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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 VICENTE SALAZAR-OSORIO,  
15  
16 Petitioner,

17 v.

18 KRISTI NOEM, Secretary of the  
19 Department of Homeland Security,  
20 PAMELA JO BONDI, Attorney General,  
21 TODD M. LYONS, Acting Director,  
22 Immigration and Customs Enforcement,  
23 JESUS ROCHA, Acting Field Office  
24 Director, San Diego Field Office,  
25 CHRISTOPHER LAROSE, Warden at  
26 Otay Mesa Detention Center,  
27  
28 Respondents.

CIVIL CASE NO.:

'25CV3296 JES MMP

**Motion for a  
Temporary Restraining Order**

22 Mexican citizen Vicente Salazar-Osorio was ordered removed in 2014, but  
23 when he returned to the United States in 2018, he passed a reasonable fear interview  
24 and was placed in withholding proceedings. He was quickly flagged for placement  
25 on a “*Franco* docket” due to his severe mental health conditions. Six months later,  
26 he received a bond hearing before an immigration judge (“IJ”), and he was  
27 subsequently released on bond. He remained on release for over six years, working  
28 to support his five children and complying with all conditions.

1 Yet in September 2025, ICE re-detained him. ICE made no mention of the  
2 IJ’s bond. Nor did ICE follow the regulations for revoking release, failing to  
3 provide written notice of the reasons for revocation, granting no informal interview,  
4 and giving no indication that the proper findings were made prior to re-detention.  
5 Since his re-detention, Otay Mesa discontinued Mr. Salazar-Osorio’s prior  
6 psychiatric medication, and between that change and the custodial environment, his  
7 mental condition deteriorated. At a hearing in early November, an IJ found him  
8 incompetent.

9 Because ICE’s actions violate DHS regulations, the IJ’s bond order, and due  
10 process, this Court should grant Mr. Salazar-Osorio’s habeas petition. In the  
11 meantime, to prevent irreparable harm, this Court should order his immediate  
12 release.

#### 13 ARGUMENT

14 To obtain a TRO, a plaintiff “must establish that he is likely to succeed on  
15 the merits, that he is likely to suffer irreparable harm in the absence of preliminary  
16 relief, that the balance of equities tips in his favor, and that an injunction is in the  
17 public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008);  
18 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839-40 & n.7  
19 (9th Cir. 2001) (noting that a TRO and preliminary injunction involve  
20 “substantially identical” analysis). A “variant[] of the same standard” is the  
21 “sliding scale”: “if a plaintiff can only show that there are ‘serious questions  
22 going to the merits—a lesser showing than likelihood of success on the merits—  
23 then a preliminary injunction may still issue if the balance of hardships tips  
24 sharply in the plaintiff’s favor, and the other two *Winter* factors are satisfied.”  
25 *Immigrant Defenders Law Center v. Noem*, 145 F.4th 972, 986 (9th Cir. 2025)  
26 (internal quotation marks omitted). Under this approach, the four *Winter* elements  
27 are “balanced, so that a stronger showing of one element may offset a weaker  
28

1 showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131  
2 (9th Cir. 2011). A TRO may be granted where there are “‘serious questions going  
3 to the merits’ and a hardship balance. . . tips sharply toward the plaintiff,” and so  
4 long as the other *Winter* factors are met. *Id.* at 1132.

5 Here, this Court should issue a temporary restraining order because his  
6 unlawful immigration detention has caused, and will continue to cause,  
7 “‘immediate and irreparable injury . . . or damage.” Fed. R. Civ. P. 65(b). This  
8 Court should therefore order Petitioner’s release.

9 **I. Petitioner is likely to succeed on the merits, or at a minimum, raises**  
10 **serious merits questions.**

11 Concurrent with this TRO motion, Mr. Salazar-Osorio files a habeas  
12 petition setting forth in detail why he is likely to succeed on the merits.

