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Counsel for Petitioners

**UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA**

Jaime BARCENAS DOMINGUEZ; Pedro  
MACIAS NAVARRO; Victor Manuel  
JUAREZ BEDOLLA; Adolfo HILARIO;  
Evelio HILARIO; Ponciano GONZALEZ DE  
LA CRUZ; Gilberto ROSAS BELLO;  
Miguel Angel GUILLEN PEREZ; Hariom  
RANA; Erika Rocio Vidrio Velasquez;

Petitioners,

v.

Kristi NOEM, Secretary, Department of  
Homeland Security; Todd LYONS, in his  
official capacity as Acting Director of U.S.  
Immigration and Customs Enforcement; Pam  
BONDI, Attorney General of the United  
States; Jaime RIOS, Director, Los Angeles  
ICE Field Office; and Fereti SEMAIA,  
Warden, Adelanto ICE Processing Center.

Respondents.

Case No.

PETITIONERS' *EX PARTE*  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE RE: PRELIMINARY  
INJUNCTION

1 For the reasons explained in the accompanying Memorandum of Points  
2 and Authorities, Petitioners hereby make this *Ex Parte* Application for a  
3 Temporary Restraining Order and Order to Show Cause Re: Preliminary  
4 Injunction pursuant to Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705.  
5 Petitioners are in pending removal proceedings and charged with having entered  
6 the United States without authorization. Despite this Court's orders of partial  
7 summary judgment and class certification in *Maldonado Bautista v. Santacruz*,  
8 5:25-CV-01873-SSS-BFM (C.D. Cal.), the immigrations courts are refusing to  
9 find jurisdiction to hold bond redetermination hearings, and instead are applying  
10 the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29  
11 I&N Dec. 216 (BIA 2025), to find that individuals who entered the United States  
12 without inspection or subject to mandatory detention under 8 U.S.C. § 1225(b).

13 This legal determination was rejected by the Court in *Maldonado Bautista*  
14 *v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 at 12. The Court  
15 then went on to apply that ruling when it granted class certification on  
16 November 25, 2025. *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-  
17 BFM (C.D. Cal.), Dkt # 82 at 14. Nevertheless, the Adelanto immigration court  
18 continues to deny bond for lack of jurisdiction because there is no final decision  
19 on class-wide relief.

20 Despite the orders in *Maldonado Bautista*, the immigration courts are  
21 adhering to the Board of Immigration Appeals' precedent decision in *Matter of*  
22 *Yajure Hurtado*, which holds that the immigration courts lack jurisdiction to  
23 consider bond for noncitizens in removal proceedings who are charged with  
24 having entered the United States without inspection or admission. This holding  
25 violates the Immigration and Nationality Act and due process. Petitioners now  
26 seek a temporary restraining order requiring that the immigration judge hold a  
27 bond hearing and not deny bond due to lack of jurisdiction under 8 U.S.C. §  
28 1225(b)(2)(A). Expedited relief is necessary to prevent irreparable injury before

1 a hearing on a preliminary injunction may be held.

2 Petitioners request that the Court issue a temporary restraining order  
3 and order to show cause re: preliminary injunction in the form of the proposed  
4 order submitted concurrently with this Application. This Application is based on  
5 the Petition for Writ of Habeas Corpus, Memorandum of Points and Authorities,  
6 and the declaration and exhibits in support thereof.

7 Respondents were advised on December 5, 2025 that Petitioners would  
8 be filing this ex parte application and of the contents of this application. Brewer  
9 Decl. ¶ 3. See Local Rule 17-19.1.

10 Counsel for Respondents is as follows:

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12 Deputy Chief, Complex and Defensive Litigation Section  
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16 Dated: December 5, 2025

/s/ Megan Brewer

Megan Brewer

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1  
2 **I. INTRODUCTION**

3 Petitioners are ten individuals in pending removal proceedings who are  
4 detained in Adelanto, California. They seek a Temporary Restraining Order that  
5 requires Respondents to provide them with individualized bond hearings before an  
6 immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days of the  
7 issuance of a TRO.

8 Although Petitioners have been present and residing in the United States for  
9 years, they are detained by immigration authorities and subject to a pending  
10 removal hearing, and ineligible for a bond hearing based on the Board of  
11 Immigration Appeals precedent decision in *Matter of Yajure Hurtado*, 29 I&N  
12 Dec. 216 (BIA 2025). That precedent decision holds that noncitizens who entered  
13 the United States without inspection are ineligible for bond redetermination  
14 hearings because they are seeking admission, and fall within 8 U.S.C. §  
15 1225(b)(2)(A). It is entirely futile for Petitioners to request a bond hearing or  
16 appeal in light of this precedent decision. Without this Court's intervention, they  
17 will be subject to mandatory detention during the duration of their removal case  
18 based on *Matter of Yajure Hurtado*.

19 This Court has rejected the reasoning of *Matter of Yajure Hurtado* in a  
20 ruling granting partial summary judgment. *Maldonado Bautista v. Santacruz*, 5:25-  
21 CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81. The Court then granted nationwide  
22 class certification on November 25, 2025, and explicitly stated that its ruling on  
23 partial summary judgment applied to the certified class. *Maldonado Bautista v.*  
24 *Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 82 at 14. Despite this, the  
25 Adelanto immigration court is refusing to apply *Maldonado Bautista* because it is  
26 not a final judgment. Brewer Dec. Exh. 11. In fact, this is the policy represented by  
27 the Department of Justice itself in federal court. Brewer Dec. Exh. 12. The refusal  
28 to provide a bond hearing under 8 U.S.C. § 1226(a) is a violation of *Maldonado*

1 *Bautista.*

2 In addition, almost every court to address this legal issue has held that the  
3 denial of bond hearings to Petitioners who are charged with having entered the  
4 United States without inspection violates the plain language of the Immigration and  
5 Nationality Act (INA), 8 U.S.C. § 1101 et seq. Rodriguez v. Bostock, No. 3:25-CV-  
6 05240-TMC, 2025 WL 2782499, at \*9 (W.D. Wash. Sept. 30, 2025); *Mosqueda v.*  
7 *Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530, at \*3 (C.D. Cal. Sept.  
8 8, 2025); *Vasquez Garcia v. Noem*, 3:25-cv-02180-DMS-MMP (SD. Cal. Sept. 3,  
9 2025); *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS) C.D. Cal. Aug. 26, 2025);  
10 *Arrazola Gonzalez v. Noem*, 5:25-cv-01789-ODW-DFM (C.D. Cal. Aug. 15, 2025);  
11 *Maldonado Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28,  
12 2025); *Carmona-Lorenzo v. Trump*, No. 4:25CV3172, 2025 WL 2531521, at \*2 (D.  
13 Neb. Sept. 3, 2025); *Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2 (D.  
14 Neb. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL  
15 2496379, at \*8 (E.D. Mich. Aug. 29, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
16 (ECT/DJF), 2025 WL 2466670, at \*6 (D. Minn. Aug. 27, 2025); *Kostak v. Trump*,  
17 No. CV 3:25-1093, 2025 WL 2472136, at \*3 (W.D. La. Aug. 27, 2025); *Rodriguez*  
18 *v. Bostock*, 2025 WL 1193850 (W.D. Wa. Apr. 24, 2025).

