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8 Attorney for Petitioner Viktor Russu

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 VIKTOR. RUSSU, an Individual

12 Petitioner,

13 vs.

14 PAMELA BONDI, ATTORNEY
15 GENERAL OF THE UNITED STATES;
16 KRISTI NOEM, SECRETARY OF THE
17 UNITED STATE DEPARTMENT OF
18 HOMELAND SECURITY, TODD
19 LYONS, ACTING DIRECTOR OF
20 IMMIGRATION AND CUSTOMS
21 ENFORCEMENT; SEMAIA FERETI,
22 IMMEDIATE CUSTODIAN FOR
23 IMMIGRATION AND CUSTOMS
24 ENFORCEMENT AT THE ADELANTO
25 DETENTION CENTER

26 Respondents.

) Case No.: 5:250-cv-03327

**REQUEST FOR TEMPORARY
RESTRAINING ORDER**
FRCP 65, Local Rule 65-1

NOTICE PROVIDED

1 **I. PRELIMINARY STATEMENT**

2 Petitioner Viktor Russu ("Petitioner" or "Mr. Russu") respectfully moves this
3 Court for a temporary restraining order pending the Court's adjudication of his Writ
4 of Habeas Corpus petition ("Petition") that he filed on December 10, 2025.
5 Specifically, Petitioner moves the Court to order Respondents to effectuate his
6 immediate release from detention under reasonable conditions while the Court
7 adjudicates his Petition. Petitioner is currently detained at the Adelanto Detention
8 Center and is struggling with serious health conditions for which he is being denied
9 proper treatment which has placed his life and well-being at serious risk.

10 **II. NOTICE**

11 On December 11, 2025 and prior to filing this application, I spoke by telephone
12 with Assistant U.S. Attorney Daniel A. Beck and provided notice. We discussed the
13 request and Mr. Beck indicated that the Government opposes the request. I will
14 provide confirmed copies of the request and other papers to Mr. Beck upon filing.

15 **III. STATEMENT OF RELEVANT FACTS**

16 I. Petitioner is a citizen and native of Ukraine, who has been residing in the U.S.
17 since March 13, 2015. Petition at page 69¹. He has never been convicted of any
18 crime of offense. Mr. Russu has been in immigration detention since August 27,
19 2025 and at the Adelanto Detention Center since August 28, 2025 with no end in
20 sight to his detention. Petition at pages 14 and 53. **Mr. Russu is struggling with**
21 **serious health conditions, and he has been denied proper medical treatment and**
22 **care while he is being detained.** *Id.* The Immigration Judge denied him bond twice
23 without sufficient reason and ignored evidence of material change in circumstances
24 that was submitted with his recent bond motion. The Immigration Judge's main
25
26

27
28 ¹ Reference to the Petition is to the Habeas Corpus Petition and attached exhibits
Petitioner filed on December 10, 2025.

1 reason for denial of bond is based on the allegation of flight risk. Petition at pages
2 19-44 and 143-164.

3 2. Prior to his unlawful arrest and detention, Mr. Russu had an approved
4 Temporary Protected Status that was valid until April 19, 2025. Petition at page 71.
5 At the time of his unlawful arrest and detention, Mr. Russu had a pending application
6 for the extension of his Temporary Protected Status as well as a pending asylum
7 application. Petition at pages 73-75.

8 3. Prior to his detention, Mr. Russu was residing with and supporting his mother
9 and niece who entered the U.S. legally on Parole for Ukrainians to escape the
10 atrocities of war in Ukraine. Petition at page 104. He was self-employed in the
11 transportation business at a company called Dena Logistic, Inc. that he co-owns with
12 a business partner. Petition at pages 121-141.

13 4. On or about August 27, 2025, government agents apprehended Mr. Russu in
14 front of his home in Glendale, California, representing that they had a warrant for his
15 arrest. He was initially held at the Los Angeles ICE office for one day and
16 subsequently transferred to the Adelanto Detention Center where he is currently
17 located.

18 5. The government issued a Notice to Appear charging Mr. Russu with
19 removability for overstaying his visa. He has an application for asylum, withholding
20 and Convention against Torture that are pending. He also has a pending application
21 for the extension of his Temporary Protected Status.

22 6. Mr. Russu's continued detention without bond violates his rights under the Due
23 Process Clause of the Fifth Amendment of the U.S. Constitution and constitutes cruel
24 and unusual punish under the Eight Amendment of the U.S. Constitution as he is
25 being denied proper medical care for his serious medical conditions.

26 7. Mr. Russu implores the Court to order Respondents and those acting under
27 them for his immediate release on reasonable conditions.

