Frances Arroyo
Los Angeles Legal Advocates
1025 W 190th St
Suite 400
Gardena, CA 90248

Natalie Renee Shepherd
Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE YURANI HORTUA

Petitioner,

vs.

CHRISTOPHER CHESTNUT, WARDEN OF CALIFORNIA CITY DETENTION CENTER,

DAVID MARIN, DIRECTOR OF LOS ANGELES FIELD OFFICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

KRISTI NOEM, SECRETARY OF THE U.S. DEPARTMENT OF HOMELAND SECURITY; AND

PAM BONDI, ATTORNEY GENERAL OF THE UNITED STATES,

IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

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

Case No. 1:25-at-01179

PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

NOTICE OF MOTION

Petitioner Ms. Hortua applies to this Honorable Court for a temporary restraining order enjoining Respondents—the U.S. Department of Homeland Security (DHS), the Warden of the California City Detention Center, the Field Office Director of ICE Enforcement and Removal Operations in Los Angeles, and the Attorney General of the United States— (1) from transferring Petitioner out of this District, transferring her to any other detention facility, removing her from the United States, or re-arresting or re-detaining her while this action is pending, except as authorized after a hearing before a neutral adjudicator at which the Government must prove by clear and convincing evidence that detention is necessary and is the least restrictive means of ensuring appearance and community safety; (2) from continuing to detain her under 8 U.S.C. § 1225(b); and (3) ordering her immediate release or, in the alternative, requiring that Respondents provide an individualized custody hearing under 8 U.S.C. § 1226(a) within seven (7) days, at which the Government must demonstrate by clear and convincing evidence that detention is necessary and that no less restrictive conditions of supervision—such as release on bond, parole, or electronic monitoring—would reasonably assure appearance and public safety.

DATED: November 28, 2025

Respectfully submitted,

Frances Arroyo
Los Angeles Legal Advocates
1025 W 190th St
Suite 400
Gardena, CA 90248

Natalie Renee Shepherd
Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com

INTRODUCTION

1. Petitioner Leslie Yurani Hortua is a 34-year-old survivor of gender-based and homophobic violence who lived openly, peacefully, and fully compliant in the Bay Area for more than two years after the Department of Homeland Security ("DHS") affirmatively released her on her own recognizance following a positive credible-fear determination. During that time, she built a stable life: she worked as a nanny providing daily care for a young child, maintained deep community ties, pursued her asylum claim diligently, and attended every single ICE check-in without incident. Her release under 8 U.S.C. § 1226(a) reflected DHS's determination that she posed neither a danger nor a flight risk.

2. On October 3, 2025, at what should have been a routine six-month check-in, ICE officers abruptly seized Ms. Hortua without notice, without explanation, and without any claim of changed circumstances. She was transferred to the remote California City Detention Center—hours from her home and support network—uprooting her from the life she had built and cutting her off from her employer, medical care, and the community structures she relied upon. She suffers from a documented traumatic brain injury ("TBI"), with symptoms worsened by cold temperatures, isolation, and stress—all conditions inherent to her detention.

3. ICE now asserts that Ms. Hortua is subject to mandatory detention under 8 U.S.C. § 1225(b)—a border-processing provision that no longer applies once DHS has (1) released an individual following credible-fear screening, (2) issued a Notice to Appear, and (3) placed the person into full removal proceedings under § 240. Courts across this Circuit have uniformly rejected DHS's recent attempts to resurrect § 1225(b) years after release, recognizing that such re-detention contravenes the INA, the APA, and the Fifth Amendment. Once § 240 proceedings begin, any custody must proceed—if at all—under § 1226(a), which requires an individualized bond hearing before a neutral adjudicator.

4. Moreover, even aside from the statutory misclassification, the Government may not revoke conditional release absent (1) a material change in circumstances and (2) notice and a pre-deprivation hearing. ICE does not claim any changed circumstance here. The record reflects perfect compliance, increasing community stability, and no criminal convictions. Detaining Ms. Hortua without process after two years of lawful presence is arbitrary, punitive, and unconstitutional under *Mathews v. Eldridge* and long-settled principles governing civil detention.

5. Because her re-detention violates federal statutory limits and the Due Process Clause—and because she faces ongoing, irreparable harm to her physical health, emotional stability, and ability to pursue asylum relief—Petitioner respectfully requests a Temporary Restraining Order directing her immediate release, or, in the alternative, a prompt custody hearing at which the Government must justify detention by clear and convincing evidence.

STATEMENT OF FACTS

6. Petitioner Leslie Yurani Hortua is a 34-year-old Colombian woman and survivor of prolonged gender-based and homophobic violence. For nearly a decade, she was relentlessly stalked, threatened, and physically assaulted by [redacted] repeatedly confronted her at home and at work, followed her through multiple cities, ambushed her with a motorcycle helmet, threw bottles at her, and threatened to [redacted] Despite her repeated efforts to relocate within Colombia, [redacted] found her each time. Police refused to intervene, telling her this was "the kind of situation" she should expect because of her sexual orientation. With no protection from the state, Petitioner fled Colombia to save her life.

7. Petitioner entered the United States on or about March 12, 2023, immediately expressed fear, passed a credible-fear interview, and was served with a Notice to Appear initiating full removal proceedings under 8 U.S.C. § 1229a. DHS affirmatively released her on her own recognizance under 8 U.S.C. § 1226(a) after determining she posed no danger or flight risk. Her

case was routed to the San Francisco Immigration Court, where she has diligently pursued her asylum claim ever since.

