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8
9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 **Martina MARTIN GARCIA,**

13 Petitioners,

14 v.

15 **SERGIO ALBARRAN et al.,**

16 Respondents.

CASE NO. 3:25-cv-10617

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

NOTICE OF MOTION AND MOTION

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

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

19 Consistent with Civil L.R. 65-1, Petitioners seeks relief at the earliest possible opportunity.
20 Petitioner is filing this motion within twelve hours of when she filed her Petition for Writ of Habeas
21 Corpus.

22 Pursuant to Civil L.R. 65-1(a)(5), and as detailed further in the Declaration of Alyosha
23 Maggin, Counsel for Petitioner emailed a copy of the filed petition to Counsel for Respondents
24 and advised that a Motion for TRO would be forthcoming. Petitioner also emailed Counsel for
25 Respondents a copy of the Memorandum of Points and Authorities shortly before filing it. As of
26 this filing, Respondents have not stipulated to a TRO.

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Date: December 12, 2025

Respectfully Submitted,

/s/ Alyosha Maggin
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