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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **SAN FRANCISCO DIVISION**

12
13  A F A M
14 Petitioner,
15 v.
16 SERGIO ALBARRAN et al.,
17 Respondents.

CASE NO. 4:25-cv-10492

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

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Northern District of California, that Petitioner ¹ will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 65-1. Because Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the United States, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and, within 14 days, order a pre-deprivation bond hearing before the San Francisco Immigration Court, where Respondents shall bear the burden of proof to show, by clear and convincing evidence, that Petitioners are a danger or a flight risk. To preserve this Court's jurisdiction, Petitioner further seek an order enjoining Respondents from transferring Petitioner out of this District or deporting them during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the supporting declarations, the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus (ECF No. 1).

Consistent with Civil L.R. 65-1, Petitioner seeks relief at the earliest possible opportunity. Petitioners are filing this motion the same day they filed their Petition for Writ of Habeas Corpus.

Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Jonathan

¹ Petitioner respectfully requests that the Court use his initials, A.F.A.M., rather than his full last name, in any opinion in his case, as suggested by the Committee on Court Administration and Case Management of the Judicial Conference of the United States. *See* Memorandum Re: Privacy Concern Regarding Social Security & Immigration Opinions, May 1, 2018, available at: https://www.uscourts.gov/sites/default/files/18-cv-1-suggestion_cacm_0.pdf. *See also* Walter A.T., v. Facility Administrator, 2025 WL 1744133, at *10 (E.D. Cal. June 24, 2025).

1 Abel, Counsel for Petitioner emailed a copy of the filed petition to Counsel for Respondents and
2 advised that a Motion for TRO would be forthcoming. Petitioners also emailed Counsel for
3 Respondents a copy of the Memorandum of Points and Authorities shortly before filing it. As of
4 this filing, Respondents have not stipulated to a TRO.

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6 Date: December 6, 2025

Respectfully Submitted,

7 /s/ Jonathan Abel

8 Jonathan Abel (SBN 293086)

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