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8 Counsel for Petitioner

9 UNITED STATES DISTRICT COURT FOR THE
10 EASTERN DISTRICT OF CALIFORNIA

11 LEONARDO LOPEZ BOHORQUEZ

12 Petitioner,
13 vs.

Case No.

14 Kristi NOEM, Secretary, U.S. Department of Homeland
15 Security; Pamela BONDI, U.S. Attorney General; Todd
16 LYONS, Acting Director, Immigration and Customs
17 Enforcement; Sergio ALBARRAN, Acting Director, San
18 Francisco Field Office, Immigration and Customs
19 Enforcement, Enforcement and Removal Operations;
20 Christopher CHESTNUT, Warden, California City
21 Detention Facility, EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; IMMIGRATION AND
CUSTOMS ENFORCEMENT; and U.S.
DEPARTMENT OF HOMELAND SECURITY,

Respondents

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING
ORDER**

HEARING REQUESTED

1
2 **I. INTRODUCTION**

3 On December 15, 2025, LEONARDO LOPEZ BOHORQUEZ (Petitioner), filed a
4 petition for a writ of habeas corpus challenging the unlawful revocation of his Order of
5 Release on Recognizance (OREC). This Motion for Temporary Restraining Order is filed
6 concurrently. The request in this order is to restore Petitioner to the status quo prior to his
7 detention, which is release from custody on an order of supervision and without GPS
8 monitoring.

8 **II. NOTICE TO RESPONDENTS**

9 Undersigned counsel Emily L. Robinson emailed counsel for Respondents, Edward
10 Olsen, on December 15, 2025, informing him of the intended filing of this motion. He replied at
11 1:45PM stating that it continues to be their position to oppose in these cases. Respondents will be
12 served with a copy of this petition as soon as it is filed for additional notice.

12 **III. FACTUAL BACKGROUND**

13 Petitioner entered the United States on May 14, 2023, with his spouse, Paula Corona, 28
14 years old, and his daughter, [REDACTED] (who is presently 8 years old). Since arriving to
15 the United States in 2023, Petitioner and his wife also had a U.S. Citizen baby girl, [REDACTED] who is
16 only [REDACTED] old.

17 Petitioner, his wife, and older child entered the country on foot, and were taken into
18 custody. On information and belief, ICE determined that Petitioners were not a flight risk or
19 danger to the community before releasing the family as a family unit. They have no criminal
20 record anywhere in the world. All of them were issued ICE Form I-220A and released on their
21

1 own recognizance. They have been living in the United States without issue since that time and
2 all check-ins and obligations have proceeded as a family unit. Upon information and belief,
3 Petitioner and his spouse have dutifully complied with their check-ins and other conditions of
4 supervision. Thereafter, the primary method of supervision for Petitioner was the supervision
5 phone application. This required him to be home and send from 10 to 11:00AM every Thursday.
6 Sometimes if the application would glitch, he would send more than one photo to be on the safe
7 side.

8 On May 15, 2023, Petitioner and his non-citizen family members were served with a
9 Notice to Appear. They have never missed a Court hearing and have always worked with
10 undersigned Counsel who also represents them before the Executive Office for Immigration
11 Review. Petitioner is lead on the asylum case. Following an increase in tactics to detain
12 individuals irrespective of their compliance with their terms release, and without explanation or
13 warning, Immigration and Customs Enforcement called Petitioner into the Office for an in-person
14 “custody review” and placed a GPS ankle monitor on Petitioner on or around September 22,
15 2025.

16 ICE had not had GPS monitoring on Petitioner prior to this and had decreased check-in
17 obligations over the course of over two years of presence in the United States. As individuals
18 prove their character and trustworthiness it is common to have conditions of supervision reduced
19 and only increased if new problems have arisen. On November 14, 2025, Petitioner and his
20 spouse attended a routine check-in appointment. Petitioner’s spouse waited in the car. Hours
21 passed and she became concerned. She looked at his location on her phone and saw that he was
approximately twenty minutes away. At that point she entered the ISAP Office. Officers told her

1 that they had to “review” Petitioner’s case and he was being taken to the California City
2 Detention Center. No other information or explanation was offered. Petitioner has met every
3 requirement of him but reports he was shackled on his wrists and legs like an animal even though
4 he does not have any criminal issues in the U.S. or anywhere in the world.

5 Prior to his detention, Petitioner was given no notice of ICE’s intention to re-detain him,
6 and was not provided with any information about why his OREC was revoked. ICE has no
7 particularized evidence that Petitioner is a danger to the community or a flight risk. Petitioner
8 has not received an individualized hearing before a neutral decisionmaker to assess whether her
9 recent re-detention is warranted due to danger or flight risk.