28 **A. Petitioner's First Bond Hearing**


1 8. On or about September 4, 2025, Mr. Russu, acting through counsel before the
2 bar, submitted a bond hearing request. He submitted evidence of a sponsor and
3 reference letters as well proof of his lawful entry into the U.S. and his efforts to
4 obtain legal status.

5 9. The bond hearing was scheduled and heard on October 15, 2025.

6 10. The government submitted an I-213 (Record of Deportable/Inadmissible
7 Alien), in which it was alleged that upon Mr. Russu's apprehension by the
8 government agents on August 27, 2025, he briefly fled and was apprehended a few
9 minutes later "without further incident." At this first bond hearing, the government
10 claimed that it received an "anonymous tip" that purportedly attributed illegal activity
11 to Mr. Russu. Without sufficient or admissible evidence and over his counsel's
12 objection, the Immigration Judge admitted the I-213 and denied bond citing flight
13 risk and lack of sufficient sponsorship or family ties. Petition at pages 19-44. The
14 Immigration Judge's ruling indicated that the denial of bond was not based on the
15 anonymous call.

16 11. On October 5, 2025, Mr. Russu appealed the denial of his first bond which is
17 currently pending with the Board of Immigration Appeals. Petition at pages 47-49.

18 **B. Petitioner's Serious Illness and Hospitalization and his Second Bond**
19 **Hearing Request**

20 12. On October 24, 2025, Mr. Russu was hospitalized, after a medical examination
21 that he had been requesting for months, "because his pulse was 38 beats per minute."
22 Petition at page 14. While hospitalized, he shared with the doctors that he has
23  *Id.* He was given tests and some treatment and was released from
24 the hospital after 4 days with a promise that a cardiologist would see him, a promise
25 that never came to fruition. *Id.* Mr. Russu was not given any medication for his
26 current heart condition. *Id.* Upon his release from the hospital, Mr. Russu requested
27 his medical records, which were not provided to him. *Id.*

28 13. Mr. Russu's health has been deteriorating since his detention. According to his

1 declaration, he has “nose bleeds, headaches, nausea, dizziness” as well as a nearly
2 complete loss of hearing, significant loss of weight, and continued low heartbeats.
3 Petition at page 14. In her declaration to the Immigration Court, Mr. Russu’s mother
4 explained that he suffered a cerebral hemorrhage in 2015. Petition at page 104.

5 14. Since his detention, Mr. Russu has been submitting requests for medical
6 attention and healthy food to no avail. Petition at pages 81-102.

7 15. On November 16, 2025, counsel before the bar filed a new bond motion
8 requesting a new bond hearing based on material change in circumstances relating to
9 Mr. Russu’s hospitalization and illness; difficulty his mother and niece who rely on
10 him were experiencing; a new financial sponsor who is a registered nurse, as well as
11 several letters from reputable individuals vouching for Mr. Russu’s character, as well
12 as evidence of the business he co-owns. Petition at pages 52-59 and 113-122.

13 16. The Immigration Judge denied the new bond motion without a hearing on
14 November 21, 2025 citing flight risk and labeling Mr. Russu’s serious health
15 condition and lack of treatment as insufficient “hardship.” Petition at pages 143-164.

16 17. Mr. Russu continues to languish in detention at the Adelanto Detention Center
17 with significant risk to his health and well-being.

18 **IV. STATEMENT OF THE LAW**

19 **A. Standard of Review**

20 Petitioner is being detained pursuant to 8 U.S.C. §1226 (a) “which provides the
21 framework for the arrest, detention, and release of non-citizens...who are in removal
22 proceedings.” *Singh v. Barr*, 400 F.Supp. 3d 1005; 1012, U.S.Dist. LEXIS 149761,
23 WL 4168901 (S.D.C.A. 2019). When the noncitizen is arrested pursuant to 8 U.S.C.
24 §1226 (a), the government determines whether the noncitizen will be released on
25 bond. *Id.* The noncitizen can then request review of the government’s bond
26 determination before the Immigration Court. *Id.* The noncitizen may file subsequent
27 motions for bond with the Immigration Court only if she or he can show that there
28 has been a material change in their circumstances. *Id.* citing to 8 C.F.R. §1003.19(e).

1 “[A]dministrative exhaustion by those seeking relief under §2241 is a
2 prudential, not jurisdictional, prerequisite in the Ninth Circuit, and can thus be
3 waived.” *Singh v. Barr* 400 F.Supp. 3d, supra at 1013.