8. For more than two years, Petitioner lived openly and continuously in the Bay Area. She secured steady employment as a nanny, providing daily care to a young child whose family relied heavily on her support. She built deep and affirming social networks, including helping organize a women's skating group that became a community hub for dozens of women seeking safety, belonging, and routine.

9. She timely filed her Form I-589 on March 13, 2024, more than a year before ICE re-detained her, and consistently maintained communication with the San Francisco Immigration Court and with counsel. Her filing included extensive documentation—witness declarations, country-conditions evidence, psychological evaluations, and medical records—demonstrating both the seriousness of her claim and her full engagement with the legal process. Her long-pending I-589 further confirms that DHS understood she was in full § 240 removal proceedings and that her custody was governed by 8 U.S.C. § 1226(a), not § 1225(b).

10. In 2024, Petitioner was the victim of a violent assault in the United States, suffering a traumatic brain injury ("TBI") after being struck in the head with a rock. Medical documentation reflects ongoing symptoms, including heightened cold sensitivity, disrupted sleep, chronic headaches, and stress-reactive anxiety—conditions that detention settings, particularly at the California City Detention Center, consistently exacerbate.

11. During her two years of release, Petitioner maintained perfect compliance with every ICE check-in. She never missed an appointment, never attempted to evade supervision, never changed addresses without notice, and never violated the conditions of release. She has no criminal convictions. Although she had a prior law-enforcement contact that was resolved with community service, she complied fully and has no record of violence or conduct suggesting she is a danger or flight risk.

12. Despite this flawless record, on October 3, 2025, at a routine six-month ICE check-in—the same type she had attended consistently for two years—ICE officers abruptly detained her without notice, without explanation, and without any allegation of changed circumstances. She was transferred to the remote California City Detention Center, more than four hours from her home, employer, medical providers, and support network. The re-detention caused immediate and severe disruption: she lost her job, was separated from the child she cared for, cut off from her community and family, and subjected to cold, isolating conditions that worsen her TBI symptoms.

13. Nothing about Petitioner's conduct supports re-detention. She did not abscond, commit any new offense, violate supervision, or engage in behavior suggesting danger. Her abrupt seizure was entirely untethered to any change in circumstances, and ICE has provided no lawful justification. Her continued detention destabilizes her asylum preparation, jeopardizes her medical well-being, and imposes harms far beyond what is permissible in civil immigration custody.

LEGAL STANDARD

14. Petitioner Hortua is entitled to a temporary restraining order if she establishes that he is "likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [his] favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining order standards are "substantially identical").

15. Even if Petitioner does not show a likelihood of success on the merits, the Court may still grant a temporary restraining order if he raises "serious questions" as to the merits of his claims, the balance of hardships tips "sharply" in his favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

16. As set forth below, Petitioner overwhelmingly satisfies these standards.

ARGUMENT

PETITIONER HORTUA WARRANTS A TEMPORARY RESTRAINING ORDER

17. A temporary restraining order should issue if "immediate and irreparable injury, loss, or irreversible damage will result" absent relief. Fed. R. Civ. P. 65(b). The purpose is to prevent irreparable harm before the Court can hold a preliminary-injunction hearing. *Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974). Here, without intervention, Ms. Hortua will remain in unlawful custody—detained under a statutory regime that does not apply to her and without any bond hearing—in violation of the INA and the Due Process Clause.

18. Every additional day of confinement inflicts irreparable harm.

I. Petitioner Hortua Is Being Detained in Violation of Due Process Because She Is Neither a Danger Nor a Flight Risk.

19. Petitioner's continued detention is unconstitutional because the Government lacks any lawful basis to conclude that she poses a danger or flight risk. The Fifth Amendment prohibits civil immigration detention where the Government cannot justify confinement by clear and convincing evidence of necessity. *Zepeda-Luna v. Lynch*, 836 F.3d 1007, 1011–12 (9th Cir. 2016); *Hernandez v. Sessions*, 872 F.3d 976, 990–92 (9th Cir. 2017). Civil immigration detention, being nonpunitive, may be justified only when it serves legitimate regulatory goals—such as ensuring appearance or protecting the public—and only when accompanied by adequate procedural safeguards. *Id.* at 690; *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017).

20. The Supreme Court has recognized that noncitizens may bring as-applied challenges to detention, including so-called "mandatory" detention. *Demore v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring) ("Were there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or

dangerousness, but to incarcerate for other reasons."); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019) ("Our decision today on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—that is, constitutional challenges to applications of the statute as we have now read it.").

21. **Petitioner has demonstrated exemplary compliance and community stability.** For more than two years, Petitioner lived openly, peacefully, and continuously in the Bay Area after DHS released her on her own recognizance under § 1226(a). She attended every single ICE check-in, never missed a hearing or filing deadline, consistently updated her address, and maintained regular contact with both counsel and the immigration court. She worked steadily as a nanny, was deeply embedded in her community, and provided caregiving support that her employer and the child she assisted relied on every day. She has substantial and documented ties to the community, including a naturalized U.S.-citizen cousin, close friends who have offered housing and transportation, and a broad social network formed through her involvement in a women's skating group.