19 The Court must find that 8 U.S.C. § 1225(b)(2)(A) does not apply to  
20 individuals like Petitioners who previously entered and are now residing in the  
21 United States. Instead, such individuals are subject to a different statute, § 1226(a),  
22 that allows for release on bond or conditional parole. Section 1226(a) expressly  
23 applies to people who, like Petitioners, are charged as removable for having  
24 entered the United States without inspection and being present without admission.

25 The ongoing detention of Petitioners without a bond hearing is depriving  
26 Petitioners of statutory and constitutional rights and unquestionably constitutes  
27 irreparable injury.

28

1 Petitioners therefore seek a Temporary Restraining Order enjoining  
2 Respondents from continuing to detain them unless Petitioners are provided an  
3 individualized bond hearing before an immigration judge pursuant to 8 U.S.C. §  
4 1226(a) within seven days of the TRO, with instructions that the immigration  
5 judge has jurisdiction under 8 U.S.C. § 1226(a) to consider bond.

6  
7 **II. STATEMENT OF FACTS**

8 Petitioners are ten individuals in removal proceedings who are detained in  
9 Adelanto, California, and are all charged with having entered the United States  
10 without inspection under 8 U.S.C. § 1182(a)(6)(A)(i).

11 Petitioner Jaime Barcenas Dominguez was arrested by immigration  
12 authorities and placed into removal proceedings on September 15, 2025. Brewer  
13 Dec. Exh. 1. He is detained at the Adelanto detention center and has been issued a  
14 Notice to Appear which alleges that he entered the United States without  
15 inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec. Exh. 1. He is in  
16 pending removal proceedings and has a hearing scheduled for January 14, 2025.  
17 However, according to the policy of the Executive Office for Immigration review,  
18 which houses immigration judges, he is not eligible for a bond redetermination  
19 hearing before an immigration judge in light of the Board of Immigration Appeals'  
20 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as  
21 he is charged with having entered the United States without inspection or  
22 admission. Brewer Dec. Exh. 1.

23 Petitioner Pedro Damian Macias Navarro was arrested by immigration  
24 authorities and placed into removal proceedings on November 14, 2025. Brewer  
25 Dec. Exh. 2. He was charged with inadmissibility for having entered the United  
26 States without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec.  
27 Exh. 2. Petitioner Pedro Damian Macias Navarro is in pending removal  
28

1 proceedings and is currently detained at the Adelanto immigration detention  
2 center. Brewer Dec. Exh. 2. However, according to the policy of the Executive  
3 Office for Immigration review, which houses immigration judges, he is not eligible  
4 for a bond redetermination hearing before an immigration judge in light of the  
5 Board of Immigration Appeals' precedent decision in *Matter of Yajure Hurtado*,  
6 29 I&N Dec. 216 (BIA 2025), as he is charged with having entered the United  
7 States without inspection or admission. Brewer Dec. Exh. 2. Petitioner Pedro  
8 Damian Macias Navarro is next scheduled for a hearing before an immigration  
9 judge in the removal case on January 14, 2026. Brewer Dec. Exh. 2.

10 Petitioner Victor Manuel Juarez Bedolla was arrested by immigration  
11 authorities and placed into removal proceedings on October 27, 2025. Brewer Dec.  
12 Exh. 3. He was charged with inadmissibility for having entered the United States  
13 without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec. Exh. 3.  
14 Petitioner Victor Manuel Juarez Bedolla is in pending removal proceedings and is  
15 currently detained at the Desert View immigration detention center. However,  
16 according to the policy of the Executive Office for Immigration review, which  
17 houses immigration judges, he is not eligible for a bond redetermination hearing  
18 before an immigration judge in light of the Board of Immigration Appeals'  
19 precedent decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as  
20 he is charged with having entered the United States without inspection or  
21 admission. Petitioner Victor Manuel Juarez Bedolla is next scheduled for a  
22 hearing before an immigration judge in the removal case on December 8, 2025.  
23 Brewer Dec. Exh. 3.

24 Petitioner Adolfo Hilario was arrested by immigration authorities and placed  
25 into removal proceedings on September 17, 2025. Brewer Dec. Exh. 4. He was  
26 charged with inadmissibility for having entered the United States without  
27 inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec. Exh. 4.

28

1 Petitioner Adolfo Hilario is in pending removal proceedings and is currently  
2 detained at the Adelanto detention center. *Id.* However, according to the policy of  
3 the Executive Office for Immigration review, which houses immigration judges, he  
4 is not eligible for a bond redetermination hearing before an immigration judge in  
5 light of the Board of Immigration Appeals' precedent decision in *Matter of Yajure*  
6 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is charged with having entered the  
7 United States without inspection or admission. Petitioner Adolfo Hilario is next  
8 scheduled for a hearing before an immigration judge in the removal case on  
9 December 17, 2025. Brewer Dec. Exh. 4.

10 Petitioner Evelio Hilario was arrested by immigration authorities and placed  
11 into removal proceedings on September 16, 2025. He was charged with  
12 inadmissibility for having entered the United States without inspection or  
13 admission. 8 U.S.C. § 1182(a)(6)(A)(i). Brewer Dec. Exh. 5. Petitioner Evelio  
14 Hilario is in pending removal proceedings and is currently detained at the Adelanto  
15 immigration detention center. *Id.* However, according to the policy of the  
16 Executive Office for Immigration review, which houses immigration judges, he is  
17 not eligible for a bond redetermination hearing before an immigration judge in  
18 light of the Board of Immigration Appeals' precedent decision in *Matter of Yajure*  
19 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is charged with having entered the  
20 United States without inspection or admission. Petitioner Evelio Hilario s is next  
21 scheduled for a hearing before an immigration judge in the removal case on  
22 December 17, 2025. Brewer Dec. Exh. 5.

23 Petitioner Ponciano Gonzalez de la Cruz was arrested by immigration  
24 authorities and placed into removal proceedings on November 6, 2025. Brewer  
25 Dec. Exh. 6. He was charged with inadmissibility for having entered the United  
26 States without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner  
27 Ponciano Gonzalez de la Cruz is in pending removal proceedings and is currently  
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1 detained at the Adelanto immigration detention center. *Id.* However, according to  
2 the policy of the Executive Office for Immigration review, which houses  
3 immigration judges, he is not eligible for a bond redetermination hearing before an  
4 immigration judge in light of the Board of Immigration Appeals' precedent  
5 decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is  
6 charged with having entered the United States without inspection or admission.  
7 Petitioner Ponciano Gonzalez de la Cruz is next scheduled for a hearing before an  
8 immigration judge in the removal case on January 7, 2026. Brewer Dec. Exh. 6.