4 While the government’s position is that the noncitizen bears the burden of
5 proof in a §1226(a) hearing, in the Ninth Circuit “(1) the government carry the
6 burden at §1226(a) bond redetermination hearings, and (2) that it do so by clear and
7 convincing evidence.” *Singh v. Barr* 400 F.Supp. 3d, supra at 1017.

8 When a Petitioner for Habeas Corpus seeks a temporary restraining order, he
9 must establish that: 1) he is likely to be successful on the merits; 2) he will suffer
10 irreparable harm if relief is not granted; 3) the balance of equities tips in his favor,
11 and 4) the temporary restraining order is in the public’s interest. *Winter v. NRDC,*
12 *Inc.* 555 U.S. 7, 20 (2008).

13 **B. Petitioner Satisfies all the Elements of Winter**

14 **1. Likelihood of Success on the Merits**

15 Petitioner has entered the U.S. lawfully and been residing in the U.S. for over
16 10 years without a blemish on his record. Petition at pages 67-69. He has been
17 diligently pursuing legal status in the U.S. Petition at pages 71-74. He co-owns a
18 business in the U.S. Petition at pages 121-140. He has a strong family and friends
19 support in the U.S. Petition at pages 104; 113-120. Petitioner struggles from serious
20 health conditions for which he has not been receiving proper care for in detention.
21 Petition at pages 14; 81-102.

22 At his first bond hearing, the Immigration Judge erroneously placed the burden
23 of proof at the bond hearing on Petitioner; admitted hearsay and improper evidence,
24 and relied on a single incident to determine that Petitioner was a flight risk. Petition
25 at pages 19-45. The Immigration Judge’s decision was arbitrary and capricious.
26 Petitioner’s basic due process rights under the Fifth Amendment were violated and he
27 has been deprived of his liberty interest on speculative grounds.

1 Even when Petitioner filed his second bond hearing request after being
2 hospitalized for serious health conditions, the Immigration Judge still denied bond on
3 arbitrary and capricious grounds *without a hearing*. Petition at pages 67-140: 143-
4 164.

5 For these reasons, the Court ought to find that Petitioner has a strong likelihood
6 of prevailing in his Habeas petition.

7 **2. Irreparable Harm**

8 There is little question about the irreparable harm that Petitioner suffers if this
9 request is not granted. “It is well established that the deprivation of constitutional
10 rights unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d
11 990, 1002 (9th Cir. 2012). In addition to the irreparable harm caused by his continued
12 detention and deprivation of freedom in violation of the Fifth Amendment,
13 Petitioner’s health condition and the continued deprivation of adequate, if any,
14 medical care aggravates his irreparable harm. In this declaration to this Court in
15 support of the Petition, Petitioner describes his dire medical condition in detention
16 including “nosebleeds, headaches, nausea, dizziness,” near loss of hearing, and
17 extremely low heart rate. Petition at page 14.

18 The Court ought to find that Petitioner will suffer irreparable harm if his
19 request is not granted.

20 **3. Balance of Equities and Public Interest Tip in Petitioner’s Favor**

21 When the government is on the opposite side of an injunction request, the
22 balance of equities and public interest merge. *Nken v. Holder*, 556 U.S. 418, 435
23 (2009). The government will not suffer irreparable harm if Petitioner is ordered
24 released on reasonable conditions while he pursues his applications for relief with the
25 Court. Prior to his detention, the government had no problems with Petitioner as he
26 was free from detention for the majority of the 10 years he has been living in the
27 U.S., and he has constantly apprised USCIS of his address and attended his USCIS
28 scheduled interview.

1 As to the public interest, the balance of equities tips in favor of Petitioner's
2 release. "It is always in the public interest to prevent the violation of a party's
3 constitutional rights." *Index Newspaper LLC v. U.S. Marshals Serv.*, 977 F.3d 817,
4 838 (9th Cir. 2020). In Petitioner's case, the public interest is strengthened due to his
5 deteriorating health and lack of proper treatment his detention.

6 **V. CONCLUSION**

7 For the forgoing reasons, Petitioner Viktor Russu implores the Court to issue
8 an order directing Respondents to release him from detention immediately. Petitioner
9 further respectfully asks the Court to issue an order that he may not be re-detained
10 unless Respondents provide by clear and convincing evidence before this Court that
11 he is either a danger to the community or a flight risk. Petitioner further respectfully
12 requests that Respondents be enjoined from transferring him to another jurisdiction.

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14
15 DATED: December 11, 2025

Respectfully submitted,

16 /s/Nabil E. Chelico
17 Nabil E. Chelico
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