22. Courts in this District consistently find that individuals with this level of stability are not flight risks as a matter of law. *See, e.g., Hernandez v. Wofford*, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at *2–4* (E.D. Cal. Aug. 21, 2025) (finding no flight risk where petitioner maintained years of residence and consistent ICE compliance); *Pablo Sequen v. Albarran,* No. 25-cv-06487-PCP, 2025 WL 2935630, at *4–7* (N.D. Cal. Oct. 15, 2025); *Valencia Zapata v. Kaiser,* No. 25-cv-07492-RFL, 2025 WL 2741654, at *1, *5–7* (N.D. Cal. Sept. 26, 2025). Petitioner's record is stronger than the petitioners' in each of those cases.

23. **Petitioner has no criminal convictions and no history suggesting danger.** Petitioner has no criminal convictions whatsoever. Her only law-enforcement contact was resolved through community service—an outcome reflecting that the conduct was minor, non-violent, and not indicative of danger. DHS was aware of this contact during her two years of release and

continued her supervision without incident, further demonstrating that the agency itself did not view her as a public-safety concern.

24. The Ninth Circuit has long recognized that civil immigration detention must be narrowly tailored and cannot be justified by speculative or generalized assertions of dangerousness. *Zadvydas v. Davis*, 533 U.S. 678, 690–92 (2001); *Hernandez v. Sessions*, 872 F.3d at 991–92. Recent district-court decisions involving misclassification re-detentions have reiterated this rule: "[T]he Government may not detain a noncitizen absent concrete, individualized evidence of danger." *Hernandez*, 2025 WL 2420390 at 12. No such evidence exists here.

25. **DHS's abrupt re-detention occurred without any changed circumstances.** The Government may not revoke conditional release absent a material change in circumstances, supported by new evidence, and accompanied by notice and an opportunity to be heard. *See Hernandez*, 2025 WL 2420390, at 18–20; *Pablo Sequen v. Albarran,*, 2025 WL 2935630, at 7–9.

26. Petitioner's October 3, 2025 seizure occurred at a routine check-in—the same type of appointment she had attended consistently for more than two years—and DHS has identified no change in conduct, no new information, no alleged violation, and no new concern that could justify re-detention.

27. Where, as here, re-detention is "summary, unexplained, and supported by no evidence of changed circumstances," courts in this District uniformly find a due-process violation. *See Valencia-Zapata*, 2025 WL 2741654, at 13–15 (C.D. Cal. 2025) (ordering immediate release where DHS re-detained a compliant noncitizen years after release without any explanation or incident).

28. Petitioner's flawless compliance record, absence of danger, and strong community ties—combined with the complete lack of changed circumstances—make her detention unconstitutional as a matter of law.

29. **Because Petitioner is neither a danger nor a flight risk, continued detention is arbitrary and impermissible under the Fifth Amendment.** Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Government must justify deprivations of liberty with procedures that meaningfully reduce the risk of error. Civil immigration detention—among the most severe forms of governmental restraint—requires heightened procedural safeguards. *Hernandez v. Sessions*, 872 F.3d at 990–92. Yet DHS provided Petitioner no notice, no explanation, and no opportunity to contest her re-detention before seizing her at a scheduled check-in.

30. The Government cannot detain a noncitizen without procedural protections and without any evidence supporting the only permissible bases for civil detention—danger or flight risk. *See Zadvydas*, 533 U.S. at 690; *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081, 1091–92 (9th Cir. 2011). Petitioner's confinement thus fails the Due Process Clause on its face.

II. Hortua is Likely to Succeed on the Independent Due-Process Claim that the Constitution Requires a Pre-Deprivation Hearing Before Re-Detention.

31. Petitioner is overwhelmingly likely to succeed on her claim that DHS violated the Fifth Amendment when it abruptly re-detained her on October 3, 2025, without notice, without an opportunity to be heard, and without any assertion—let alone proof—of changed circumstances indicating danger or flight risk. The Constitution does not permit ICE to re-incarcerate a person who has lived at liberty for more than two years, complied with all supervision obligations, and built deep community ties, absent a pre-deprivation hearing before a neutral adjudicator, where the government bears the clear-and-convincing burden to show that circumstances have materially changed. See *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the requirements of due process").

32. Federal courts in California that confronted re-detention scenarios materially identical to this one—have held that due process requires precisely these safeguards. *See Hernandez v.*

Wofford, No. 1:25-cv-00986-KES-CDB (HC), 2025 WL 2420390, at *18–20* (E.D. Cal. Aug. 21, 2025); *Pablo Sequen v. Albarran,* No. 25-cv-06487-PCP, 2025 WL 2935630, at *7–9* (N.D. Cal. Oct. 15, 2025); *Valencia Zapata v. Kaiser*, No. 25-cv-07492-RFL, 2025 WL 2741654, at 5–7 (N.D. Cal. Sept. 26, 2025). ICE provided Petitioner none of these constitutional protections.

ICE's statutory authority to revoke release is constrained by constitutional due process and Ms. Hortua's liberty interest mandate release

33. Although 8 U.S.C. § 1226(b) and 8 C.F.R. § 236.1(c)(9) permit DHS to "at any time" revoke a prior release, the BIA has long recognized an implicit limitation on this authority: DHS may not re-detain a noncitizen unless there has been a material change in circumstances. *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981). Federal courts confirm that DHS's own practice mirrors this rule. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd*, 905 F.3d 1137 (9th Cir. 2018). The Ninth Circuit likewise assumes that "absent changed circumstances … ICE cannot redetain" a previously released individual. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021).

