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

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

MARIA GUADALUPE RODRÍGUEZ RAMÍREZ,

Petitioner,

vs.

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

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING ORDER

Case No. 5:25-cv-3336

INTRODUCTION

1. This is an emergency. Petitioner MARIA GUADALUPE RODRÍGUEZ RAMÍREZ, A [redacted] files this Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 and Motion for Temporary Restraining Order because DHS intends to remove her today—within hours—without a valid order, without process, and without access to counsel. Immediate judicial intervention is the only means of preventing an unlawful and irreversible deportation.

2. Petitioner is a 25-year resident of the United States, a mother of a United States citizen, and a long-established member of her community with no criminal history. She appeared this morning, December 10, 2025, for a routine adjustment-of-status interview under INA § 245(i). Instead of conducting the interview, DHS officers detained her without warning, expelled her interpreter, denied her the ability to contact counsel, provided no advisals, and presented documents for signature that she could not read or understand.

3. Officers then told her son that DHS had "found a removal document from 2000." That assertion is flatly contradicted by DHS's own records. Multiple FOIA responses from ICE, USCIS, CBP, and the FBI all confirm no record of any prior removal order, removal proceeding, Notice to Appear, I-213, voluntary departure, or prior encounter of any kind.

4. Despite lacking any lawful order authorizing her removal, DHS informed the family that Petitioner would be deported today, as early as 5:30 p.m. She is currently held at the ICE San Bernardino office and does not appear in the ICE Locator, further preventing counsel from confirming her location or status.

5. Petitioner faces imminent and irreparable harm. DHS is attempting to execute a removal with no valid legal basis, no procedural safeguards, and no opportunity for counsel to intervene. The Constitution does not permit a secret or coerced removal of a 25-year resident without notice, without process, and without a lawful order.

6. This Court's immediate intervention is required.

JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges the legality of her detention and threatened removal. Jurisdiction also lies under 28 U.S.C. § 1331, the Suspension Clause, and the All Writs Act, 28 U.S.C. § 1651.

8. Venue is proper in the Central District of California, Eastern Division, because Petitioner was detained in this District and is currently held at the ICE facility located at 655 W. Rialto Avenue, San Bernardino, CA 92410.

PARTIES

9. Petitioner MARIA GUADALUPE RODRIGUEZ RAMIREZ is a noncitizen currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the ICE San Bernardino Field Office located at 655 W Rialto Ave, San Bernardino, California.

10. Respondent DAVID MARIN is the Director of the Los Angeles Field Office of ICE Enforcement and Removal Operations ("ERO"). As the ICE official with authority over Petitioner's custody and removal within this region, he is Petitioner's immediate custodian for purposes of 28 U.S.C. § 2241. He is sued in his official capacity.

11. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security ("DHS"), the federal agency responsible for immigration enforcement and detention. She is sued in her official capacity.

12. Respondent PAM BONDI is the Attorney General of the United States and the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review ("EOIR") and immigration judges. She is sued in her official capacity.

FACTUAL BACKGROUND

13. Petitioner is a native and citizen of Mexico who entered the United States without inspection in August 2000. She has resided continuously in the United States for approximately twenty-five years. She has no criminal history.

14. Petitioner is the beneficiary of a Form I-130 filed by her U.S. citizen son. She is eligible to adjust status under INA § 245(i). The I-130 petition was verbally approved by USCIS this morning at her adjustment interview.

15. Petitioner appeared for her interview at the San Bernardino USCIS Field Office around 10:00 AM. with her son and a family friend who served as her Spanish interpreter. Officers refused to allow her son into the interview. The interpreter was permitted inside initially but was later removed by officers and told the interview would continue without her. At no point did USCIS allow Petitioner access to counsel or provide any explanation of rights.

16. Petitioner's interpreter reports that she was removed before interpreting any documents and had no knowledge of what Petitioner was shown. Petitioner speaks very limited English and could not have understood any document presented to her without interpretation. USCIS provided no copies of anything Petitioner allegedly signed.

