moves this Court for a Temporary Restraining
4 Order and preliminary injunctive relief to immediately halt his continued and unlawful detention
5 by the U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs
6 Enforcement (ICE).

7 Mr. Perez Santillan is currently detained at the Washoe County Detention Center pending
8 the outcome of his immigration proceedings, despite the government’s failure to establish, by
9 clear and convincing evidence, that he poses either a danger to the community or a flight risk, as
10 required by the Due Process Clause of the Fifth Amendment.

11 Mr. Perez Santillan has been in immigration custody since August 2, 2025. ICE initially
12 encountered him while he was held at the Churchill County jail following an arrest for which all
13 charges were dismissed on August 14, 2025, by the Churchill County Court. Despite the dismissal
14 of those charges and his strong ties to the community, ICE continued to detain him without a
15 constitutionally adequate bond hearing.

16 On August 29, 2025, Mr. Perez Santillan requested a bond redetermination hearing before
17 the Las Vegas Immigration Court. A bond hearing was conducted on September 4, 2025. During
18 the bond hearing, the Department of Homeland Security made two arguments. First, DHS asserted
19 that Mr. Perez Santillan was an applicant for admission and, therefore, that the Court lacked
20 jurisdiction to grant him bond. When the Immigration Judge rejected this contention, DHS
21 alternatively argued that Mr. Perez Santillan was ineligible for bond in light of his arrest and the
22 provisions of the Laken Riley Act. Immigration Judge An Mai Nguyen accepted the government’s
23 argument and denied bond.

24 Mr. Perez Santillan’s ongoing detention now exceeds three months, with no individualized
25 determination of his risk to the community or likelihood of appearing for future hearings. His
26 detention, absent procedural protections and without lawful justification, violates the Fifth
27 Amendment. Moreover, there is no legal basis to categorize him as subject to mandatory
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1 detention, and yet ICE has refused to release him or provide a meaningful bond hearing where
2 the government bears the burden of proof.

3 Mr. Perez Santillan respectfully asks this Court to issue a Temporary Restraining Order
4 enjoining DHS and ICE from continuing his detention without due process. He seeks immediate
5 release or, in the alternative, an expedited and constitutionally compliant bond hearing at which
6 the government must prove, by clear and convincing evidence, that continued detention is
7 necessary.

8 Absent emergency relief from this Court, Mr. Perez Santillan will continue to suffer
9 irreparable harm as a result of his unjust and indefinite detention.

10 **II. STATEMENT OF FACTS AND CASE**

11 Petitioner Juan Perez Santillan is a fifty-year-old native and citizen of Mexico who has
12 resided in the United States for more than thirty years. He first entered the country without
13 inspection in approximately 1993, at eighteen years of age, to work and build a stable future. In
14 early 2000, Petitioner briefly returned to Mexico to visit his ailing mother. During his attempts to
15 reenter, he was apprehended by immigration authorities on January 23, 2000, and again on
16 February 16, 2000. On both occasions, he was permitted voluntary return. In March 2000, he
17 reentered the United States without inspection and has remained continuously present since.
18

19 Since his return in 2000, Petitioner has lived in Fallon, Nevada. He has been continuously
20 employed for nearly twenty-five years in the agricultural and ranching industry for the same
21 employer. In recognition of his loyalty and reliability, his employer provides on-site housing to
22 Petitioner and his family—a benefit reserved for trusted, long-term workers.
23

24 Petitioner has demonstrated deep roots in the Fallon community. He co-owns two residential
25 properties—one that generates modest rental income and another occupied by a former partner—
26 further reflecting his financial stability and long-term residence. Community members describe
27 him as quiet, hardworking, and dependable.
28

1 Petitioner is married to Monica Gonzalez Silva (“Mrs. Perez”), a Mexican national who has
2 lived in the United States since 2004. They met in 2017 while both were caring for critically ill
3 children in the hospital—Mrs. Perez’s daughter, D [REDACTED], who was being treated for cancer, and
4 Petitioner’s son, M [REDACTED] who was suffering from end-stage renal disease. Their shared
5 experiences of caregiving fostered a deep emotional bond. They began a committed relationship
6 in 2019 and married on April 11, 2023.
7

8 Together, they have one U.S. citizen son, [REDACTED], born on [REDACTED]. Ethan is
9 five years old, deeply bonded to his father, and depends on Petitioner for daily care, routine, and
10 emotional support.