34. But due process requires more than *Sugay*. See *Hernandez v. Sessions*, 872 F.3d at 981. District courts have repeatedly recognized that where, as here, a noncitizen has been living at liberty for an extended period, due process requires ICE to provide notice and a hearing before revocation, with the government bearing the clear-and-convincing burden to show danger or flight risk. *See, e.g., Ortega v. Bonnar,* 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings,* No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020*); Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021)*; Romero v. Kaiser,* No. 22-cv-02508-TSH, 2022 WL 1443250, at *3-4 (N.D. Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-detained, and required notice and a hearing before any re-detention); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction warranted preventing re-arrest at plaintiff's ICE

interview when he had been on bond for more than five years). *See also Doe v. Becerra,* No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal. Mar. 3, 2025) (holding the Constitution requires a hearing before any re-arrest).

35. Hortua was afforded none of these protections.

36. The Supreme Court has long recognized that conditional liberty—even when revocable—carries a constitutionally protected expectation that cannot be terminated without due process. *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Young v. Harper*, 520 U.S. 143, 152 (1997). In *Morrissey,* the Court emphasized that individuals living freely "form the other enduring attachments of normal life," and that termination of liberty without procedural protections inflicts a "grievous loss… on the parolee and often others." 408 U.S. at 482. These principles apply with even greater force in the civil immigration context, where detention cannot have a punitive purpose. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

37. In fact, it is well-established that an individual maintains a protectable liberty interest even where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process considerations support the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted to society, so it "would be inconsistent with fundamental principles of liberty and justice" to return him to prison) (internal quotation marks and citation omitted).

38. Here, when this Court "'compar[es] the release in [Ms. Hortua's case], with the liberty interest in parole as characterized by *Morrissey*,'" they bear similar features in liberty interests. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Ms. Hortua's release "enables [her] to do a wide range of things open to persons,'" including to live at home, work… and "be with

family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482.

39. As such, Ms. Hortua asserts that, here, (1) where her detention would be civil; (2) where she has been at liberty for fourteen months, during which time she has appeared at all of her immigration court earings; (3) where she has a viable asylum claim (4) where no change in circumstances exist that would justify her lawful detention; and (5) where the only circumstance that has changed was ICE's move to arrest as many people as possible under the new administration's initiative, due process mandates that she be released from her unlawful custody and receive notice and a hearing before a neutral adjudicator *prior* to any re-arrest or revocation of her custody release.

40. The Supreme Court's decision in *Mathews v. Eldridge*, 424 U.S. 319 (1976), provides the governing framework for determining what process is constitutionally required when the government seeks to deprive a person of liberty.

41. The Ninth Circuit applies the *Mathews* balancing test in the immigration-detention context, and district courts throughout the circuit have done so routinely. See, e.g., *Jensen v. Garland*, No. 5:21-cv-01195-CAS-AFM, 2023 WL 3246522, at *4 (C.D. Cal. May 3, 2023) (recognizing applicability of *Mathews* to prolonged immigration detention); *Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022); *Cordero Pelico v. Kaiser*, No. 25-CV-07286-EMC, 2025 WL 2822876, at *6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose, et al.,* No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Pinchi*, 2025 WL 2084921, at *3; *Aceros*, 2025 WL 2637503, at *5–13. *Oliveros v. Kaiser*, No. 25-CV-07117-BLF, 2025 WL 2677125, at *7 (N.D. Cal. Sept. 18, 2025); *O.P.A.M., v. WOFFORD*, No. 1:25-CV-01423 JLT SAB, 2025 WL 3120552, at *9 (E.D. Cal. Nov. 7, 2025).

42. Under *Mathews*, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335. *Vazquez v. Feeley*, 2025 WL 2676082, at *17 (D. Nev. Sept. 17, 2025)

a. Petitioner's Private Interest in Her Liberty Is Profound

43. Under *Morrissey* and its progeny, individuals conditionally released from serving a criminal sentence have a liberty interest that is "valuable." *Morrissey*, 408 U.S. at 482. In addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles her to constitutional due process before he is re-incarcerated—apply with even greater force to individuals like Ms. Hortua, who have been released pending civil removal proceedings, rather than parolees or probationers who are subject to incarceration as part of a sentence for a criminal conviction. Parolees and probationers have a diminished liberty interest given their underlying convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the parolee cannot be re-arrested without a due process hearing in which they can raise any claims they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*, 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, Ms. Hortua retains a truly weighty liberty interest even though he is under conditional release.

44. What is at stake in this case for Ms. Hortua is one of the most profound individual interests recognized by our legal system: whether ICE may unilaterally nullify a prior decision releasing a non-citizen from custody and be able to take away his physical freedom, i.e., his "constitutionally protected interest in avoiding physical restraint." *Singh v. Holder*, 638 F.3d

1196, 1203 (9th Cir. 2011) (internal quotation omitted). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects."); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

45. For more than two years, DHS permitted Ms. Hortua to live freely. During that time, she formed the "enduring attachments of normal life," Morrissey, 408 U.S. at 482:

a. A stable job as a nanny, providing daily childcare for a family that depended on her;
b. A home and stable residence in the Bay Area;
c. A tight-knit women's skating community she helped organize;
d. A network of emotional, medical, and social support following a decade of gender-based and homophobic violence in Colombia;
e. A fully filed asylum claim with corroborating evidence filed March 13, 2024; and
f. Perfect compliance with every ICE check-in.

