

1 Detention Facility
2 Golden State Annex
3 611 Frontage Rd.
4 McFarland, CA 93250

FILED

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CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 **Almazbek uulu Kanatbek**

No 1: 25-cv-01812-WBS-CKD



11
12 *Petitioner*

**Motion for Temporary Restraining Order
in support of Writ of Habeas Corpus**

I. INTRODUCTION

Petitioner, Almazbek Uulu Kanatbek, by and through his undersigned representative, hereby moves this Court for a Temporary Restraining Order ("TRO") and preliminary injunctive relief enjoining Respondents from continuing his prolonged and indefinite detention. Petitioner has been detained for over 14 months since December 24, 2024. Despite filing a Petition for Writ of Habeas Corpus on December 15, 2025, Petitioner remains in custody without bond hearing, violating his Due Process rights. Petitioner submits this motion based on urgent humanitarian factors, including the deteriorating health of his daughter and his own worsening medical and psychological condition.

Petitioner seeks relief consistent with the recent case set by this District in Margaryan v. Warden of Cal. City det. Facility, 2026 U.S. Dist. LEXIS 12924, 2026 LX 49575 (Eastern Dist. Cal. January 23, 2026) Case No. 1:25-cv-01582-EFB, which granted an injunctive relief under materially similar circumstances.

II. FACTUAL BACKGROUND

Petitioner is a 26-year-old native and citizen of Kyrgyzstan. He entered the United States at the Otay MESA Port of Entry on ~~December 24, 2024, seeking safety with his pregnant wife and two-~~ year-old daughter. While his family was released, Petitioner was detained and has remained in custody for over 14 months.

A. Procedural History and indefinite Detention

Petitioner was initially classified as an arriving alien subject to detention under 8U.S.C. § 1225(b)(1). However, his detention now exceeded 14 months. Under the logic recently applied in Case No.

1:25-cv-00098-SAB-HC, once detention becomes prolonged (generally exceeding six months), authority should shift to 8 U.S.C. §1226(a), requiring a bond hearing.

Petitioner has never been provided an individual hearing. An individual hearing set for November 21, 2025, was rescheduled due to a transfer. Subsequent Master Calendar hearings have been delayed, and a hearing set for January 8, 2026, was canceled due to the dismissal of the presiding Judge. Since December 2025, Petitioner has received no future hearing dates until January 27, 2026, where Immigration Judge granted extension and scheduled next master hearing February 25, 2026, rendering his detention indefinite and punitive.

B. Irreparable and Harm Equal Protections

Petitioner's family including his U.S. citizen son born in August 2025, is in a precarious financial and emotional state. His daughter has been diagnosed with Hepatitis B and requires urgent care that his wife, who lacks work authorization, struggles to provide. Petitioner suffers from severe medical conditions resulting from his prolonged confinement and financial, emotional and psychological problems created in his family. He has been ~~diagnosed insomnia, psychological disorder, hallucinations, and~~ frequent mood swings. He has been prescribed strong medication for nearly a year, leading to dependency and addiction issues that cannot be adequately managed in a detention settings.

Furthermore, Petitioner raises a critical equal protections argument based on the doctrine of "Indra-District Comity". In case

Facility, 2026 this Court (Judge Brennan) granted relief to a petitioner with a nearly identical facts—arriving alien detained for over 14 months, challenge prolonged detention, no prior residence in United States.

To continue detaining Petitioner while releasing Mr. Margaryan constitute arbitrary and capricious government action.

II. LEGAL ARGUMENT

To obtain a Temporary Restraining Order, a plaintiff must establish: (1) a likelihood of success on the Merits; (2) a likelihood of irreparable harm in the absence o preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

A. Petitioner is Likely to succeed on the Merits

Petitioner challenges the constitutionally of his prolonged detention without a bond hearing. The Supreme Court has held that detention violates Due Process if it becomes indefinite. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

In Case No. 1:25-cv-00098-SAB-HC, the government conceded that prolonged detention should be governed by the standards of

~~1226(a), which necessitates a bond hearing where the government~~
bears the burden of proof.

In the Rodriguez class action non-citizens "challenged their prolonged detention pursuant to 8 U.S.C. § 1225(b), 1226(a), 1226(c) and 1231(a) without individualized bond hearings and determinations to justify their continued detention". *Rodriguez v.*

Robbins (Rodriguez III), 804 F.3d 1060, 1065 (9 Cir. 2015). In

Rodriguez II to avoid constitutional concerns, the Ninth Circuit held that mandatory detention under 1226(c) and 1225(b) is implicitly time-limited and expires after six months. Thereafter the Government's authority to detain shifts to 1226(a), which requires a bond hearing governed by the procedural requirements set forth in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

Rodriguez II, 715 F.3d at 1138-44. In Rodriguez III the Ninth Circuit held that for non-citizens detained under 8 U.S.C. § 1225(b), 1226(a), and 1226(c) "the government must provide periodic bond hearing every six months, so that the non-citizens may challenge their continued detention as 'the period of ... confirmment grows'". Rodriguez III, 804 F.3d at 1089 (quoting *Diouf v. Napolitano* (Diouf II), 634 F.3d 1081, 1091 (9 Cir. 2011)).

Furthermore, recent jurisprudence in this District support Petitioner's claim. In Case No. 1:25-cv-01582-EFB, the Court granted an injunctive relief, government agrees that this case is substantively in the same procedural and factual posture, and poses the same questions of law, as in this Court's decision in Morales-Flores v. Lyons et al., No 1:25-cv-01640-TLN-EFB-HC, 2025 U.S. Dist. LEXIS 256842, 2025 wl 3552841 (E.D. Cal Dec. 11, 2025).