9 Petitioner Gilberto Rosas Bello was arrested by immigration authorities and  
10 placed into removal proceedings on June 26, 2025. Brewer Dec. Exh. 7. He is  
11 charged with inadmissibility for having entered the United States without  
12 inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner Gilberto Rosas  
13 Bello is in pending removal proceedings and is currently detained at the Adelanto  
14 immigration detention center. *Id.* However, according to the policy of the  
15 Executive Office for Immigration review, which houses immigration judges, he is  
16 not eligible for a bond redetermination hearing before an immigration judge in  
17 light of the Board of Immigration Appeals' precedent decision in *Matter of Yajure*  
18 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is charged with having entered the  
19 United States without inspection or admission. Petitioner Gilberto Rosas Bello is  
20 next scheduled for a hearing before an immigration judge in the removal case on  
21 January 7, 2026. Brewer Dec. Exh. 7.

22 Petitioner Miguel Angel Guillen Perez was arrested by immigration  
23 authorities and placed into removal proceedings on November 3, 2025. Brewer  
24 Dec. Exh. 8. He is charged with inadmissibility for having entered the United  
25 States without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner  
26 Miguel Angel Guillen Perez is in pending removal proceedings and is currently  
27 detained in ICE custody in Adelanto, California. *Id.* However, according to the  
28

1 policy of the Executive Office for Immigration review, which houses immigration  
2 judges, he is not eligible for a bond redetermination hearing before an immigration  
3 judge in light of the Board of Immigration Appeals' precedent decision in *Matter*  
4 *of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), as he is charged with having  
5 entered the United States without inspection or admission. Petitioner Miguel  
6 Angel Guillen Perez is next scheduled for a hearing before an immigration judge in  
7 the removal case on December 24, 2025. Brewer Dec. Exh. 8.

8 Petitioner Hariom Rana was arrested by immigration authorities and placed  
9 into removal proceedings on June 11, 2025. Brewer Dec. Exh. 9. He is charged  
10 with inadmissibility for having entered the United States without inspection or  
11 admission. 8 U.S.C. § 1182(a)(6)(A)(i). Petitioner Hariom Rana is in pending  
12 removal proceedings and is currently detained at the Adelanto immigration  
13 detention center. However, according to the policy of the Executive Office for  
14 Immigration review, which houses immigration judges, he is not eligible for a  
15 bond redetermination hearing before an immigration judge in light of the Board of  
16 Immigration Appeals' precedent decision in *Matter of Yajure Hurtado*, 29 I&N  
17 Dec. 216 (BIA 2025), as he is charged with having entered the United States  
18 without inspection or admission. Petitioner Hariom Rana is next scheduled for a  
19 hearing before an immigration judge in the removal case on February 19, 2026.  
20 Brewer Dec. Exh. 9.

21 Petitioner Erika Rocio Vidrio Velasquez was in pending removal  
22 proceedings and was arrested by immigration authorities on August 21, 2025.  
23 Brewer Dec. Exh. 10. She is charged with inadmissibility for having entered the  
24 United States without inspection or admission. 8 U.S.C. § 1182(a)(6)(A)(i).  
25 Petitioner Erika Rocio Vidrio Velasquez is in pending removal proceedings and is  
26 currently detained at the Adelanto immigration detention center. Brewer Dec. Exh.  
27 10. However, according to the policy of the Executive Office for Immigration  
28

1 review, which houses immigration judges, she is not eligible for a bond  
2 redetermination hearing before an immigration judge in light of the Board of  
3 Immigration Appeals' precedent decision in *Matter of Yajure Hurtado*, 29 I&N  
4 Dec. 216 (BIA 2025), as she is charged with having entered the United States  
5 without inspection or admission. Petitioner Erika Rocio Vidrio Velasquez is next  
6 scheduled for a hearing before an immigration judge in the removal case on March  
7 11, 2026. Brewer Dec. Exh. 10.

8  
9 **III. ARGUMENT**

10 The requirements for granting a Temporary Restraining Order are  
11 “substantially identical” to those for granting a preliminary injunction. *Stuhlberg*  
12 *Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

13 Petitioners must demonstrate that (1) they are likely to succeed on the merits  
14 of their claims; (2) they are likely to suffer irreparable harm in the absence of  
15 preliminary relief; (3) the balance of equities tips in their favor; and (4) an  
16 injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22  
17 (2008). A sliding scale test may be applied and an injunction should be issued  
18 when there is a stronger showing on the balance of hardships, even if there are  
19 “serious questions on the merits ... so long as the plaintiff also shows a likelihood  
20 of irreparable harm and that the injunction is in the public interest.” *All. for the*  
21 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011); *see also Flathead-*  
22 *Lolo-Bitterroot Citizen Task Force v. Montana*, 98 F.4th 1180, 1190 (9th Cir.  
23 2024).

24 Petitioners satisfy the criteria and a TRO should be granted.  
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1 A. PETITIONERS ARE LIKELY TO SUCCEED ON THE MERITS OF  
2 THEIR CLAIMS.

3 Petitioners are likely to succeed on their that their ongoing detention by  
4 Respondents under 8 U.S.C. § 1225(b)(2) and the denial of bond hearing before an  
5 immigration judge is unlawful.

6 The text, context, and legislative and statutory history of the Immigration  
7 and Nationality Act all demonstrate that 8 U.S.C. § 1226(a) governs his detention.

8 I. Petitioners’ Detention Without the Right to a Bond Hearing  
9 Before an Immigration Judge Violates *Maldonado Bautista*

10 The Court’s November 20 and November 25, 2025 orders in *Maldonado*  
11 *Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), (Brewer Dec. Exhs.  
12 13, 14), expressly apply the order on Partial Summary Judgment on a class wide  
13 basis and invalidate the argument that § 1225(b)(2) applies to those who entered  
14 without inspection.

15 On November 20, 2025, the Court in *Maldonado Bautista v. Santacruz*,  
16 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 (Exh. 13), issue and order  
17 granting partial summary judgment to the named plaintiffs. In that order, the Court  
18 rejected the argument that noncitizens who entered the United States without  
19 inspection are ineligible for bond based on 8 U.S.C. § 1225(b)(2), an found that  
20 they were eligible for bond hearings before immigration judges under 8 U.S.C. §  
21 1226(a). The Court expressly found that those who entered the United States  
22 without inspection were not applicants for admission under 8 U.S.C. § 1225(b)(2).