46. "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). See also *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (same). For Ms. Hortua, the deprivation is particularly severe: she suffers from a traumatic brain injury, with symptoms—including cold sensitivity, sleep disruption, headaches, and stress-reactive anxiety—that are medically exacerbated by the cold, isolating conditions at California City. Her abrupt re-incarceration thus inflicts not only constitutional injury but concrete, compounding physical harm.

47. Thus, it is clear that there is a profound private interest at stake in this case, which must be weighed heavily when determining what process he is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.

b. Without Pre-Deprivation Process, the Risk of Erroneous Deprivation Is Unacceptably High—and a Neutral Hearing Would Dramatically Reduce That Risk

48. The risk of an erroneous deprivation of liberty is exceptionally high where, as here, DHS re-detains a noncitizen who has lived peacefully in the community for years without any allegation of changed circumstances, without notice, and without any opportunity to contest her loss of liberty. Ms. Hortua's circumstances had not meaningfully changed in the twenty-six months since DHS affirmatively released her under § 1226(a): she complied with every ICE check-in, maintained stable residence, pursued her asylum case through lawful channels, and accumulated no criminal convictions. Yet DHS abruptly seized her at a routine check-in and reclassified her as subject to "mandatory" § 1225(b) custody—without articulating any factual basis or pointing to any new evidence. Courts throughout this Circuit have consistently recognized that re-detention under identical circumstances carries an intolerably high risk of error. See *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017) (no re-detention absent changed circumstances); *Meza v. Bonnar*, 2018 WL 2554572, at *2–3 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 971–73 (N.D. Cal. 2019); *Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020).

49. That risk is even more acute when DHS misclassifies individuals long present in the interior as "arriving" § 1225(b)(2)(A) detainees. Multiple courts have held that such misclassification creates a "systemic risk of erroneous deprivation," because it bypasses the individualized custody process Congress prescribed in § 1226(a). *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01208 (E.D. Cal. Oct. 17, 2025); *Garcia v. Noem*, 2025 WL 2986672, at 5–6 (C.D. Cal. Oct. 22, 2025); *Cordero Pelico v. Kaiser*, 2025 WL 2822876, at 6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose*, 2025 WL 2800149, at 10 (S.D. Cal. Oct. 1, 2025); *Hernandez v. Wofford*, 2025 WL 2420390, at 3 (E.D. Cal. Aug. 21, 2025). Each recognizes that applying a border-detention scheme to long-term interior residents "invites arbitrary detention divorced from the

statute's purpose" and denies access to the neutral, evidence-based bond process required under § 1226(a).

50. A pre-deprivation hearing before a neutral adjudicator would sharply reduce this risk. As the Ninth Circuit has repeatedly emphasized, "a neutral judge is one of the most basic due process protections." *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), abrogated on unrelated grounds by *Fernandez-Vargas*. When "delicate judgments depending on credibility" are at issue, the "risk of error is considerable" if the government acts without adversarial testing. *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989). And the Ninth Circuit has already held that the use of a neutral decisionmaker dramatically decreases erroneous detention. *Diouf v. Napolitano (Diouf II)*, 634 F.3d 1081, 1091–92 (9th Cir. 2011).

51. Because DHS has offered no changed circumstances—and because the misclassification here removes Ms. Hortua from the statutory custody scheme governing her case—the risk of an erroneous deprivation without a pre-deprivation hearing is severe. A single § 1226(a) bond hearing, with the government bearing the clear-and-convincing burden, would nearly eliminate this risk. See *Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022). At minimum, these circumstances raise "serious questions" going to the merits and therefore satisfy Winter and *Alliance for the Wild Rockies*, 632 F.3d at 1135.

c. The Government's Interest in Re-Incarcerating Petitioner Without a Hearing Is Minimal, and the Burden of Providing a Hearing Is Negligible

52. The government's interest in detaining Ms. Hortua without a pre-deprivation hearing is exceedingly low, and the minimal burdens associated with providing such a hearing weigh decisively in her favor under *Mathews*. Immigration detention is civil and "nonpunitive in purpose and effect," justified only to prevent danger or ensure appearance. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). DHS itself determined in 2023 that Ms. Hortua was neither a danger nor a flight risk when it released her on her own recognizance under § 1226(a), and nothing in

the intervening twenty-six months undermined that judgment. She committed no new offenses, maintained a stable address, complied with every ICE check-in, and pursued her asylum case diligently. As the Ninth Circuit has emphasized, "the government has no legitimate interest in detaining individuals who have been determined not to be a danger to the community and whose appearance at future immigration proceedings can be reasonably ensured by a lesser bond or alternative conditions." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017). Providing a bond hearing is not burdensome—it is the routine mechanism Congress established under § 1226(a), and immigration courts conduct such hearings every day. See *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018). Courts repeatedly hold that the government cannot claim an interest in bypassing constitutionally required safeguards. See *Cordero Pelico v. Kaiser*, 2025 WL 2822876, at *6* (N.D. Cal. Oct. 3, 2025) ("the government cannot claim a cognizable interest in avoiding procedures that ensure compliance with the Constitution"); *Baird v. Garland*, 81 F.4th 95, 104 (9th Cir. 2024) ("courts cannot allow constitutional violations to persist merely because a remedy would intrude on agency administration"). Nor can ICE rely on generalized enforcement priorities or volume-based arrest initiatives to justify overriding an individual's liberty interest. See *Morrissey v. Brewer*, 408 U.S. 471, 483 (1972) (even where the State's interest in reincarceration is significant, it must provide "informal procedural guarantees").