11 Petitioner also serves as a father figure to additional children in the household:

- 12
- 13 • **Johary Alexander Lozano (19)**, Mrs. Perez’s step-son, currently attending the
14 University of Nevada, Reno on a full academic scholarship due in part to Petitioner’s
15 mentorship.
 - 16 • **Delhery Anette Gonzalez Silva**, Mrs. Perez’s adult step-daughter and cancer survivor.
 - 17 • **Miguel Perez (26)**, Petitioner’s U.S.-citizen son and kidney transplant recipient.
- 18

19 Additionally, Petitioner continues to provide emotional and limited financial support to Iris, the
20 daughter of a former partner, who considers him her father.

21 Petitioner is the living kidney donor for his son Miguel. When Miguel’s renal disease
22 became life-threatening, Petitioner selflessly donated one of his kidneys, saving his son’s life. As
23 a result, Petitioner now lives with a single kidney, requiring ongoing monitoring, avoidance of
24 nephrotoxic medications such as NSAIDs, and access to consistent medical supervision.

25 Despite his medical vulnerability, Petitioner has continued to perform physically demanding
26 ranch work to support his family.
27
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1 Mrs. Perez suffers from permanent blindness in her right eye due to ocular herpes and has
2 borderline glaucoma. Her condition prevents her from driving or working. She remains at risk of
3 depressive relapse due to her disability. She is wholly dependent on Petitioner for transportation,
4 income, daily care, and emotional support. She fears homelessness, medical decline, and relapse
5 of mental health symptoms if Petitioner is removed.
6

7 Petitioner's detention has caused significant emotional distress to five-year-old Ethan,
8 who has never experienced a prolonged separation from his father. He has exhibited confusion,
9 anxiety, and emotional withdrawal since Petitioner's detention in August 2025.

10 Johary Lozano, age nineteen, would likely be forced to abandon his university studies to
11 financially support his disabled mother and care for Ethan if Petitioner were removed—derailing
12 his academic future.
13

14 Miguel Perez, Petitioner's adult son, continues to suffer from chronic kidney-related
15 health issues and depends heavily on Petitioner for emotional strength and stability. Miguel's
16 four minor children view Petitioner as a grandfather and would also suffer emotional harm from
17 his removal.
18

19 On July 19, 2025, Petitioner was arrested in Churchill County, Nevada, after his wife
20 experienced [REDACTED]

21 [REDACTED] Although no crime occurred, Petitioner was taken into custody. Once the effects of
22 [REDACTED] subsided, Mrs. Perez informed law enforcement that no assault or violence took
23 place. All criminal charges were dismissed on August 14, 2025.
24

25 Following his arrest, Immigration and Customs Enforcement assumed custody of
26 Petitioner. On August 2, 2025, the Department of Homeland Security issued a Notice to Appear
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1 charging him as removable under INA § 212(a)(6)(A)(i) (entry without inspection) and INA §
2 212(a)(7)(A)(i)(I) (lack of valid entry documents). Both charges were sustained.
3 Petitioner applied for Cancellation of Removal under INA § 240A(b)(1). He was denied bond
4 under the Laken Riley Act and remains detained. On October 30, 2025, Immigration Judge An
5 Mai Nguyen denied his application for Cancellation of Removal, finding no sufficient showing
6 of exceptional and extremely unusual hardship. Petitioner timely appealed to the Board of
7 Immigration Appeals on October 31, 2025, where proceedings remain pending.
8

9 **III. JURISDICTION**

10 This Court has jurisdiction to review Mr. Perez Santillan’s TRO Application. Further,
11 jurisdiction is not stripped by 8 U.S.C. §§ 1252(b)(9) or 1252(g).

12 **A. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(b)(9)**

13 Section 1252(b)(9) provides:

14
15 “Judicial review of all questions of law and fact, including interpretation and
16 application of constitutional and statutory provisions, arising from any action
17 taken or proceeding brought to remove an alien from the United States... shall be
18 available only in judicial review of a final order under this section...”