23 The Court stated:

24 In response, Respondents argue Petitioners are “applicants for admission”  
25 because § 1225(b)(2) is a “catchall provision” that applies to all applicants  
26 for admission not covered by § 1225(b)(1). [Opp. at 21, (citing *Jennings*,  
27 583 U.S. at 287)]. According to Respondents, “applicants for admission”  
28 “fall into one of two categories, those covered by § 1225(b)(1) and those  
covered by § 1225(b)(2).” [Opp. at 21 (citing *Jennings*, 583 U.S. at 297)].  
Such an argument relies on the assumption that “applicants for admission”

1 encompasses *all* noncitizens coming into and already in the United States. If  
2 this assumption is true, then Respondents are correct. But this cannot be  
3 correct.

4 Respondents' argument is at odds with the plain language of the INA.  
5 Neither party contends with the definition section of the INA, which readily  
6 resolves this dispute over statutory interpretation.

7 Dkt # 81 at 12 (Exh. 13). This is a rejection of the Board's decision in *Matter of*  
8 *Yajure Hurtado*, 29 I&N Dec. 216, 229 (BIA 2025) ("The Immigration Judge  
9 properly held that he lacked authority to hear the respondent's request for a bond as  
10 the respondent is an applicant for admission and is subject to mandatory detention  
11 under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A)..."). As such, the  
12 legal ruling that a noncitizen who entered without inspection is subject to §  
13 1225(b)(2) was rejected in *Lazaro Maldonado Bautista*.

14 That legal ruling now applies nationwide to all noncitizens who entered  
15 without inspection and meet the class definition which was certified on November  
16 25, 2025 in *Maldonado Bautista*. Brewer Dec. Exh. 14. The class is defined as:

17 All noncitizens in the United States without lawful status who (1) have  
18 entered or will enter the United States without inspection; (2) were not or  
19 will not be apprehended upon arrival; and (3) are not or will not be subject  
20 to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time  
the Department of Homeland Security makes an initial custody  
determination.

21 *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt #  
22 82. Brewer Dec. Exh. 14. Petitioners are all members of this class, as they are  
23 alleged to have entered the United States without inspection in the Notice to  
24 Appear and is not otherwise precluded from bond.

25 Further, the November 25, 2025 class certification Court order confirms that  
26 the court's prior November 20, 2025 order on partial summary judgment applies to  
27 the nationwide class. The court stated explicitly "[w]hen considering this  
28 determination with the MSJ Order, the Court extends the same declaratory relief

1 granted to Petitioners to the Bond Eligible Class as a whole.” Dkt # 82 at 14. As  
2 such, the court’s November 20, 2025 ruling on partial summary judgment that  
3 noncitizens who entered without inspection are eligible for bond hearings before  
4 the immigration judge under § 1226(a) applies nationwide. Dkt # 81.

5 There is no merit to the position that class-wide declaratory relief was not  
6 issued, as the November 25, 2025 did just that. Dkt # 82 at 14. The Court explicitly  
7 extended declaratory relief to the certified class. *Id.* Hence, the position from the  
8 Adelanto immigration court judges and the Department of Justice that class-wide  
9 declaratory judgment was not issued is incorrect. Brewer Dec. Exhs. 11, 12.

10  
11 2. The Text Of § 1226(a) and § 1225(b)(2) Demonstrate That  
12 Petitioners Are Not Subject To Mandatory Detention.

13 Alternatively, if the Court finds that *Maldonado Bautista v. Santacruz*, is not  
14 binding, then it should hold that as a matter of independent statutory analysis,  
15 Petitioners are eligible for bond hearings before the immigration judge under §  
16 U.S.C. § 1226(a).

17 First, the plain text of § 1226 demonstrates that subsection (a) applies to  
18 Petitioner. By its own terms, § 1226(a) applies to anyone who is detained “pending  
19 a decision on whether the [noncitizen] is to be removed from the United States.” §  
20 U.S.C. § 1226(a). Section 1226 explicitly confirms that this authority includes not  
21 just noncitizens who are deportable pursuant to § U.S.C. § 1227(a), but also  
22 noncitizens, such as Petitioner, who are inadmissible pursuant to § U.S.C. §  
23 1182(a). While § 1226(a) provides the right to seek release, § 1226(c) carves out  
24 specific categories of noncitizens from being released— including certain  
25 categories of inadmissible noncitizens—and subjects them instead to mandatory  
26 detention. See, e.g., § 1226(c)(1)(A), (C).

1           If the Board’s position that § 1226(a) did not apply to inadmissible  
2 noncitizens such as Petitioners who are present without admission in the United  
3 States were correct, there would be no reason to specify that § 1226(c) governs  
4 certain persons who are inadmissible; instead, the statute would only have needed  
5 to address people who are deportable for certain offenses. Notably, recent  
6 amendments to § 1226 dramatically reinforce that this section covers people like  
7 Petitioners who DHS alleges to be present without admission. The Laken Riley  
8 Act added language to § 1226 that directly references people who have entered  
9 without inspection, those who are inadmissible because they are present without  
10 admission. *See* Laken Riley Act (LRA), Pub. L. No. 119-1, 139 Stat. 3 (2025).  
11 Specifically, pursuant to the LRA amendments, people charged as inadmissible  
12 pursuant to § 1182(a)(6) (the inadmissibility ground for presence without  
13 admission) or § 1182(a)(7) (the inadmissibility ground for lacking valid  
14 documentation to enter the United States) *and* who have been arrested, charged  
15 with, or convicted of certain crimes are subject to § 1226(c)’s mandatory detention  
16 provisions. *See* 8 U.S.C. § 1226(c)(1)(E). By including such individuals under §  
17 1226(c), Congress further clarified that § 1226(a) covers persons charged under §  
18 1182(a)(6) or (a)(7). In other words, if someone is *only* charged as inadmissible  
19 under § 1182(a)(6) or (a)(7) and the additional crime-related provisions of §  
20 1226(c)(1)(E) do not apply, then § 1226(a) governs that person’s detention. *See*  
21 *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at  
22 \*14 (W.D. Wash. June 6, 2025), explaining these amendments explicitly provide  
23 that § 1226(a) covers people like Petitioners because the “‘specific exceptions’ [in  
24 the LRA] for inadmissible noncitizens who are arrested, charged with, or convicted  
25 of the enumerated crimes logically leaves those inadmissible noncitizens not  
26 criminally implicated under Section 1226(a)’s default rule for discretionary  
27 detention.”); *Diaz Martinez v. Hyde*, 2025 WL 2084238, at \*7 (D. Mass. July 24,  
28

1 2025) (“if, as the Government argue[s], . . . a non-citizen’s inadmissibility were  
2 alone already sufficient to mandate detention under section 1225(b)(2)(A), then the  
3 2025 amendment would have no effect.” 2025 WL 2084238, at \*7; *Gomes v.*  
4 *Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at \*7 (D. Mass. July 7, 2025)  
5 (similar). *See also Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559  
6 U.S. 393, 400 (2010) (observing that a statutory exception would be unnecessary if  
7 the statute at issue did not otherwise cover the excepted conduct).