17. Following her detention, officers informed Petitioner's son that she was being taken into ICE custody because DHS had found a "removal document from 2000." No such document was produced. The family was given only a sheet of paper with the San Bernardino detention address circled and a phone number.

18. FOIA responses from ICE, USCIS, CBP, and the FBI show no record of any prior removal order, NTA, I-213, administrative removal, stipulated removal, voluntary departure, or any other immigration proceeding.

19. Despite the absence of any order authorizing removal, officers informed the family that Petitioner would be removed **today**, as early as **5:30 p.m.** Petitioner does not appear in the ICE Online Detainee Locator.

LEGAL FRAMEWORK

20. Federal courts retain jurisdiction under 28 U.S.C. § 2241 to review the legality of civil immigration detention and to enjoin unlawful or imminent removal. The Supreme Court has made clear that neither 8 U.S.C. § 1252(b)(9) nor § 1252(g) bars review of claims that challenge

the lawfulness of detention itself, as opposed to the discretionary decision to commence, adjudicate, or execute removal. *Jennings v. Rodriguez*, 583 U.S. 281, 292–96 (2018); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482–83 (1999). The Ninth Circuit has repeatedly held that habeas jurisdiction remains available where, as here, a petitioner alleges unconstitutional detention or the execution of a removal order obtained without due process. *Martinez v. Napolitano*, 704 F.3d 620, 622 (9th Cir. 2012); *Hovsepian v. INS*, 359 F.3d 1144, 1155 (9th Cir. 2004). Emergency injunctive relief is available under Federal Rule of Civil Procedure 65(b) to preserve the Court's jurisdiction and prevent irreparable harm. *Granny Goose Foods v. Teamsters*, 415 U.S. 423, 439 (1974); *Winter v. NRDC*, 555 U.S. 7, 20 (2008). Under Ninth Circuit precedent, a TRO may issue upon a showing of either a likelihood of success on the merits or "serious questions" going to the merits, combined with a balance of hardships tipping sharply in the petitioner's favor. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

21. Before a final order of removal, immigration detention is governed exclusively by 8 U.S.C. §§ 1225 and 1226, which apply to distinct and mutually exclusive categories. Section 1225(b) governs individuals "seeking admission," including those at ports of entry, while § 1226 regulates the detention of noncitizens arrested in the interior and awaiting a determination on removability. *Jennings*, 583 U.S. at 287–89. Courts in this District have consistently rejected DHS attempts to reclassify long-term interior residents as "arriving aliens" subject to § 1225(b) through administrative labeling alone. See *Ruiz Yarleque v. Noem*, 2025 WL 3043936, at *5–7 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, 2025 WL 2986672, at *3–4 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285, at *1–2 (C.D. Cal. Aug. 15, 2025). Once DHS has treated a person as residing in the interior, released them into the community, or initiated full § 240 removal proceedings, detention must proceed under § 1226(a). *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025).

22. Detention under § 1226(a) is civil and therefore subject to constitutional limits. Confinement is permissible only where the government demonstrates by clear and convincing evidence that the individual poses a danger or flight risk. *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). Individuals detained under § 1226(a) are entitled to an individualized custody determination before a neutral adjudicator. The Supreme Court has also confirmed that even where the INA authorizes mandatory detention in some contexts, noncitizens may bring as-applied constitutional challenges where detention becomes excessive, unreasonable, or punitive. *Demore v. Kim*, 538 U.S. 510, 532–33 (2003) (Kennedy, J., concurring); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019).

23. Where the government seeks to re-detain an individual who has been living in the community or revoke an existing conditional liberty interest, due process requires notice, access to counsel, and a pre-deprivation hearing. *Young v. Harper*, 520 U.S. 143, 147–49 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). District courts in California have applied these principles directly to immigration detention, holding that sudden detention without explanation, without changed circumstances, and without opportunity to be heard violates procedural due process. *Hernandez v. Wofford*, 2025 WL 2420390, at *2–4 (E.D. Cal. Aug. 21, 2025).