19 Mr. Perez Santillan’s detention is not so intertwined with the broader removal process
20 that it can only be reviewed after a final removal order is issued. The Supreme Court addressed
21 this precise issue in *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018), where it rejected an overly
22 expansive reading of the phrase “arising from” in 8 U.S.C. § 1252(b)(9). The Court warned that
23 interpreting the statute so broadly as to include constitutional challenges to detention—merely
24 because they are tangentially related to removal—would lead to “absurd results” and deprive
25 noncitizens of “any meaningful opportunity for judicial review.” *Id.*

26 Here, Mr. Perez Santillan is not seeking to challenge his removal proceedings, nor the
27 decision to initiate them. Rather, he challenges his prolonged civil detention without a
28 constitutionally sufficient bond hearing under 8 U.S.C. § 1226(a)—a discrete legal and

1 constitutional issue that is wholly independent of whether he is ultimately removable. Moreover,
2 as the Court in *Jennings* made clear, § 1252(b)(9) does not apply where the petitioner is “not
3 asking for review of an order of removal,” and where the claim does not “challenge the decision
4 to detain them in the first place or to seek removal.” *Id.* at 294. Mr. Perez Santillan’s challenge
5 arises from the denial of a bond hearing, not the initiation of removal proceedings.
6 Accordingly, § 1252(b)(9) does not bar this Court from exercising jurisdiction over Mr. Perez
7 Santillan’s TRO Application.

8 **B. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(g)**

9 8 U.S.C. § 1252(g) statute states:

10
11 “...no court shall have jurisdiction to hear any cause or claim by or on behalf of
12 any alien arising from the decision or action by the Attorney General to
13 commence proceedings, adjudicate cases, or execute removal orders...”

14 However, the Supreme Court has explicitly interpreted § 1252(g) as a narrow
15 jurisdictional limitation. In *Jennings*, the Court reiterated that § 1252(g) applies only to the three
16 specific actions listed: the commencement of proceedings, adjudication of cases, and execution
17 of removal orders. *Jennings*, 583 U.S. at 293.

18 Mr. Perez Santillan’s claim does not arise from any of these three enumerated actions.
19 Instead, it challenges the government’s decision to classify him as an “applicant for admission”
20 and deny him access to a bond hearing under § 1226(a)—a procedural and constitutional due
21 process violation. As *Jennings* reaffirmed, courts should not interpret the phrase “arising from”
22 so broadly as to “sweep in any claim that can technically be said to ‘arise from’” removal
23 proceedings. *Id.* Doing so would insulate virtually all governmental actions from judicial review,
24 including those that raise serious constitutional questions—a result the Court expressly rejected.

25 Accordingly, because Mr. Perez Santillan’s TRO Application does not challenge the
26 government’s authority to commence proceedings, adjudicate removability, or execute a removal
27 order, § 1252(g) does not apply.
28

1 In sum, neither § 1252(b)(9) nor § 1252(g) precludes this Court from hearing Mr. Perez
2 Santillan's constitutional claims. He is not challenging a final order of removal or the
3 government's authority to initiate proceedings. Rather, he seeks urgent judicial relief from his
4 prolonged detention without a constitutionally required bond hearing. This Court therefore
5 retains jurisdiction to review his claims and grant the requested temporary restraining order.

6 **IV. LEGAL STANDARD**

7 Pursuant to Federal Rule of Civil Procedure 65, a court may grant preliminary injunctive
8 relief to prevent "immediate and irreparable injury." Fed R. Civ. P. 65(b). A preliminary
9 injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the
10 plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22, 129 S.
11 Ct. 365, 172 L. Ed. 2d 249 (2008). To obtain a preliminary injunction, a plaintiff must establish
12 four elements: "(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer
13 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its
14 favor, and (4) that the public interest favors an injunction." *Wells Fargo & Co. v. ABD Ins. &*
15 *Fin. Servs. Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014), as amended (Mar. 11, 2014) (*citing Winter*,
16 555 U.S. at 20).