8 Despite the clear statutory language, the Board issued its precedent decision  
9 on September 5, 2025 in *Matter of YAJURE HURTADO*, 29 I&N Dec. 216 (BIA  
10 2025), finding that noncitizens who entered the United States without inspection  
11 were ineligible for bond redetermination hearings because they were seeking  
12 admission, and fell within 8 U.S.C. § 1225(b)(2)(A).

13 The new decision is also inconsistent with the canon against superfluities.  
14 Under this “most basic [of] interpretive canons, . . . ‘[a] statute should be construed  
15 so that effect is given to all of its provisions, so that no part will be inoperative or  
16 superfluous, void or insignificant.’” *Corley v. United States*, 556 U.S. 303, 314  
17 (2009) (third alteration in original) (quoting *Hibbs v. Winn*, 542 U.S. 88, 101  
18 (2004)); *see also Shulman v. Kaplan*, 58 F.4<sup>th</sup> 404, 410–11 (9th Cir. 2023)  
19 (“[C]ourt[s] ‘must interpret the statute as a whole, giving effect to each word and  
20 making every effort not to interpret a provision in a manner that renders other  
21 provisions of the same statute inconsistent, meaningless or superfluous.’” (citation  
22 omitted)). But by concluding that the mandatory detention provision of §  
23 1225(b)(2) applies to Petitioners, DHS and EOIR violate this rule.

24 In sum § 1226’s plain text demonstrates that § 1225(b)(2) should not be read  
25 to apply to everyone who is in the United States “who has not been admitted.”  
26 Section 1226(a) covers those who are present within and residing within the  
27 United States and who are not at the border seeking admission. The text of § 1225  
28

1 reinforces this interpretation. As the Supreme Court recognized, § 1225 is  
2 concerned “primarily [with those] seeking entry,” *Jennings v. Rodriguez*, 583 U.S.  
3 281, 297 (2018), i.e., cases “at the Nation’s borders and ports of entry, where the  
4 Government must determine whether a[] [noncitizen] seeking to enter the country  
5 is admissible,” *id.* at 287.

6 Paragraphs (b)(1) and (b)(2) in § 1225 reflect this understanding. To begin,  
7 paragraph (b)(1)—which concerns “expedited removal of inadmissible arriving  
8 [noncitizens]”—encompasses only the “inspection” of certain “arriving”  
9 noncitizens and other recent entrants the Attorney General designates, and only  
10 those who are “inadmissible under section 1182(a)(6)(C) or § 1182(a)(7).” §  
11 U.S.C. § 1225(b)(1)(A)(i). These grounds of inadmissibility are for those who  
12 misrepresent information to an examining immigration officer or do not have  
13 adequate documents to enter the United States. Thus, subsection (b)(1)’s text  
14 demonstrates that it is focused only on people arriving at a port of entry or who  
15 have recently entered the United States and not those already residing here.  
16 Paragraph (b)(2) is similarly limited to people applying for admission when they  
17 arrive in the United States. The title explains that this paragraph addresses the  
18 “[i]nspection of other [noncitizens],” i.e., those noncitizens who are “seeking  
19 admission,” but who (b)(1) does not address. *Id.* § 1225(b)(2), (b)(2)(A). By  
20 limiting (b)(2) to those “seeking admission,” Congress confirmed that it did not  
21 intend to sweep into this section individuals like Petitioners, who have already  
22 entered and are now residing in the United States. An individual submits an  
23 “application for admission” only at “the moment in time when the immigrant  
24 actually applies for admission into the United States.” *Torres v. Barr*, 976 F.3d  
25 918, 927 (9th Cir. 2020) (en banc). Indeed, in *Torres*, the en banc Court of  
26 Appeals rejected the idea that § 1225(a)(1) means that anyone who is presently in  
27 the United States without admission or parole is someone “deemed to have made  
28

1 an actual application for admission.” *Id.* (emphasis omitted). That holding is  
2 instructive here too, as only those who take affirmative acts, like submitting an  
3 “application for admission,” are those who can be said to be “seeking admission”  
4 within § 1225(b)(2)(A). Otherwise, that language would serve no purpose,  
5 violating a key rule of statutory construction. *See Shulman*, 58 F.4th at 410–11.

6 Furthermore, subparagraph (b)(2)(C) addresses the “[t]reatment of  
7 [noncitizens] *arriving* from contiguous territory,” i.e. those who are “*arriving* on  
8 land.” 8 U.S.C. § 1225(b)(2)(C) (emphasis added). This language further  
9 underscores Congress’s focus in § 1225 on those who are arriving into the United  
10 States—not those already residing here. Similarly, the title of § 1225 refers to the  
11 “inspection” of “inadmissible *arriving*” noncitizens. *See Dubin v. United States*,  
12 599 U.S. 110, 120–21 (2023) (emphasis added) (relying on section title to help  
13 construe statute).

14 Finally, the entire statute is premised on the idea that an inspection occurs  
15 near the border and shortly after arrival, as the statute repeatedly refers to  
16 “examining immigration officer[s],” 8 U.S.C. § 1225(b)(2)(A), (b)(4), or officers  
17 conducting “inspection[s]” of people “arriving in the United States,” *id.* §  
18 1225(a)(3), (b)(1), (b)(2), (d); *see also King v. Burwell*, 576 U.S. 473, 492  
19 (2015) (looking to an Act’s “broader structure . . . to determine [the statute’s]  
20 meaning”).

21 The new precedent decision in *Matter of YAJURE HURTADO*, 29 I&N  
22 Dec. 216 (BIA 2025), requires immigration judges to deny bond to Petitioner  
23 because his is charged with having entered the United States without inspection,  
24 focusing on the definition of “applicant for admission” at § 1225(a)(1) which  
25 defines an “applicant for admission” as a person who is “present in the United  
26 States who has not been admitted or who arrives in the United States,” 8 U.S.C. §  
27 1225(a)(1). But as the Ninth Circuit has explained, “when deciding whether  
28

1 language is plain, [courts] must read the words in their context and with a view to  
2 their place in the overall statutory scheme.” *San Carlos Apache Tribe v. Becerra*,  
3 53 F.4th 1236, 1240 (9th Cir. 2022) (internal quotation marks omitted). Here, that  
4 context underscores that the definition in (a)(1) is limited by other aspects of the  
5 statute to those who undergo an initial inspection at or near a port of entry shortly  
6 after arrival—and that it does not apply to those who are arrested in the interior of  
7 the United States months or years or decades later.

