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14 *Attorneys for Petitioner Monnathy L. Nambounmy*

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF ARIZONA**

17 Monnathy L. Nambounmy,

18 *Petitioner,*

19 v.

20 Gregory J. Archambeault, Enforcement
21 and Removal Operations, San Diego Field
22 Office Director, U.S. Immigration and
23 Customs Enforcement; Todd Lyons,
24 Acting Director of Immigration and
25 Customs Enforcement; Kristi Noem,
26 Secretary, U.S. Department of Homeland
27 Security; Christopher J. LaRose, senior
28 warden at Otay Mesa Detention Center;
U.S. Department of Homeland Security;
U.S. Immigration and Customs
Enforcement,

Respondents.

Civil Case No. 3:25-cv-03172-JO-SBC

**NOTICE OF MOTION FOR
TEMPORARY ORDER**

1 Petitioner Monnathy L. Nambounmy hereby notifies this Court and Respondents
2 Gregory J. ARCHAMBEAULT, Enforcement and Removal Operations, San Diego Field
3 Office Director, U.S. Immigration and Customs Enforcement; Todd LYONS, Acting
4 Director of Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S.
5 Department of Homeland Security; Christopher K. LAROSA, warden at Otay Mesa
6 Detention Center; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S.
7 IMMIGRATION AND CUSTOMS ENFORCEMENT of this notice of motion for a
8 temporary restraining order and supporting memorandum of points and authorities.

9 The basis for the motion for a temporary restraining order is that Respondents have
10 violated Petitioner's rights under the Fifth Amendment Due Process Clause, Immigration
11 and Nationality Act, 8 U.S.C. § 1231(a), 8 C.F.R. § 241.13, and the Administrative
12 Procedures Act when Respondents re-detained Petitioner; and removing Petitioner to a
13 third county would violate rights under the Fifth and Eighth Amendments, 8 U.S.C. § 1231,
14 Convention Against Torture, Implementing Regulations, and the Administrative Procedure
15 Act. As the memorandum of points and authorities demonstrates, Petitioner is likely to
16 succeed on the merits.

17 Petitioner brings this motion for a temporary restraining order because Respondents
18 can remove Petitioner from the United States at any moment. Petitioner will suffer
19 irreparable harm if relief is not granted because he remains in detention despite the
20 hardships his family currently faces and removal to a third country would be
21 unconstitutional. Finally, the balance of hardships and the public interest weigh in
22 Petitioner's favor because his continued unlawful detention and the potential removal to a
23 third country where he could face imprisonment or worse violate the Constitution and
24 federal law.

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Respectfully submitted this 17th day of November, 2025.

By: /s/ Andres Holguin-Flores
Frederick Carroll
Andres Holguin-Flores
ACLU Foundation of San Diego and Imperial Counties

Geovanna Y. Medel
ABA Immigration Justice Project

Attorneys for Petitioner