17 In the Ninth Circuit, a preliminary injunction may also issue under the "serious
18 questions" test. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)
19 (affirming the continued viability of this doctrine post-*Winter*). According to this test, "serious
20 questions going to the merits and a balance of hardships that tips sharply towards the plaintiff
21 can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a
22 likelihood of irreparable injury, and that the injunction is in the public interest." *Id.* at 1135.
23 Courts in the Ninth Circuit evaluate "these factors on a sliding scale, such that a stronger
24 showing of one element may offset a weaker showing of another." *Recycle for Change v. City of*
25 *Oakland*, 856 F.3d 666, 669 (9th Cir. 2017).

26 **V. ARGUMENT**

27 **Mr. Perez Santillan warrants a Temporary Restraining Order.**

28

1 A temporary restraining order should be issued if “immediate and irreparable injury, loss,
2 or irreversible damage will result” to the applicant in the absence of an order. Fed. R. Civ. P.
3 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a
4 preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*
5 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). Mr. Perez Santillan
6 is likely to remain in unlawful custody in violation of his due process rights without intervention
7 by this Court. Mr. Perez Santillan will continue to suffer irreparable injury if he continues to be
8 detained without due process.

9 **A. Likelihood of Success on the Merits.**

10 Under the clear terms of the statute and well-established case law, 8 U.S.C. § 1226(a)
11 governs the detention of individuals who, like Mr. Perez Santillan, are physically present within
12 the United States and are undergoing removal proceedings. Given that Mr. Perez Santillan has
13 lived in the United States for more than 25 years and was not apprehended at the border or upon
14 entry, his case is governed by § 1226(a). As such, he is entitled to a bond hearing that complies
15 with the due process protections afforded under that provision.

16 Section 1226 distinguishes between two classes of individuals in immigration detention.
17 Section 1226(a) applies to individuals within the United States pending removal proceedings and
18 allows for discretionary release on bond. In contrast, § 1226(c) applies to a narrow category of
19 so-called “criminal aliens” and imposes mandatory detention under more limited circumstances.

20 Critically, individuals detained under § 1226(a) are entitled to an initial bond hearing
21 before an immigration judge, with the opportunity to present evidence, be represented by counsel,
22 and seek subsequent bond redeterminations if circumstances materially change. *See Rodriguez*
23 *Diaz v. Garland*, 53 F.4th 1189, 1201 (9th Cir. 2022).

24 Here however, it was alleged that Mr. Perez Santillan is not detained under § 1226(a), but
25 rather under § 1225(b)(2), based on the claim that he qualifies as an “applicant for admission”
26 due to his entry without inspection. That provision mandates detention for arriving noncitizens
27 unless they are “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A).
28

1 The government suggest that this provision applies not only to arriving aliens at ports of entry but
2 also to individuals already physically present in the country without having been formally
3 “admitted.”

4 This argument, however, misreads the statute. If Congress had intended § 1225 to apply
5 universally to all individuals who entered without inspection—even those long-settled in the
6 interior of the country—§ 1226 would serve no meaningful function, particularly with respect to
7 noncitizens charged under § 1226(c). Respondents' position improperly creates an irreconcilable
8 conflict where none exists.

9 In *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018), the Supreme Court clarified that
10 § 1225 applies at the Nation’s borders and ports of entry, where the government determines
11 admissibility of arriving noncitizens. In contrast, § 1226 governs individuals already inside the
12 United States, including those who may be removable but have developed significant ties to the
13 country. As the Court explained, § 1226 applies to “aliens who are already present in the United
14 States but who have not been admitted and are nonetheless subject to removal,” while § 1225
15 applies to aliens at the border seeking admission.

16 Accepting Respondents’ interpretation would render large portions of § 1226 superfluous,
17 violating the canon of statutory construction that requires giving effect to all parts of a statute.
18 See *Corely v. United States*, 556 U.S. 303, 314 (2009) (“A statute should be construed so that no
19 part will be inoperative or superfluous, void or insignificant.”).

20 Because Mr. Perez Santillan is a long-term resident of the United States who was not
21 apprehended at a port of entry, and because he does not fall within the limited scope of § 1226(c),
22 he is plainly detained under § 1226(a) and is entitled to a bond hearing with full due process
23 protections.

24 Accordingly, Mr. Perez Santillan is likely to succeed on the merits of his claim that the
25 government has wrongfully denied him a bond hearing in violation of § 1226(a) and the Fifth
26 Amendment.