~~Government made no objection and demonstrate that after six months~~
who was detained under 1225(b) must be shifted to 1226(a).

In *Morales-Flores v. Lyons et al.*, No 1:25-cv-01640-TLN-EFB-HC, 2025 U.S. Dist. LEXIS 256842, 2025 wl 3552841 (E.D. Cal Dec. 11, 2025), Petitioner was detained by ICE pending immigration removal proceedings and sought habeas corpus relief in the district court,

alleging that his ongoing detention was unlawful under INA and Due

Process Clause of the Fifth Amendment. While his petition was pending he moved for a temporary restraining order, which the district court granted. The Court concluded that petitioner had shown a likelihood of success on the merits of his claim. That the INA did not authorize his indefinite detention without an individualized bond hearing, because petitioner was subject to 8 U.S.C. § 1226(a) not 8 U.S.C. § 1225(b).

Accordingly, in Case No. 1:25-cv-01582-EFB the Court finds that Petitioner has shown, that he possesses a cognizable liberty interest in his non-detention; that the risk of erroneous deprivation of his liberty is substantial by Respondent's failure to hold an individualized bond hearing, before Neutral factfinder, compliant with provisions of 8 U.S.C. § 1226(a) and that the

probative value of those additional safeguards is great; that the government's interest in detaining Petitioner without the protections set forth in 8 U.S.C. § 1226 is low;

Petitioner raises same claims as in Case No. 1:25-cv-01582-EFB and asks to examine Mathews factors and determine unlawful detention. The balancing test in Mathews v. Eldridge, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976),

Because Petitioner has been detained over 14 months without an individual hearing and bond hearing—his detention become arbitrary and punitive, violating the Fifth Amendment.

B. Petitioner Will Suffer Irreparable Harm Without Relief

"Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty

that (the Due Process) Clause protects." *Zadvydas*, 533 U.S. at 690.

The Ninth Circuit has recognized the "irreparable harms imposed on anyone subject to immigration detention" including "subpar medical and psychiatric care in ICE detention facilities" and "the economic burdens imposed on detainees and their families as a result of detention." *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Continued detention poses an immediate threat to Petitioner's health. He is currently suffering from hallucinations and medications dependency developed during custody. Continued incarceration exacerbates these conditions, creating a risk of permanent psychological damage. Additionally, the health of his daughter, who suffers from Hepatitis

B, continues a family emergency that requires Petitioner's presence and support. The harm here is not merely economic; it is physical and psychological, satisfying the Winter standard. Moreover the delays in his immigration proceedings demonstrate deprivation of constitutional rights.

Further, "[i]t is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th

Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976)). Where, as here, {2025 U.S. Dist. LEXIS 15} the "alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d

~~989, 1001-02 (9th Cir. 2005) (quoting *Wright, Miller, & Kane*,~~

Federal Practice and Procedure, § 2948.1 (2d ed. 2004)). The Ninth Circuit has also noted that "unlawful detention certainly

constitutes 'extreme or very serious' damage, and that damage is not compensable in damages." Hernandez, 872 F.3d at 999.

C. The Balance of Equities Tips Sharply in Petitioner's Favor

The Court must weight the injury to the Petitioner's favor against the government's interest. The government's interest in detention is to ensure appearance at court proceedings and protect the community. However, as detention length increases, the government's interest weakens relative to the individual's loss of liberty. Zadvydas, 533 U.S. at 701.

Petitioner does not challenge his removal in this motion, only his detention. He has a fixed address with his family and community, support, mitigating flight risk. Conversely, the government has failed to provide a timely hearing for over a year. The administrative delays—including the cancellation of hearings due to judge dismissal—are not the fault of the Petitioner. The equities favor releasing a father to care for his sick child over maintaining him in costly, indefinite administrative detention.

D. The Public Interest Favors Granting the TRO

The public has a strong interest in ensuring that the government

complies with the Constitution. "The public interest is best served by ensuring that (the government) complies with the law."

Ai Otro Lado, Inc. v. Wolf, 952 F.3d 999, 1017 (9 Cir. 2020).

There is no public interest in the indefinite, punitive detention of civil immigration detainees, particularly when such detention

exacerbates medial crises and separates families of U.S. citizens.

"Just as the public has an interest in the orderly and efficient administration of this country's immigration laws, [] the public has a strong interest in upholding procedural protections against unlawful detention." Vargas v. Jennings, No. 20-cv-5785-PJH, 2020 U.S. Dist. LEXIS 153579, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020) (internal quotation omitted).

IV. CONCLUSION

Petitioner will submit additional evidence in support of his claims in his response to Respondent's opposition. For the foregoing reasons, and consistent with the in case Case No. 1:25-cv-01582-EFB, Petitioner respectfully requests that this Court grant his Writ of Habeas Corpus Petition and the Motion for Temporary Restraining Order and order his immediate release or, in the alternative, an immediate bond hearing.

Sincerely: *Almazbek uulu Karatbek*

Date: *01 23 2026*

Signature: 

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Almazbek uulu Konatbek
Plaintiff/Petitioner

v.

Case Number: 1:25-cv-01812-WBS-CKD

Warden of the Golden State
Defendant/Respondent(s)

PROOF OF SERVICE

Annex Detention Facility

I hereby certify that on 01/29/2026, I served a copy
of the attached Motion for Temporary Restraining order (TRO).

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at

Assistant United States Attorney SDI Street, Suite 10-100 Sacramento CA 95814.

(List Name and Address of each Defendant or Attorney Served)

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Person Completing Service)