

1 Jordan Weiner (SBN 356297)

2 jordan@lrcl.org

3 La Raza Centro Legal

4 474 Valencia St., Ste. 295

5 San Francisco, CA 94103

6 Telephone: (415) 553-3435

7 *Attorney for Petitioner*

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

JOSEFA HERNANDEZ BERNAL.,

Petitioner,

v.

SERGIO ALBARRAN et al.,

Respondents.

CASE NO. 3:25-cv-09772

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

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

CASE NO. 3:25-cv-09772

1 **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 Josefa Hernandez Bernal 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
7 Petitioner's immediate release from Respondents' custody pending these proceedings, without
8 requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate
9 release from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing
10 before the San Francisco Immigration Court, where Respondents shall bear the burden of proof to
11 show, by clear and convincing evidence, that Petitioners are a danger or a flight risk. To preserve
12 this Court's jurisdiction, Petitioners further seek an order enjoining Respondents from transferring
13 Petitioners out of this District or deporting them during the pendency of the underlying
14 proceedings.

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

20 Consistent with Civil L.R. 65-1, Petitioner seek relief at the earliest possible opportunity.
21 Petitioners are filing this motion the same day they filed their Petition for Writ of Habeas Corpus.

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

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2 Date: November 13, 2025

Respectfully Submitted,

3 /s/ Jordan Weiner
4 La Raza Centro Legal
5 474 Valencia St., Ste. 295
6 San Francisco, CA 94103
7 Telephone: (415) 553-3435
8 E-mail: jordan@lrcl.org

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Attorney for Petitioner