27 Because Petitioner’s removal proceedings are not governed by 8 U.S.C. § 1225, the only
28 remaining question is whether his detention is mandatory under 8 U.S.C. § 1226(c)(1)(E), as

1 amended by the Laken Riley Act in January 2025. That provision requires the government to take
2 into custody any noncitizen who is arrested for or charged with certain offenses, including crimes
3 that allegedly result in serious bodily injury.

4 Petitioner does not dispute that DHS was authorized to take him into custody at the time
5 of his arrest and charge for domestic battery and sexual assault. However, those charges have now
6 been fully dismissed, without conviction or admission of guilt, and no other clause of §
7 1226(c)(1)(E) applies.

8 The statute uses the present tense—mandatory detention applies only to an individual who
9 “is charged with”, “is arrested for”, “is convicted of”, or “admits having committed” the offense.
10 Congress’s use of the present tense is deliberate and limits mandatory detention to individuals
11 with pending charges or a sustained finding of guilt. Once charges are dismissed, the individual
12 no longer “is charged with” that offense. *See Stanley v. City of Sanford*, 145 S. Ct. 2058, 2063
13 (2025).

14 Interpreting the statute otherwise—i.e., allowing mandatory detention to continue
15 indefinitely after dismissal—would make Congress’s separate use of “is convicted of”
16 meaningless and violate the canon against surplusage. *See Corley v. United States*, 556 U.S. 303,
17 314 (2009); *Marx v. General Revenue Corp.*, 568 U.S. 371, 386 (2013).

18 Thus, once criminal charges are dismissed and there is no conviction or admission of
19 culpability, § 1226(c)(1)(E) no longer authorizes mandatory detention. At that point, the
20 Petitioner’s detention reverts to the discretionary custody framework of § 1226(a), which requires
21 a bond hearing with the government bearing the burden of proof.,

22 **B. Irreparable Harm**

23 To obtain a temporary restraining order, a petitioner must show that they are likely to
24 suffer irreparable harm in the absence of preliminary relief. *Winter v. Natural Resources Defense*
25 *Council, Inc.*, 555 U.S. 7, 20 (2008).

26 Mr. Perez Santillan has been detained by U.S. Immigration and Customs Enforcement
27 since August 2, 2025, and has been denied a bond hearing throughout that period. The Supreme
28 Court has long recognized that “[f]reedom from imprisonment— from government custody,

1 detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process]
2 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The ongoing deprivation of this
3 fundamental liberty, without an individualized bond determination, constitutes a clear and
4 continuing constitutional injury.

5 The Ninth Circuit has emphasized that the loss of constitutional rights “unquestionably
6 constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting
7 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). This principle squarely applies here. Mr. Perez
8 Santillan remains detained without due process, in violation of his Fifth Amendment rights.

9 Moreover, Petitioner’s detention has inflicted significant and ongoing harm not only on
10 himself, but also on his U.S. citizen child, his disabled wife, and their blended family—several of
11 whom have serious medical conditions and depend on him for daily care, emotional stability,
12 transportation, and financial support. His wife, who is permanently blind in one eye and suffers
13 from glaucoma, relies entirely on Petitioner for mobility, income, medication management, and
14 emotional well-being. Their five-year-old U.S. citizen son has exhibited distress, confusion, and
15 behavioral changes since his father’s detention. As the Ninth Circuit recognized in *Hernandez v.*
16 *Sessions*, 872 F.3d 976, 995 (9th Cir. 2017), prolonged immigration detention results in not only
17 the deprivation of liberty, but also severe emotional, financial, and familial harm—all of which
18 are present here and underscore the irreparable nature of Petitioner’s injury.

19 Petitioner’s continued detention without the opportunity for a constitutionally adequate
20 bond hearing violates due process and inflicts immediate and serious harm on him and his family.
21 Accordingly, the second prong of the TRO standard—irreparable harm—is clearly satisfied.

22 **C. Balance of the Equities and Public Interest**

23 The Balance of Equities and Public Interest Strongly Favor Mr. Perez Santillan. When the
24 government is the opposing party, the final two TRO factors—the balance of equities and the
25 public interest—merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In this case, both weigh
26 decisively in favor of Mr. Perez Santillan.