8         Significantly, in deeming that all noncitizens who entered without inspection  
9 are necessarily encompassed by the mandatory detention provision at § 1225(b)(2),  
10 the Board ignores that the provision does not simply address applicants for  
11 admission. Instead, the language “applicant for admission” in (b)(2)(A) is further  
12 qualified by clarifying the subparagraph applies only to those “seeking  
13 admission”—in other words, those who have applied to be admitted or paroled.  
14 The new decision ignores this text, just as it ignores the statutory language in §  
15 1226 that expressly encompasses persons who have entered the United States and  
16 are present without admission. Thus, Petitioners prevail regardless of the scope of  
17 § 1225(a)(1)’s definition of “applicant for admission.” This is because  
18 classification as an “applicant for admission,” is not sufficient to render someone  
19 subject to mandatory detention under § 1225(b)(2). The “applicant for admission”  
20 must *also* be “seeking admission,” and that is clearly not the case for Petitioners.  
21

22                 3. The Legislative History Further Supports The Application Of §  
23 1226(a) To Petitioners’ Detention.

24         The legislative history of the Illegal Immigration Reform and Immigrant  
25 Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104–208, Div. C, §§ 302–03,  
26 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585, also supports a limited  
27 construction of § 1225 and the conclusion that § 1226(a) applies to Petitioners. In  
28

1 passing the Act, Congress was focused on the perceived problem of recent arrivals  
2 to the United States who did not have documents to remain. *See* H.R. Rep. No.  
3 104-469, pt. 1, at 157–58, 228–29; H.R. Rep. No. 104-828, at 209. Notably,  
4 Congress did not say anything about subjecting all people present in the United  
5 States after an unlawful entry to mandatory detention if arrested. This is important,  
6 as prior to IIRIRA, people like Petitioners were not subject to mandatory  
7 detention. *See* 8 U.S.C. § 1252(a)(1) (1994) (authorizing Attorney General to arrest  
8 noncitizens for deportation proceedings, which applied to all persons physically  
9 present within the United States). Had Congress intended to make such a  
10 monumental shift in immigration law (potentially subjecting millions of people to  
11 mandatory detention), it would have explained so or spoken more clearly. *See*  
12 *Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468–69 (2001). But to the extent it  
13 addressed the matter, Congress explained precisely the opposite, noting that the  
14 new § 1226(a) merely “restates the current provisions in [INA] section 242(a)(1)  
15 regarding the authority of the Attorney General to arrest, detain, and release on  
16 bond a[] [noncitizen] *who is not lawfully in the United States*.” H.R. Rep. No. 104-  
17 469, pt. 1, at 229 (emphasis added); *see also* H.R. Rep. No. 104-828, at 210  
18 (same).

19 4. The Record And Longstanding Agency Practice Reflect That §  
20 1226 Governs Petitioners’ Detention.

21 The Board has a long practice of considering people like the Petitioner as  
22 detained under §1226(a) further supports this reading of the statute. Even as  
23 recently as June 30, 2025, the Board held in *Matter of Akhmedov*, 29 I&N Dec.  
24 166 (BIA 2025), that an immigration judge had jurisdiction under 8 U.S.C. §  
25 1226(a) to conduct a bond redetermination hearing for a noncitizen who was  
26 charged with entering the United States without inspection or admission. For  
27 decades, and across administrations, the Board has acknowledged that § 1226(a)  
28

1 applies to individuals who are present without admission after entering the United  
2 States unlawfully, but who were later apprehended within the United States long  
3 after their entry. *Matter of Akhmedov*, 29 I&N Dec. 166 (BIA 2025); *Matter of R-*  
4 *A-V-P-*, 27 I. & N. Dec. 803, 806 (BIA 2020); *In Re: Hugo Leonel Lacan-Batz*,  
5 No. : AXXX XX3 200 - BOS, 2009 WL 1863766, at \*1 (BIA June 19, 2009)  
6 (unpublished); *In Re: Jorge Luis Contreras-Linares*, No. : AXX XX6 969 - ELOY,  
7 2003 WL 23508582, at \*1 (BIA Dec. 18, 2003) (unpublished). Such a  
8 longstanding and consistent interpretation “is powerful evidence that interpreting  
9 the Act in [this] way is natural and reasonable.” *Abramski v. United States*, 573  
10 U.S. 169, 203 (2014) (Scalia, J., dissenting); *see also Bankamerica Corp. v. United*  
11 *States*, 462 U.S. 122, 130 (1983) (relying in part on “over 60 years” of government  
12 interpretation and practice to reject government’s new proposed interpretation of  
13 the law at issue).

14 Indeed, agency regulations have long recognized that people like Petitioners  
15 are subject to detention under § 1226(a). Nothing in 8 C.F.R. § 1003.19(h)—the  
16 regulatory basis for the immigration court’s jurisdiction—provides otherwise. In  
17 fact, EOIR confirmed that § 1226(a) applies to Petitioners when it promulgated the  
18 regulations governing immigration courts and implementing § 1226 decades ago.  
19 Specifically, EOIR explained that “[d]espite being applicants for admission,  
20 [noncitizens] who are present without having been admitted or paroled (formerly  
21 referred to as [noncitizens] who entered without inspection) will be eligible for  
22 bond and bond redetermination.” 62 Fed. Reg. at 10323.3

23 In sum, § 1226 governs this case. Section 1225 and its mandatory detention  
24 provision applies only to individuals arriving in the United States as specified in  
25 the statute, while § 1226 applies to those who have previously entered without  
26 admission and are now present and residing in the United States.  
27  
28

1 B. PETITIONERS WILL SUFFER IRREPARABLE HARM IN THE  
2 ABSENCE OF A TRO.

3 In the absence of a TRO, Petitioners will continue to be unlawfully detained  
4 by Respondents pursuant to § 1225(b)(2) and denied a bond hearing before an IJ.