13 He will not repeat those arguments here, but he provides some examples of  
14 habeas petition grants in this district based on the same kinds of regulatory  
15 arguments he makes here. *See, e.g., Nguyen Tran v. Noem*, 25-CV-2391-BTM  
16 (S.D. Cal. Oct. 27, 2025); *Ngo v. Noem*, 25-cv-02739-TWR-MMP, ECF No. 11  
17 (Oct. 23, 2025); *Bui v. Noem*, 25-CV-2111-JES-DEB, ECF No. 18 (S.D. Cal. Oct.  
18 23, 2025); *Thanh Nguyen v. Noem*, 25-cv-2760-TWR-KSC, ECF No. 12 (Oct.  
19 23, 2025); *Ho v. Noem*, 25-cv-2453-BAS-BLM, ECF No. 11 (S.D. Cal. Oct. 20,  
20 2025); *Constantinovici v. Bondi*, \_\_ F. Supp. 3d \_\_, 2025 WL 2898985, No. 25-  
21 cv-2405-RBM (S.D. Cal. Oct. 10, 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-  
22 RSH, 2025 WL 2646165 (S.D. Cal. Sept. 15, 2025); *Phan v. Noem*, 2025 WL  
23 2898977, No. 25-cv-2422-RBM-MSB, \*3–\*5 (S.D. Cal. Oct. 10, 2025); *Sun v.*  
24 *Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB (S.D. Cal. Sept. 30, 2025); *Van*  
25 *Tran v. Noem*, 2025 WL 2770623, No. 25-cv-2334-JES, \*3 (S.D. Cal. Sept. 29,  
26 2025); *Truong v. Noem*, No. 25-cv-02597-JES, ECF No. 10, 13 (S.D. Cal. Oct.  
27 10, 2025).

1 **II. Petitioner will suffer irreparable harm absent injunctive relief.**

2  
3 Petitioner also meets the second factor, irreparable harm. “It is well  
4 established that the deprivation of constitutional rights ‘unquestionably constitutes  
5 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)  
6 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Where the “alleged deprivation  
7 of a constitutional right is involved, most courts hold that no further showing of  
8 irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02  
9 (9th Cir. 2005) (quoting 11A Charles Alan Wright et al., *Federal Practice and  
10 Procedure*, § 2948.1 (2d ed. 2004)).

11 Here, the potential irreparable harm to Petitioner is even more concrete. The  
12 Ninth Circuit has specifically recognized the “irreparable harms imposed on anyone  
13 subject to immigration detention.” *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th  
14 Cir. 2017). That is because “[u]nlawful detention constitutes ‘extreme or very  
15 serious damage, and that damage is not compensable in damages.’” *Hernandez v.  
16 Sessions*, 872 F.3d 976, 999 (9th Cir. 2017). For Mr. Salazaro-Osorio, detention  
17 has meant losing access to medication that improved his severe mental health  
18 conditions. Exhibit A to Habeas Petition (hereinafter, “Cabrera Dec.”) at ¶ 2.  
19 Between that and the custodial environment, his mental health has deteriorated  
20 significantly. *Id.* at ¶ 2. His children are also suffering because he cannot provide  
21 for them while he is in custody. Exh. B to habeas petition (hereinafter, “Salazar-  
22 Osorio Dec.”) at ¶ 3.

23 **III. The balance of hardships and the public interest weigh heavily in  
24 petitioner’s favor.**

25 The final two factors for a TRO—the balance of hardships and public  
26 interest—“merge when the Government is the opposing party.” *Nken v. Holder*,  
27 556 U.S. 418, 435 (2009). That balance tips decidedly in Petitioner’s favor. On the  
28 one hand, the government “cannot reasonably assert that it is harmed in any legally  
cognizable sense” by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d

1 719, 727 (9th Cir. 1983). Moreover, it is always in the public interest to prevent  
2 violations of the U.S. Constitution and ensure the rule of law. *See Nken*, 556 U.S.  
3 at 436 (describing public interest in preventing noncitizens “from being wrongfully  
4 removed, particularly to countries where they are likely to face substantial harm”);  
5 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019)  
6 (when government’s treatment “is inconsistent with federal law, . . . the balance of  
7 hardships and public interest factors weigh in favor of a preliminary injunction.”).  
8 On the other hand, Petitioner faces weighty hardships in the form of illegal  
9 detention with no due process. The balance of equities thus favors preventing the  
10 violation of “requirements of federal law,” *Arizona Dream Act Coal. v. Brewer*,  
11 757 F.3d 1053, 1069 (9th Cir. 2014), by granting emergency relief to protect against  
12 unlawful detention.

13 **Conclusion**

14 For all these reasons, this Court should grant this motion for a temporary  
15 restraining order and order Mr. Salazar-Osorio’s immediate release.

16  
17 Respectfully submitted,

18 Dated: November 25, 2025

*s/ Katie Hurrelbrink*

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**PROOF OF SERVICE**

I, the undersigned, will cause the attached motion to be emailed to the U.S. Attorney's Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Date: 11/25/2025

/s/ Katie Hurrelbrink  
Katie Hurrelbrink