53. Providing Ms. Hortua a pre-deprivation hearing—or releasing her until such a hearing occurs—imposes only a de minimis administrative burden while dramatically reducing the risk of erroneous detention. Indeed, it is far less costly and burdensome than continued confinement; as the Ninth Circuit has noted, the public cost of immigration detention is "staggering," averaging $158 per detainee per day. *Hernandez*, 872 F.3d at 996. When detention serves no individualized purpose, the government's interest "carries little weight." *Vazquez v. Feeley*, 2025 WL 2676082, at *21*; *Lopez Benitez v. Francis*, 2025 WL 2371588, at *13* (S.D.N.Y. Aug. 13, 2025). Courts in nearly identical circumstances have ordered immediate release or, at minimum,

a § 1226(a) bond hearing within seven days. See *Roman v. Noem*, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Maldonado Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY (D. Nev. Sept. 17, 2025); *Hernandez v. Wofford*, 2025 WL 2420390, at *8* (E.D. Cal. Aug. 21, 2025); *E.C. v. Noem*, No. 2:25-cv-01789-RFB-BNW (D. Nev. Oct. 14, 2025); *Carlos v. Noem*, No. 2:25-cv-01900-RFB-EJY (D. Nev. Oct. 10, 2025). The government gains nothing—legally or administratively—from detaining a fully compliant, non-dangerous resident without process. Because Ms. Hortua's liberty interest is profound, the risk of error is high, and the government's countervailing interest is negligible, the *Mathews* balance weighs heavily in favor of immediate release or, at minimum, a prompt § 1226(a) bond hearing at which DHS bears the clear-and-convincing burden.

III. PETITIONER IS LIKELY TO SUCCEED ON HIS STATUTORY CLAIM: § 1226(A) GOVERNS; § 1225(B) DOES NOT

54. Petitioner is overwhelmingly likely to prevail on her statutory claim because she is, and always has been, a § 1226(a) noncitizen in full § 240 removal proceedings—not a § 1225(b) applicant for admission subject to mandatory detention.

55. DHS made this determination over two years ago when it: (1) issued her an NTA initiating full removal proceedings under § 1229a, and (2) affirmatively released her on her own recognizance under § 1226(a) after finding no danger or flight risk.

56. Courts uniformly treat release on recognizance as conditional parole under § 1226(a) and hold that the government cannot retroactively reclassify such individuals as § 1225(b) detainees. See *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115–16 (9th Cir. 2007) (holding that a noncitizen released on an "Order of Release on Recognizance" pursuant to INA § 236 "was conditionally paroled under the authority of § 1226(a)"); *Lopez Benitez,* 2025 WL 2371588, at *4 (noting that "[r]elease on recognizance ... is a form of conditional parole from detention, authorized under § 1226"); *Martinez v. Hyde,* 792 F. Supp. 3d 211, 215 (D. Mass. 2025) (explaining that "Petitioner's Order of Release does not indicate that she was examined or

detained under section 1225 but instead explicitly premises her release on section 1226 ('[i]n accordance with section 236 of the Immigration and Nationality Act' ")) (quoting 8 U.S.C. § 1226). Thus, "the detention authority consistently applied by the government to [Petitioner] since [his] arrival in the United States has always been § 1226." *Salcedo Aceros v. Kaiser,* Case No. 25-cv-06924-EMC (EMC), 2025 WL 2637503, at *8 (N.D. Cal. Sept. 12, 2025).

57. Section 1225(b) does not apply to Petitioner. She had been residing in the United States for more than two years, maintaining perfect compliance, and was arrested at a routine ICE check-in—"an act of compliance, not an attempt to gain admission." *Ledesma Gonzalez v. Bostock,* 2:25-cv-01404-JNW-GJL, 2025 WL 2841574, at *3 (W.D. Wash. Oct. 7, 2025).

58. The vast majority of courts—analyzing the text, structure, agency application, and legislative history of the two statutes—have found that § 1226(a) applies in this scenario. *Helal v. Janecka*, No. 5:25-CV-02650-HDV-JC, 2025 WL 3190132, at *4 (C.D. Cal. Oct. 24, 2025); *See, e.g., Zaragoza Mosqueda*, 2025 WL 2591530, at *4–5; *Benitez*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025) at 4–5; *Ceja Gonzalez*, No. 5:25-cv-02054-ODW-ADS (C.D. Cal. Aug. 13, 2025) at 6– 9; *Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025) at 7–8; *J.S.H.M.*, No. 1:25-CV-01309-JLT-SKO (E.D. Cal. Oct. 16, 2025) at 14–20; *Salcedo Aceros v. Kaiser*, No. 25-cv-06924-EMC, 2025 WL 2637503, at *7–12 (N.D. Cal. Sept. 12, 2025); *Garcia v. Noem*, No. 25-cv-02180-DMS-MMP, 2025 WL 2549431, at *6 (S.D. Cal. Sept. 3, 2025); *Rosado v. Figueroa*, No. 25-CV-02157-PHX-DLR-CDB, 2025 WL 2337099, at *6–11 (D. Ariz. Aug. 11, 2025); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1255–61 (W.D. Wash. 2025); *Barrajas*, 2025 WL 2717650, at *3–5; *Hasan v. Crawford*, No. 1:25-cv-1408-LMB-IDD, 2025 WL 2682255, at *5–9 (E.D. Va. Sept. 19, 2025); *Salazar v. Dedos*, No. 1:25-cv-00835-DHU-JMR, 2025 WL 2676729, at *4 (D.N.M. Sept. 17, 2025); *Garcia Cortes*, 2025 WL 2652880, at *2–3; *Pizarro Reyes v. Raycraft*, No. No. 25-cv-12546, 2025 WL 2609425, at *4–8 (E.D. Mich. Sept. 9, 2024); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL

2430025 (D. Md. Aug. 24, 2025), at *8–10; *Romero v. Hyde*, No.: 1:25-cv-02428-JRR, 2025 WL 2403827, at *8–13 (D. Mass. Aug. 19, 2025).[1]

59. Critically, ICE identifies no changed circumstances that could justify re-detention under § 1226(a). Federal courts addressing nearly identical "track-switching" re-detentions have held that DHS cannot revoke § 1226(a) release or invoke § 1225(b) years later absent new evidence of danger or flight risk. See *Cordero Pelico v. Kaiser*, 2025 WL 2822876, at *8* (N.D. Cal. 2025); *Faizyan v. Casey*, 2025 WL 3208844, at *4–6* (S.D. Cal. 2025).

60. Because DHS's own documents, conduct, and procedural posture confirm that § 1226(a)—not § 1225(b)—governs Petitioner's custody, and because ICE's sudden re-labeling is legally foreclosed, Petitioner is likely to succeed on the merits of her statutory claim.

IV. PETITIONER HORTUA WILL SUFFER IRREPARABLE HARM ABSENT A TRO

61. Petitioner faces immediate and compounding irreparable harm every day she remains in unlawful detention. It is "well established that the deprivation of constitutional rights

---

[1] What is more, the Central District of California recently certified the Bond Eligible Class in *Maldonado Bautista v. Santacruz*, confirming that individuals who entered without inspection, were not apprehended at the border, and are not subject to §§ 1226(c), 1225(b)(1), or 1231 must be processed under § 1226, not § 1225. No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025). The court held that DHS's contrary view—i.e., that § 1225(b)(2) authorizes mandatory detention of this population—"runs counter to the plain language of the INA, foundational principles of statutory interpretation, and the INA's statutory scheme." *Id.* And the certified class expressly includes all such individuals "at the time DHS makes an initial custody determination," directly mirroring Petitioner's circumstances. *Id.* This persuasive, classwide ruling further confirms that Petitioner's custody is governed exclusively by § 1226.

'unquestionably constitutes irreparable injury.'" *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). When a deprivation of physical liberty is at issue, "most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005). Numerous courts applying these principles in materially identical re-detention cases have held that likely-unconstitutional immigration detention automatically satisfies the irreparable-harm requirement. See *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1037 (N.D. Cal. 2025) ("It follows inexorably" that unconstitutional re-detention "carries [the] burden as to irreparable harm."); *Orozco Acosta v. Albarran*, 2025 WL 3114454, at *3* (N.D. Cal. Nov. 6, 2025) ("The loss of physical liberty for even minimal periods unquestionably constitutes irreparable injury."); *Sharan S. v. Chestnut*, 2025 WL 3167826, at *11* (E.D. Cal. Nov. 12, 2025).

62. That doctrine applies with full force here. Petitioner is detained under the wrong statute, denied the procedures Congress provided under § 1226(a), and deprived of any pre-deprivation hearing despite more than two years of perfect compliance. Under *Hernandez*, this due-process violation is itself irreparable harm. See 872 F.3d at 995; see also *Cordero Pelico v. Kaiser*, 2025 WL 2822876, at *9* (N.D. Cal. 2025) (unlawful re-detention without changed circumstances "constitutes irreparable constitutional injury"); *Lopez Benitez v. Francis*, 2025 WL 2371588, at *12* (S.D.N.Y. 2025) (same).

63. Petitioner also faces serious and concrete harms independent of the constitutional injury. She suffers from a documented traumatic brain injury ("TBI"), with symptoms—including heightened cold sensitivity, chronic headaches, disrupted sleep, and stress-reactive anxiety—that are directly aggravated by detention conditions at the California City facility. Courts have repeatedly held that medical deterioration caused by detention constitutes irreparable harm. See *Valencia-Zapata v. Kaiser*, 2025 WL 2741654, at *13–14* (N.D. Cal. 2025) (releasing trauma survivor whose symptoms worsened in detention); *Hernandez v. Wofford*, 2025 WL 2420390, at

10–12 (E.D. Cal. 2025) (finding irreparable harm where detention exacerbated underlying physical and mental-health conditions); *Helal v. Janecka*, 2025 WL 3190132, at *4–5* (C.D. Cal. Oct. 24, 2025) (subpar medical care and worsening conditions constitute irreparable harm).

64. Detention has also severed the stabilizing structures of Petitioner's life—her job as a nanny, the child who relied on her daily care, and the women's skating community that formed the core of her emotional support after years of gender-based violence. Courts recognize that the loss of employment, caregiving responsibilities, and community stability are forms of irreparable harm. See *Pablo Sequen v. Albarran*, 2025 WL 2935630, at *8* (N.D. Cal. 2025) (loss of work, community, and daily structure constitutes irreparable injury); *Hernandez v. Wofford*, 2025 WL 2420390, at *12* (same). These harms cannot be repaired through later relief.

65. Her detention also impairs her ability to pursue her asylum claim, which depends on access to counsel, mental-health care, witness statements, and trauma-informed preparation. Courts repeatedly find that interfering with a noncitizen's ability to pursue immigration relief constitutes irreparable injury. See *Roman v. Noem*, 2025 WL 2710211, at *5* (D. Nev. 2025); *Maldonado Vazquez v. Feeley*, No. 2:25-cv-01542 (D. Nev. Sept. 17, 2025); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 975–76 (N.D. Cal. 2019).