5 “Freedom from imprisonment—from government custody, detention, or  
6 other forms of physical restraint—lies at the heart of the liberty” that the Due  
7 Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention  
8 constitutes “a loss of liberty that is . . . irreparable.” *Moreno Galvez v. Cuccinelli*,  
9 492 F. Supp. 3d 1169, 1181 (W.D. Wash. 2020) (*Moreno II*), *aff’d in part, vacated*  
10 *in part on other grounds, remanded sub nom. Moreno Galvez v. Jaddou*, 52 F.4th  
11 821 (9th Cir. 2022). It “is well established that the deprivation of constitutional  
12 rights unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695  
13 F.3d 990, 1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418  
14 F.3d 989, 1001-02 (9th Cir. 2005). *See also Hernandez v. Sessions*, 872 F.3d 976,  
15 994–95 (9th Cir. 2017) (“Thus, it follows inexorably from our conclusion that the  
16 government’s current policies [which fail to consider financial ability to pay  
17 immigration bonds] are likely unconstitutional—and thus that members of the  
18 plaintiff class will likely be deprived of their physical liberty unconstitutionally in  
19 the absence of the injunction—that Plaintiffs have also carried their burden as to  
20 irreparable harm.”); *Maldonado Bautista et al. v. Santacruz, et al.*, No. 5:25-cv-  
21 01873-SSS-BFM (C.D. Calif. July 28, 2025), Order Granting Temporary  
22 Restraining Order, Dkt. 14 at 9 (“[T]he Court finds that the potential for  
23 Petitioners’ continued detention without an initial bond hearing would cause  
24 immediate and irreparable injury, as this violates statutory rights afforded under §  
25 1226(a).”)

26 C. THE BALANCE OF EQUITIES TIPS IN PETITIONERS’ FAVOR  
27 AND A TRO IS IN THE PUBLIC INTEREST.

28 Because the government is a party, these two factors are considered

1 together. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Petitioners have established  
2 that the public interest factor weighs in their favor because their claims assert that  
3 the Board’s decision has violated federal laws. *See Valle del Sol Inc. v. Whiting*,  
4 732 F.3d 1006, 1029 (9<sup>th</sup> Cir. 2013). Because the decision that prevents Petitioners  
5 from obtaining bond “is inconsistent with federal law, . . . the balance of hardships  
6 and public interest factors weigh in favor of a preliminary injunction.” *Moreno*  
7 *Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (*Moreno I*);  
8 *see also Moreno Galvez*, 52 F.4th 821, 832 (9<sup>th</sup> Cir. 2022) (affirming in part  
9 permanent injunction issued in *Moreno II* and quoting approvingly district judge’s  
10 declaration that “it is clear that neither equity nor the public’s interest are furthered  
11 by allowing violations of federal law to continue”). This is because “it would not  
12 be equitable or in the public’s interest to allow the [government] . . . to violate the  
13 requirements of federal law, especially when there are no adequate remedies  
14 available.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9<sup>th</sup> Cir. 2013)  
15 (second alteration in original) (citation omitted). Indeed, Respondents “cannot  
16 suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez*  
17 *v. Robbins*, 715 F.3d 1127, 1145 (9<sup>th</sup> Cir. 2013).

18  
19 **D. PRUDENTIAL EXHAUSTION IS NOT REQUIRED.**

20 Prudential exhaustion does not require Petitioners to be forced to endure the  
21 very harm his is seeking to avoid by seeking a bond hearing before the  
22 immigration judge, when Board precedent requires that the immigration judge  
23 deny for lack of jurisdiction. Further, appealing the IJ bond orders to the Board of  
24 Immigration Appeals and waiting many months for a decision from the BIA is  
25 entirely futile. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). *See*  
26 *Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 896 (9<sup>th</sup> Cir. 2021) (“[W]here the  
27 agency's position on the question at issue appears already set, and it is very likely  
28 what the result of recourse to administrative remedies would be, such recourse

1 would be futile and is not required.”)

2 Further, irreparable injury is an exception to any prudential exhaustion  
3 requirement. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004). Here, the  
4 exceptions regarding irreparable injury and agency delay apply and warrant  
5 waiving any prudential exhaustion requirement.

6 Each day that Petitioners remain in detention is one in which their statutory  
7 and constitutional rights have been violated. Similarly situated district courts have  
8 repeatedly recognized this fact. *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 237  
9 (W.D.N.Y. 2019); *Villalta v. Sessions*, No. 17-CV-05390-LHK, 2017 WL  
10 4355182, at \*3 (N.D. Cal. Oct. 2, 2017); *Cortez v. Sessions*, 318 F. Supp. 3d 1134,  
11 1139 (N.D. Cal. 2018) (similar).

12 Petitioners assert both statutory and constitutional claims and have a  
13 “fundamental” interest in a bond hearing, as “freedom from imprisonment is at the  
14 ‘core of the liberty protected by the Due Process Clause.’” *Hernandez*, 872 F.3d at  
15 993 (quoting *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

16 Moreover, the irreparable injury Petitioners face extends beyond a chance at  
17 physical liberty. There are several “irreparable harms imposed on anyone subject  
18 to immigration detention[.]” *Hernandez*, 872 F.3d at 995. These include “subpar  
19 medical and psychiatric care in ICE detention facilities.” *Id.*

20  
21 **E. THERE IS NO JURISDICTIONAL HURDLE BARRING RELIEF**

22 Finally, nothing in the Immigration and Nationality Act precludes this Court  
23 from granting the TRO.

24 The “zipper clause” at 8 U.S.C. § 1252(b)(9), which channels “[j]udicial  
25 review of all questions of law . . . including interpretation and application of  
26 constitutional and statutory provisions, arising from any action taken . . . to remove  
27 an alien from the United States” to the appropriate federal court of appeals, does  
28 not apply because that section applies only to review of removal orders, and

1 Petitioners do not seek review of orders of removal but of custody. *Maldonado*  
2 *Bautista et al. v. Santacruz, et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Calif. July  
3 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 4-5.

4 The bar to review at 8 U.S.C. § 1252(g) strips all courts of jurisdiction to  
5 hear “any cause or claim by or on behalf of any alien arising from the decision or  
6 action by the Attorney General to commence proceedings, adjudicate cases, or  
7 execute removal orders against any alien under this chapter.” The Supreme Court  
8 previously characterized § 1252(g) as a narrow provision, applying “only to three  
9 discrete actions that the Attorney General may take: her ‘decision or action’ to  
10 ‘commence proceedings, adjudicate cases, or execute removal orders.’” *Reno v.*  
11 *Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (emphasis in  
12 original). In doing so, the Supreme Court found it “implausible that the mention of  
13 *three discrete events* along the road to deportation was a shorthand way to  
14 referring to *all claims arising from* deportation proceedings.” *Id.* (emphasis added).  
15 Petitioners’ challenge to their detention does not fall within these discrete actions.  
16 *Maldonado Bautista et al. v. Santacruz, et al.*, No. 5:25-cv-01873-SSS-BFM (C.D.  
17 Calif. July 28, 2025), Order Granting Temporary Restraining Order, Dkt. 14 at 5.