27 As demonstrated above, Petitioner’s continued detention without a bond hearing—
28 whether analyzed under the government’s interpretation of 8 U.S.C. § 1225 or the Laken Riley

1 Act—likely violates federal statutory and constitutional protections. Detaining a person without
2 due process offends core principles of federal law and undermines the constitutional guarantee of
3 liberty. As the Ninth Circuit has made clear, “it would not be equitable or in the public’s interest
4 to allow the state to violate the requirements of federal law.” *Valle del Sol Inc. v. Whiting*, 732
5 F.3d 1006, 1029 (9th Cir. 2013). Accordingly, both the public interest and the balance of equities
6 weigh in favor of granting relief.

7 While the government undoubtedly has an interest in the consistent application of
8 immigration policy, this interest does not extend to the unlawful denial of liberty in contravention
9 of statutory protections. As the Ninth Circuit has recognized, “there is no public interest in the
10 perpetuation of unlawful agency action.” *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C.
11 Cir. 2016) (internal citation omitted).

12 Moreover, the government’s refusal to provide a bond hearing—whether under *Matter of*
13 *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), or the newly enacted Laken Riley Act—relies on
14 a novel and disputed interpretation of immigration detention statutes. This approach departs from
15 decades of statutory practice under 8 U.S.C. § 1226(a), which has long required an individualized
16 assessment of flight risk and danger before depriving a person of liberty. Enforcing Petitioner’s
17 right to a bond hearing does not disturb the law; it restores it.

18 By contrast, continuing to detain Petitioner without a bond hearing inflicts ongoing and
19 irreparable harm. He has lived in the United States for over three decades, has strong family and
20 community ties, and has no history indicating danger or flight risk. The balance of equities
21 overwhelmingly favors ensuring a prompt, constitutionally required bond hearing—not allowing
22 prolonged detention based on an untested expansion of mandatory detention under *Yajure*
23 *Hurtado* or the Laken Riley Act.

24 Accordingly, both the balance of equities and the public interest support the issuance of a
25 temporary restraining order in Mr. Perez Santillan’s favor.

26 VI. CONCLUSION

27 For the reasons stated above, Petitioner respectfully requests that this Court issue a
28 Temporary Restraining Order prohibiting Respondents from continuing to detain him without

1 providing a bond hearing. Petitioner has shown a strong likelihood of success on the merits
2 because his detention properly falls under 8 U.S.C. § 1226(a), not § 1225, and neither *Matter of*
3 *Yajure Hurtado* nor the Laken Riley Act authorizes his continued detention without
4 individualized review—particularly where the underlying criminal charges have been dismissed.
5 Accordingly, he is entitled to a constitutionally compliant bond hearing.

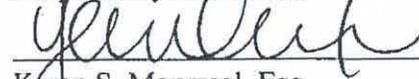
6 Mr. Perez Santillan’s continued detention—without any individualized determination of
7 whether he poses a flight risk or danger to the community—violates the governing statutory
8 framework and the Due Process Clause of the Fifth Amendment. Every additional day he
9 remains incarcerated without due process inflicts irreparable harm, depriving him of his liberty
10 and causing profound emotional, medical, and financial hardship to his U.S. citizen child, his
11 medically fragile wife, and other dependent family members who rely on him for care and
12 stability.

13 The balance of equities and the public interest overwhelmingly support injunctive relief.
14 There is no legitimate public benefit in detaining a long-term resident with deep community ties,
15 no criminal history, and no finding of dangerousness—particularly where his detention is based
16 on a misapplication of immigration statutes, including the Laken Riley Act.

17 For these reasons, Mr. Perez Santillan respectfully requests that this Court grant a
18 Temporary Restraining Order and order his immediate release. In the alternative, the Court
19 should require the government to provide a prompt and constitutionally adequate bond hearing—
20 at which the government bears the burden of proving, by clear and convincing evidence, that
21 continued detention is necessary.

22 Dated this 3rd day of November 2025

Respectfully submitted,



23
24 Karen S. Monrreal, Esq.
Attorney for Petitioner, Mr. Perez Santillan