24. Finally, the government may not execute a removal order that is invalid, involuntary, or produced without due process. Removal orders obtained through misadvisal, coercion, or uninformed waiver cannot be enforced. See *United States v. Ramos*, 623 F.3d 672, 680–81 (9th Cir. 2010) (invalidating removal order where waiver was not knowing or voluntary); *United States v. Lopez-Vasquez*, 227 F.3d 476, 484–85 (9th Cir. 2000). Where, as here, DHS cannot produce a verifiable removal order and instead relies on a signature obtained outside the presence of counsel, without proper advisals, and under circumstances suggesting coercion or misunderstanding, due process prohibits removal based on that document.

ARGUMENT

I. DHS CANNOT LAWFULLY REMOVE PETITIONER BECAUSE IT HAS PRODUCED NO VALID REMOVAL ORDER, AND THE GOVERNMENT'S OWN RECORDS CONTRADICT THE EXISTENCE OF ANY SUCH ORDER.

25. DHS informed Petitioner's son that officers had "found" a removal order from 2000, but to date DHS has produced no such order, and multiple FOIA responses—including from ICE, CBP, and the FBI—confirm that no records exist for Petitioner reflecting any removal proceedings, orders, or encounters. A removal order that cannot be produced, is inconsistent with all government records, and was never served on the noncitizen cannot lawfully be executed. The Ninth Circuit has made clear that DHS may not rely on removal orders that were not properly issued or were never explained or served on the individual. See, e.g., *United States v. Ramos*, 623 F.3d 672, 680–81 (9th Cir. 2010); *United States v. Lopez-Vasquez*, 227 F.3d 476, 484–85 (9th Cir. 2000). Executing such an order would violate due process and strip Petitioner of the procedural protections guaranteed by the Fifth Amendment. At minimum, DHS must demonstrate the existence and validity of the alleged 2000 order before effecting removal. It has not done so.

II. ANY PURPORTED WAIVER, SIGNATURE, OR "AGREEMENT" OBTAINED DURING THE INTERVIEW WAS NOT KNOWING, VOLUNTARY, OR INTELLIGENT AND CANNOT SUPPORT DETENTION OR REMOVAL.

26. Even if DHS claims Petitioner signed a removal-related document today, any such signature is invalid. Petitioner was questioned alone, denied access to the interpreter her family brought, provided no advisals, and offered no explanation of the documents she was asked to sign. She was not given an opportunity to consult counsel, despite the obvious gravity of the situation. Under long-standing Supreme Court precedent, a waiver of rights is constitutionally valid only when made knowingly, voluntarily, and intelligently. *Ramos*, 623 F.3d at 680–81;

Lopez-Vasquez, 227 F.3d at 484–85. Courts have invalidated removal orders where the individual was misinformed, unable to understand the consequences of signing, or deprived of counsel. These defects are amplified where, as here, the individual has limited English proficiency and DHS affirmatively removed the trusted interpreter the family brought to the interview.

27. Petitioner's son reports that his mother does not recall ever being detained or signing a removal order. The surrounding circumstances—surprise detention, denial of interpreter assistance, lack of access to counsel, and coercive environment—render any alleged waiver constitutionally defective. DHS cannot lawfully rely on it.

III. PETITIONER'S DETENTION VIOLATES DUE PROCESS BECAUSE DHS DEPRIVED HER OF LIBERTY WITHOUT NOTICE, WITHOUT EXPLANATION, AND WITHOUT A HEARING.

