

1 Patience Milrod (CA 77466)
Law Office of Patience Milrod
2 985 North Van Ness Avenue
Fresno, California 93728
3 Telephone: (559) 246-7239
Email: pm@patiencemilrod.com

4 Ambar S. Tovar (CA 319560)
5 UFW Foundation
917 H St, Suite 200
6 Bakersfield, California 93304
7 Telephone: (661) 324-2500
Email: atovar@ufwfoundation.org

8 *Attorneys for Petitioner*

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **FRESNO DIVISION**

14 Milton John Selis Tinoco
15 Petitioner,

16 vs.

17 Kristi NOEM, Secretary, U.S. Dept. of
Homeland Security; Pamela BONDI, U.S.
18 Attorney General; Todd LYONS, Acting
Director, Imm. and Customs Enforcement;
19 Sergio ALBARRAN, Acting Director, ICE
San Francisco Field Office, Enforcement and
20 Removal Operations; Christopher
CHESTNUT, Warden, California City ICE
21 Corrections Center; EXECUTIVE OFFICE
22 FOR IMMIGRATION REVIEW;
IMMIGRATION AND CUSTOMS
23 ENFORCEMENT; U.S. DEPARTMENT OF
HOMELAND SECURITY; and DOES 1-15,
24 Respondents.
25

Case No.:

**PETITIONER'S NOTICE OF MOTION
AND EX PARTE
MOTION FOR TEMPORARY
RESTRAINING ORDER, PRELIMINARY
INJUNCTION, AND
ORDER TO SHOW CAUSE**

NOTICE

PLEASE TAKE NOTICE that, as soon as he may be heard, Petitioner will and hereby does move, pursuant to L.R. 231 and Fed.R.Civ.P 65(a), for a temporary restraining order, directing that he be released immediately, and that Respondents not re-detain him unless and until they have provided him with a pre-deprivation hearing at which the Respondents will bear the burden of demonstrating to a neutral decisionmaker by clear and convincing evidence that re-detention is necessary to prevent danger to the community or flight. To preserve this Court's jurisdiction, Petitioner further seeks an order enjoining Respondents from transferring Petitioner out of this District during the pendency of the underlying proceedings.

This motion is supported by a Memorandum of Points and Authorities, supporting exhibits, and Petition for Writ of Habeas Corpus filed and served herewith, as well as any additional submission that may be considered by the Court. Consistent with L.R. 231(b), Petitioner seeks relief at the earliest possible opportunity. Petitioner files this motion concurrently with his Petition for Writ of Habeas Corpus; he seeks a temporary restraining order and preliminary injunction to vindicate his liberty interests under the Due Process Clause of the Fifth Amendment and for relief from Respondents' violation of the pertinent immigration statutes.

Pursuant to L.R. 142 and L.R. 231(c)(5), and, as detailed further in the supporting Declaration of Patience Milrod, counsel for Petitioner provided counsel for Respondents with notice of this Motion and advised Respondents of the emergency reasons requiring Petitioner to seek an ex parte application for a temporary restraining order.

Dated: December 5, 2025

Respectfully submitted,

Patience Milrod

Patience Milrod
Attorney for Petitioner