18 Finally, 8 U.S.C. § 1252(a), titled “Judicial Review of Orders of Removal,”  
19 Section 1252(a)(2) contains four subsections, which outlines categories of claims  
20 that are not subject to judicial review. § 1252(a)(2)(A)–(D). None of these  
21 subsections precluding judicial review apply to this matter, as the specified  
22 statutory provisions do not cite to § 1225(b)(2)(A) or § 1226(a), which are the two  
23 provisions Petitioners challenge. Thus, no part of § 1252 deprives this Court of  
24 jurisdiction. *Maldonado Bautista et al. v. Santacruz, et al.*, No. 5:25-cv-01873-  
25 SSS-BFM (C.D. Calif. July 28, 2025), Order Granting Temporary Restraining  
26 Order, Dkt. 14 at 6.

27 As such, the Court has jurisdiction over Petitioners’ challenge to their  
28

1 detention.

2  
3 **IV. CONCLUSION**

4 For the foregoing reasons, the Court should grant Petitioners' Application  
5 for a Temporary Restraining Order and Order to Show Cause and order that  
6 Petitioners be provided an individualized bond hearing before an immigration  
7 judge pursuant to 8 U.S.C. § 1226(a) within seven days of the TRO, with  
8 instructions that the immigration judge has jurisdiction under 8 U.S.C. § 1226(a) to  
9 consider bond.

10  
11 Dated: December 5, 2025

Respectfully Submitted,

12 *S/Megan Brewer*

13 Megan Brewer (CA SBN  
#268248)

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18 Email:

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20 Counsel for Petitioner  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 5, 2025, I served a copy of PETITIONERS’ *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION; DECLARATION OF MEGAN BREWER; AND [PROPOSED] ORDER by email to the following individual:

Daniel A. Beck | Assistant United States Attorney  
Deputy Chief, Complex and Defensive Litigation Section  
United States Attorney’s Office | Central District of California  
300 N. Los Angeles Street, Suite 7516 | Los Angeles, CA 90012  
T: (213) 894-2574 | F: (213) 894-7819 | [daniel.beck@usdoj.gov](mailto:daniel.beck@usdoj.gov)

s/ Megan Brewer  
Megan Brewer  
Counsel for Petitioner

**WORD COUNT CERTIFICATION**

The undersigned, counsel of record for Plaintiff certifies that this Memo contains 6913 words, which complies with the word limit of L.R. 11-6.1.

s/ Megan Brewer  
Megan Brewer  
Counsel for Petitioner

1 Stacy Tolchin (CA SBN #217431)  
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3 Megan Brewer (CA SBN #268248)  
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10 Counsel for Petitioners

11 **UNITED STATES DISTRICT COURT FOR THE**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 Jaime BARCENAS DOMINGUEZ; Pedro  
14 MACIAS NAVARRO; Victor Manuel  
15 JUAREZ BEDOLLA; Adolfo HILARIO;  
16 Evelio HILARIO; Ponciano GONZALEZ DE  
17 LA CRUZ; Gilberto ROSAS BELLO;  
18 Miguel Angel GUILLEN PEREZ; Hariom  
19 RANA; Erika Rocio Vidrio Velasquez;

20 Petitioners,

21 v.

22 Kristi NOEM, Secretary, Department of  
23 Homeland Security; Todd LYONS, in his  
24 official capacity as Acting Director of U.S.  
25 Immigration and Customs Enforcement; Pam  
26 BONDI, Attorney General of the United  
27 States; Jaime RIOS, Director, Los Angeles  
28 ICE Field Office; and Fereti SEMAIA,  
Warden, Adelanto ICE Processing Center.

Respondents.

No.

DECLARATION OF MEGAN  
BREWER IN SUPPORT OF  
PETITIONERS' *EX PARTE*  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE RE: PRELIMINARY  
INJUNCTION

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I, Megan Brewer, hereby declare and state the following:

1. My business address is Law Offices of Stacy Tolchin, 776 E. Green St. Suite 210, Pasadena, CA 91101.
2. I have personal knowledge of the events described below and represent Petitioners before the immigration court.
3. On December 5, 2025, I emailed Daniel Beck, counsel for Respondents. I sent a copy of the petition for writ of habeas corpus in this case and notified him of Petitioners' intent to file an ex parte application for Temporary Restraining Order to seek an immigration court bond hearing. I warrant I will send a copy of this filing to Mr. Beck via electronic mail.
4. Attached as **Exhibit 1** are documents pertaining to Petitioner Jaime Barcenas Dominguez that I obtained from his immigration attorney.
5. Attached as **Exhibit 2** are documents pertaining to Petitioner Pedro Damian Macias Navarro that I obtained from his immigration attorney.
6. Attached as **Exhibit 3** are documents pertaining to Petitioner Victor Manuel Juarez Bedolla that I obtained from his immigration attorney.
7. Attached as **Exhibit 4** are documents pertaining to Petitioner Adolfo Hilario that I obtained from his immigration attorney.
8. Attached as **Exhibit 5** are documents pertaining to Petitioner Evelio Hilario that I obtained from his immigration attorney.
9. Attached as **Exhibit 6** are documents pertaining to Petitioner Ponciano Gonzalez de la Cruz that I obtained from his immigration attorney.
10. Attached as **Exhibit 7** are documents pertaining to Petitioner Gilberto Rosas Bello that I obtained from his immigration attorney.

- 1 11. Attached as **Exhibit 8** are documents pertaining to Petitioner Miguel Angel  
2 Guillen Perez that I obtained from his immigration attorney.
- 3 12. Attached as **Exhibit 9** are documents pertaining to Petitioner Hariom Rana  
4 that I obtained from his immigration attorney.
- 5 13. Attached as **Exhibit 10** are documents pertaining to Petitioner Erika Rocio  
6 Vidrio Velasquez that I obtained from her immigration attorney.
- 7 14. Attached as **Exhibit 11** are December 1, 2025 redacted immigration judge  
8 decisions from two judges at the Adelanto immigration court stating that they  
9 lack jurisdiction to conduct bond hearings and that *Maldonado Bautista v.*  
10 *Noem* is not binding because class-wide declaratory judgment was not  
11 issued.
- 12 15. Attached as **Exhibit 12** is a November 4, 2025 filing from the United States  
13 Attorney in *Barrera Gomez v. Cantu*, CV-25-03834-SMB-ASB (D. Ariz.),  
14 setting forth that no final judgment was entered in *Maldonado Bautista v.*  
15 *Noem* and it therefore is not binding.
- 16 16. Attached as **Exhibit 13** is the November 20, 2025 Order on Partial Summary  
17 judgment in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM  
18 (C.D. Cal.), Dkt # 81.
- 19 17. Attached as **Exhibit 14** is the November 25, 2025 Order on Class  
20 Certification in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM  
21 (C.D. Cal.), Dkt # 82.

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Pursuant to 28 C.F.R. § 24.201(f), I hereby verify that the information provided in the application and all accompanying material is true and correct to the best of my information and belief. Executed this 5<sup>th</sup> day of December 2025 at Pasadena, CA.

*S/Megan Brewer*

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