28. Sudden detention and revocation of liberty without notice or process violate the Fifth Amendment. When the government seeks to revoke a conditional liberty interest or seize a person who has been living in the community, due process requires notice, a hearing, and access to counsel before the deprivation occurs. *Young v. Harper*, 520 U.S. 143, 147–49 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). District courts in California have applied these principles directly in the immigration context, finding that abrupt, unexplained detention—especially without changed circumstances—violates procedural due process. *Hernandez v. Wofford*, 2025 WL 2420390, at *2–4 (E.D. Cal. Aug. 21, 2025).*

29. Petitioner lived in the United States for nearly 25 years without incident, and DHS treated her as a resident eligible for adjustment by accepting her I-130, I-485, and I-765 filings. At today's interview, DHS first informed her son that the I-130 had been approved. Minutes later, without warning, DHS detained her, denied interpreter access, offered no explanation, and refused any opportunity to speak with counsel. No notice preceded her detention, no charges or

documents were served, and DHS has still produced no underlying basis for custody. This is the paradigmatic due-process violation.

IV. DHS'S CUSTODY OF PETITIONER IS UNLAWFUL BECAUSE IT IS GOVERNED BY § 1226(A), AND DHS HAS PROVIDED NO CLEAR AND CONVINCING EVIDENCE JUSTIFYING DETENTION.

30. Petitioner is a long-term interior resident who entered the United States in 2000 and has lived here continuously for 25 years. DHS repeatedly treated her as residing in the interior by accepting her adjustment filings, processing her AOS interview, and issuing biometric and receipt notices. Under *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018), individuals arrested in the interior fall under § 1226. The Central District has consistently rejected DHS efforts to classify interior residents as "arriving aliens" or place them under § 1225(b). See *Ruiz Yarleque v. Noem*, 2025 WL 3043936, at *5–7 (C.D. Cal. Oct. 31, 2025); *Garcia v. Noem*, 2025 WL 2986672, at *3–4 (C.D. Cal. Oct. 22, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285, at *1–2 (C.D. Cal. Aug. 15, 2025)*. Once DHS has initiated full § 240 proceedings or otherwise treated a person as residing in the interior, detention must proceed under § 1226(a). *Vasquez Perdomo v. Noem*, 790 F. Supp. 3d 850, 884–85 (C.D. Cal. 2025).

31. Under § 1226(a), the government may detain a noncitizen only where it can demonstrate, with clear and convincing evidence, that the person poses a danger or flight risk. *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). Petitioner is a 25-year resident, a mother of U.S. citizens, has no criminal history, is in active AOS proceedings, and was fully compliant with all immigration requirements. DHS has made no showing whatsoever that she poses any danger or flight risk.

V. THE TRO FACTORS OVERWHELMINGLY FAVOR PETITIONER BECAUSE IMMINENT REMOVAL WOULD CAUSE IRREPARABLE HARM, DEFEAT JURISDICTION, AND BE UNLAWFUL UNDER THE FIFTH AMENDMENT.

32. A temporary restraining order is warranted where the petitioner shows: (1) likelihood of success on the merits, (2) likelihood of irreparable harm absent relief, (3) that the balance of equities tips sharply in her favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The Ninth Circuit also permits relief where a petitioner raises "serious questions going to the merits" and the balance of hardships tips sharply in her favor. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

A TRO may issue to prevent removal or unlawful detention while the Court determines the merits. *Granny Goose Foods, Inc. v. Teamsters*, 415 U.S. 423, 439 (1974).

a. PETITIONER IS LIKELY TO PREVAIL ON THE MERITS

33. Courts across the country have now held—with near-total unanimity—that noncitizens arrested in the interior are detained under **8 U.S.C. § 1226(a)**, not § 1225(b). *Lopez Benitez v. Francis*, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Benitez v. Noem*, No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Aguilar Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *rep. & rec. adopted*, 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-BFM, at 13 (C.D. Cal. July 28, 2025); *Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025). The Western District of Washington summarized the consensus: "Every district court to address this question has concluded that the government's position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice." *Rodriguez v. Bostock*, 2025 WL 2782499, at 9 (W.D. Wash. Sept. 30, 2025).

