

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
--

Emily L. Robinson Esq.
Law Office of Emily L. Robinson
5012 Eagle Rock Blvd.
Los Angeles, CA 90041
emily@lawofficeemilyrobinson.com
(323) 524-7611
(323) 524-4001

Counsel for Petitioner

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

DANIEL MARTINEZ RUIZ



Petitioner,

vs.

Kristi NOEM, Secretary, Department of
Homeland Security; Todd LYONS, in his official
capacity as Acting Director of U.S. Immigration
and Customs Enforcement; Pam BONDI,
Attorney General of the United States; J.
ARCHAMBEAULT,
Director, San Diego Field Office,
Immigration and Customs Enforcement,
Enforcement and Removal Operations;
Jeremy CASEY, Warden, Imperial
Regional Detention Facility; EXECUTIVE
OFFICE FOR IMMIGRATION
REVIEW; IMMIGRATION AND
CUSTOMS ENFORCEMENT;
DEPARTMENT OF HOMELAND
SECURITY,

Respondents

Case No. '25CV3536 RBM BJW

*PETITIONERS' EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
..

For the reasons explained in the accompanying Memorandum of Points and Authorities, Petitioners hereby make this *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705. Petitioners are in pending removal proceedings and charged with having entered the United States without authorization. Despite this Court’s orders of partial summary judgment and class certification in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), the immigrations courts are refusing to find jurisdiction to hold bond redetermination hearings, and instead are applying the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), to find that individuals who entered the United States without inspection or subject to mandatory detention under 8 U.S.C. § 1225(b).

This legal determination was rejected by the Court in *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 81 at 12. The Court then went on to apply that ruling when it granted class certification on November 25, 2025. *Maldonado Bautista v. Santacruz*, 5:25-CV-01873-SSS-BFM (C.D. Cal.), Dkt # 82 at 14. Nevertheless, the Imperial immigration court continues to deny bond for lack of jurisdiction because there is no final decision on class-wide relief.

Despite the orders in *Maldonado Bautista*, the immigration courts are adhering to the Board of Immigration Appeals’ precedent decision in *Matter of Yajure Hurtado*, which holds that the immigration courts lack jurisdiction to consider bond for noncitizens in removal proceedings who are charged with having entered the United States without inspection or admission. This holding violates the Immigration and Nationality Act and due process.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
..

Petitioners now seek a temporary restraining order requiring that the immigration judge hold a bond hearing and not deny bond due to lack of jurisdiction under 8 U.S.C. § 1225(b)(2)(A). Expedited relief is necessary to prevent irreparable injury before a hearing on a preliminary injunction may be held.

Petitioners request that the Court issue a temporary restraining order and order to show cause re: preliminary injunction in the form of the proposed order submitted concurrently with this Application. This Application is based on the Petition for Writ of Habeas Corpus, Memorandum of Points and Authorities, and the declaration and exhibits in support thereof.

Petitioner hereby moves the Court for emergency relief in the form of:

1. Direct release by enforcing the Immigration Judges alternate order for bond in the amount of \$2000 with alternatives to detention at the government's discretion; OR
2. A temporary restraining order directing Respondents to release Petitioner from their custody within one day of issuance of an Order or to provide Petitioners with individualized bond hearings before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days of issuance of an Order; and
3. Issuance of an order to show cause as to why a preliminary injunction should not issue.

Petitioner seeks this emergency relief because their continued detention without a bond hearing is depriving Petitioners of statutory and constitutional rights and is causing immediate and irreparable injury in the form of the unlawful deprivation of their liberty. See, e.g., *Melendres v. Arpaio*, 695

1 F.3d 990, 1002 (9th Cir. 2012) (citation modified) (It “is well established that
2 the deprivation of constitutional rights unquestionably constitutes irreparable
3 injury.”). This application is supported by the Memorandum of Points and
4 Authorities, accompanying exhibits, as well as any additional submissions
5 that may be considered by the Court.

6 Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and
7 CivLR 83.3(g)(2), Respondents have been provided with advance notice of
8 this filing. Counsel for Petitioner has been in conversations with Counsel for
9 Respondents and attests that on December 10 she alerted Janet Cabral, Chief
10 AUSA for the Southern District and informed her that Petitioner would be
11 filing a habeas petition and TRO contemporaneously. Counsel also shared
12 this case with Alyssa Sanderson and Erin Dimbleby on December 10, 2025
13 via teleconference. Counsel warrants she will send a copy of this filing to all
14 listed parties via electronic mail.

15 **RESPECTFULLY SUBMITTED this 11th day of December, 2025**

16 **/s/ Emily L. Robinson**
17 Law Office of Emily L. Robinson
18 5012 Eagle Rock Blvd.
19 Los Angeles, CA 90041
20 (O) (323) 524-7611
21 Emily@lawofficeemilyrobinson.com