66. The psychological harm is likewise profound. A survivor of a decade of stalking and assault, Petitioner had finally achieved stability, safety, and support during two years of release. ICE's sudden seizure at a routine check-in retraumatized her. Courts in this Circuit recognize that re-detention of trauma survivors inflicts irreparable psychological injury. See *Valencia-Zapata*, 2025 WL 2741654, at *14*; *Jorge M. F. v. Wilkinson*, 2021 WL 783561, at *2* (N.D. Cal. 2021).

67. Finally, the Ninth Circuit is unequivocal: immigration detention itself inflicts harms that are inherently irreparable, including the economic and psychological burdens of confinement, disruption of family life, and the notorious inadequacy of medical and mental-health care in ICE

facilities. *Hernandez*, 872 F.3d at 995. Every additional day of detention deepens these harms. See *Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) (each day without a bond hearing is irreparable harm); *Singh v. Andrews*, 2025 WL 3228139, at *4–5* (E.D. Cal. Nov. 19, 2025) (same).

68. Federal courts are uniform: every day of unlawful immigration detention constitutes irreparable harm. *Hernandez v. Wofford*, 2025 WL 2420390, at *12*; *Cordero Pelico*, 2025 WL 2822876, at *9*; *Valencia-Zapata*, 2025 WL 2741654, at *14*. The harms here—medical, psychological, constitutional, and practical—are immediate, ongoing, and profound. Immediate injunctive relief is required.

V. THE BALANCE OF EQUITIES STRONGLY FAVOR A TRO

69. The remaining Winter factors—the balance of equities and the public interest—merge when the government is the opposing party and both weigh decisively in favor of immediate injunctive relief. Courts across the Ninth Circuit consistently hold that preventing unlawful detention, preserving constitutional protections, and ensuring procedural fairness are paramount public interests that far outweigh any administrative inconvenience to the government.

70. "It is always in the public interest to prevent the violation of a party's constitutional rights." *Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 838 (9th Cir. 2020) (quoting *Padilla v. ICE*, 953 F.3d 1134, 1147–48 (9th Cir. 2020)). The Ninth Circuit has repeatedly confirmed that the public has "a strong interest in upholding procedural protections against unlawful detention," and that the "costs to the public of immigration detention are staggering." *Jorge M. F. v. Wilkinson*, 2021 WL 783561, at *3* (N.D. Cal. Feb. 27, 2021). The public interest therefore favors relief because Petitioner is being detained under the wrong statutory scheme, without process, and in violation of due process.

71. Conversely, the government "cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations." *Zepeda v. INS*, 753 F.2d 719,

727 (9th Cir. 1983). Any claimed harm is minimal and purely logistical: a brief delay in detaining Petitioner unless and until the government can demonstrate to a neutral adjudicator, by clear and convincing evidence, that detention is justified. Courts in similar re-detention cases expressly reject the government's argument that delayed custody constitutes substantial harm. See *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1037–38 (N.D. Cal. 2025); *Diaz v. Kaiser*, 2025 WL 1676854, at *3* (N.D. Cal. June 14, 2025).

72. By contrast, the harm to Petitioner is profound. Without relief, she faces prolonged detention under the wrong statute, despite two years of perfect compliance, deep community ties, a pending asylum case, and a traumatic brain injury that is worsening in custody. As courts emphasize, "unlawful detention certainly constitutes 'extreme or very serious' injury" that cannot be repaired. *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017). When the choice is between "minimally costly procedures" for the government and "preventable human suffering," the balance of hardships "tips decidedly in plaintiffs' favor." *Singh v. Andrews*, 2025 WL 1918679, at *9* (quoting *Hernandez*, 872 F.3d at 996).

73. Because Petitioner faces unlawful re-detention that threatens her health, stability, and constitutional rights—and because the government suffers no cognizable injury from complying with the law—the balance of equities and the public interest overwhelmingly favor granting a TRO.

CONCLUSION

74. For all the reasons set forth above, this Court should grant Petitioner a temporary restraining order and preliminary injunction ordering that Respondents:

(1) immediately release her from unlawful custody;

(2) refrain from re-arresting or re-detaining her unless and until she is afforded a hearing before a neutral adjudicator at which the Government must prove, by clear and convincing evidence, that she poses a danger or flight risk and that detention is the least restrictive means of ensuring her

appearance and community safety;

(3) refrain from removing her or sending her to any place outside of the United States while these proceedings remain pending; and

(4) refrain from transferring her out of this District or to any other detention facility while this action is pending, absent further order of the Court.

Dated: November 28, 2025

Respectfully submitted,

Frances Arroyo #276747
Los Angeles Legal Advocates
farroyo@lalegaladvocates.com
1025 W 190th St
Suite 400
Gardena, CA 90248

Natalie Renee Shepherd
Of Counsel
(805) 907-5309
NatalieReneeShepherd@gmail.com

EXHIBIT LIST

Exhibit A: Filed Bond Packet

Exhibit B: Notice to Appear (issued 2023)

Exhibit C: November 20, 2025 Immigration Judge Bond Denial (Order finding no jurisdiction under *Matter of Yajure Hurtado*)

Exhibit D: Form I-589 Application for Asylum and Withholding of Removal (filed March 13, 2024)