34. Where DHS has permitted a noncitizen to live in the United States, initiated full § 240 proceedings, or otherwise treated the person as present in the interior, detention **must** proceed under § 1226(a). Courts in this Circuit consistently reject DHS's attempt to retroactively classify interior arrests as "arriving" cases under § 1225(b). See *Ruiz Yarleque v. Noem*, 2025 WL 3043936, at *5–8 (C.D. Cal. Oct. 31, 2025); *Vasquez Garcia*, 2025 WL 2549431; *Arrazola-Gonzalez*, 2025 WL 2379285.

35. Because Ms. Rodriguez has lived in the United States for 25 years, attended a scheduled USCIS interview, was not apprehended at a port of entry, and appears to have been in (or eligible for) § 240 proceedings, DHS's reliance on § 1225(b) is unlawful. Under § 1226(a), she is entitled to an individualized custody hearing and release unless the government demonstrates danger or flight risk by clear and convincing evidence. *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).

b. PETITIONER WILL SUFFER CATASTROPHIC, IRREVERSIBLE HARM ABSENT AN IMMEDIATE TRO

36. Removal is the *paradigmatic* irreparable harm. Once executed, it cannot be undone. *Leiva-Perez v. Holder*, 640 F.3d 962, 968 (9th Cir. 2011). Here, DHS officers told Petitioner's family that she will be removed today—potentially by 5:30 p.m. Petitioner is being rushed toward deportation without notice, without counsel, without an interpreter of her choosing, and without any opportunity to understand or contest any document DHS claims she signed. This is not merely procedural error; it is constitutional freefall.

37. Petitioner is a long-time resident of the United States—having lived here since 2000—and is the beneficiary of an approved I-130 petition filed by her U.S. citizen son. She has a pending adjustment of status application under INA §245(i), a congressionally created pathway *specifically designed* for individuals with decades-long presence and deep U.S. family ties. In short: she is actively eligible for lawful permanent residence. Removal today would extinguish

those statutory rights forever, causing exactly the type of irreversible injury the Ninth Circuit repeatedly recognizes as irreparable. See *Singh v. Holder*, 638 F.3d 1196, 1204 (9th Cir. 2011) (loss of opportunity for lawful status constitutes irreparable harm); *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017) (constitutional injury is irreparable).

38. The harm is magnified because DHS is attempting to remove Petitioner on the basis of a purported 2000 "removal" or "voluntary departure" document that neither she nor her family has ever seen, that she does not recall signing, and that does not appear in any of the four FOIA responses previously obtained by counsel—including USCIS, ICE, FBI, and CBP—all of which reported no responsive records. Sudden enforcement of a decades-old, undisclosed document with no notice and no access to counsel violates the core due-process principles set out in *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); and *Young v. Harper*, 520 U.S. 143, 147–49 (1997). Deportation under these conditions would inflict irreversible constitutional injury, which the Ninth Circuit has consistently held is independently sufficient to establish irreparable harm. *Hernandez*, 872 F.3d at 994–95.

39. Petitioner is on the verge of being removed from the only country she has called home for nearly 25 years, separated from her U.S.-citizen children, and permanently barred from lawful status that Congress expressly made available to her. There is no remedy for this harm. Once she is removed today, all review becomes moot. The Court's jurisdiction would be destroyed, and her rights would be extinguished forever. A TRO is the only mechanism capable of preventing this catastrophic and unlawful outcome.

c. THE BALANCE OF EQUITIES DECISIVELY FAVORS PETITIONER

40. The balance of equities in this posture is not close. Petitioner faces immediate, life-altering, and irreversible consequences if the Court does not intervene: she will be deported within hours based solely on a document she does not recall signing, that DHS never disclosed, and that does not appear in any government FOIA record. The government, by contrast, suffers no legally cognizable harm from briefly preserving the status quo to allow judicial review. As the

Ninth Circuit has repeatedly emphasized, immigration enforcement interests do not outweigh an individual's constitutional right to due process—particularly where, as here, DHS seeks to remove a long-time resident without notice, counsel, or process. See *Singh v. Holder*, 638 F.3d 1196, 1202–04 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976, 994–96 (9th Cir. 2017).

41. Petitioner has lived in the United States for nearly twenty-five years, raised U.S.-citizen children, has an approved I-130, and is in the middle of a pending adjustment-of-status process for which she indisputably qualifies under INA § 245(i). The equities accordingly tilt sharply—indeed overwhelmingly—in her favor. DHS has no legitimate interest in conducting a rushed same-day deportation based on a secret or decades-old document never disclosed to Petitioner, especially when Congress has affirmatively made her eligible for permanent residence. Courts in this Circuit regularly hold that where the government's asserted interest is minimal and the petitioner faces removal that would nullify statutory eligibility, the equities compel emergency injunctive relief. See *Leiva-Perez v. Holder*, 640 F.3d 962, 970 (9th Cir. 2011) (government's interest in prompt removal does not outweigh petitioner's profound interests where removal may be wrongful).

42. The government retains the full ability to pursue whatever enforcement it believes appropriate after lawful process is afforded. But what cannot be undone is a deportation executed unlawfully and in violation of constitutional guarantees. The equities therefore cut sharply—and unmistakably—in Petitioner's favor.

d. THE PUBLIC INTEREST OVERWHELMINGLY SUPPORTS A TRO

43. The public interest is always served by preventing the government from acting unlawfully or unconstitutionally, even briefly. See *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) ("It is clear that it would not be equitable or in the public's interest to allow the state… to violate the requirements of federal law."). Where fundamental due-process rights are at stake, courts have repeatedly held that preserving judicial review is itself a paramount public

interest. See *Nken v. Holder*, 556 U.S. 418, 436 (2009) ("There is a public interest in preventing aliens from being wrongfully removed.").

44. That interest is at its absolute peak here. DHS has attempted to remove a 25-year resident, mother of U.S. citizens, with an approved family-based petition and pending adjustment application, based on a supposed 2000 "removal" document that Petitioner never saw, did not understand, and that was not disclosed in any FOIA file. The public has a profound stake in ensuring that immigration enforcement is not carried out in secret, without access to counsel, without proper interpretation, and without any opportunity to contest the basis for removal—precisely the scenario the Supreme Court warned against in *Nken* and the Ninth Circuit rejected in *Hernandez*, *Singh*, and *Arevalo v. Barr*, 952 F.3d 922, 928–29 (9th Cir. 2020).

45. Moreover, emergency relief here does not halt enforcement permanently; it merely ensures that enforcement comports with the Constitution. The government cannot claim any public interest in expediting removal at the cost of due process—particularly where Petitioner appears plainly eligible for lawful permanent resident status. Preserving the Court's ability to adjudicate these issues is not only consistent with the public interest; it is essential to it.

PRAYER FOR RELIEF

46. For the foregoing reasons, Petitioner respectfully requests that this Court issue the following relief:

a. A Temporary Restraining Order immediately enjoining Respondents from removing Petitioner from the United States, including any transport out of California, until the Court can fully consider this Petition and Motion;

b. An order requiring Respondents to produce forthwith any and all documents they contend authorize Petitioner's removal, including—but not limited to—any alleged removal order, voluntary departure, stipulated order, I-213, sworn statement, or any document purportedly signed by Petitioner on December 10, 2025;

c. An order requiring Respondents to show cause why a writ of habeas corpus should not issue;

d. A writ of habeas corpus directing Respondents to immediately release Petitioner under reasonable conditions of supervision, or in the alternative, to provide a prompt, constitutionally adequate custody hearing before a neutral adjudicator at which the government bears the burden of proof by clear and convincing evidence;

e. An order preserving the Court's jurisdiction by prohibiting Respondents from taking any action that would effectuate or further Petitioner's removal pending final disposition of this case;

f. Reasonable notice to counsel prior to any transfer of Petitioner between facilities;

g. Attorneys' fees and costs under the Equal Access to Justice Act, if applicable; and

h. Any further relief the Court deems just and proper.

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: December 10, 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