10 IV. ARGUMENT

11 A temporary restraining order is governed by a four-factor test. Courts must consider
12 whether Petitioner has shown: (1) a likelihood of success on the merits, (2) that he is likely to
13 suffer irreparable harm in the absence of such relief, (3) that the balance of equities tips in his
14 favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555
15 U.S. 7, 20 (2008); *see also Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014).
16 If Petitioner can demonstrate serious questions going to the merits of his claim – a lesser showing
17 than a likelihood of success on the merits – and the balance of hardship tips sharply in his favor,
18 an injunction may be issued, assuming the other two Winter factors have been met. *Friends of*
the Wild Swan, 767 F.3d at 942.

19 A temporary restraining order preserves the *status quo ante litem*, which refers to the “last
20 uncontested status which preceded the pending controversy.” *Flathead-Lolo-Bitterroot Citizen*

1 *Task Force v. Montana*, 98 F.4th 1180, 1191 (9th Cir. 2024); *Shilling v. United States*, 2025 WL
2 926866, *11 (W.D. Wash. Mar. 27, 2025) (unpub) (granting preliminary injunction).

3 Here, Petitioner meets both the irreparable harm and likelihood of success prongs, and the
4 requested relief is not overly burdensome on Respondents. Accordingly, Petitioner merits
5 issuance of a TRO.

6 **A. Petitioner Has Shown He is Likely to Succeed on the Merits of his Claim.**

7 Petitioner's ongoing detention violates his Fifth Amendment substantive due process right
8 because he is neither a flight risk nor a danger to the community. In addition, his ongoing
9 detention violates his procedural due process rights because his OREC was revoked without any
10 notice or any opportunity to contest his detention before a neutral arbiter.

11 The Constitution establishes due process rights for "all 'persons' within the United States,
12 including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
13 permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas v.*
14 *Davis*, 533 U.S. 678, 693 (2001)). These due process rights are both substantive and procedural.
15 These protections extend to noncitizens facing detention, as "[i]n our society liberty is the
16 norm, and detention prior to trial or without trial is the carefully limited exception." *United*
17 *States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, "[f]reedom from
18 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
19 the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

20 Substantive due process thus requires that all forms of civil detention—including
21 immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v.*
Indiana, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at

1 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
2 92; *see also Demore v. Kim*, 538 U.S. 510, 519–520, 527–528, 531 (2003).

3 Here, Petitioner is not a flight risk or a danger to the community. Prior to his detention, he
4 complied with all terms of her OREC, including attending non-detained removal hearings alongside
5 his wife and minor child. He has been in compliance since his release in 2023. He diligently filed
6 for asylum in the United States, and that application remains pending. Simply put, he has never
7 absconded from immigration authorities, but rather, has been engaging with the legal procedures
8 laid out in the immigration law for those who wish to request immigration status in the United
9 States. In addition, he has no criminal history anywhere in the world, and there is no evidence that
10 he otherwise presents a danger to the community. Petitioner’s re-detention can serve no purpose
11 that is non-punitive. It is instead part of a larger pattern and practice targeting immigrants
irrespective of them properly availing themselves to our legal process.

12 The procedural component of the Due Process Clause prohibits the government from
13 imposing even permissible physical restraints without adequate procedural safeguards.
14 Generally, “the Constitution requires some kind of a hearing *before* the State deprives a
15 person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). Non-citizens who
16 are released from immigration custody, as Petitioner was in 2018, have a recognized liberty
17 interest in continuing to be free from government detention. *See Ortega v. Bonnar*, 415 F.
18 Supp.3d 963, 970 (N.D. Ca. 2019). Once a non-citizen has a protected liberty interest, the
19 *Mathews* test applies to determine what procedural protections are due before immigration
20 officials can re-detain the non-citizen. Under that test, this Court must weigh: (1) the private
21 interested affected; (2) the risk of erroneous deprivation and probable value of procedural
safeguards; and (3) the government’s interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

1 In this case, the private interest at stake is clearly weighty – Petitioner’s liberty has been
2 severely curtailed since apprehension and he has remained in ICE custody without the ability to
3 seek release on bond from an immigration judge. *See* 8 C.F.R. § 1003.19(h)(2)(i)(B). In this
4 case, the private interest at stake is clearly weighty – Petitioners’ liberty has been severely
5 curtailed since his detention a month ago, and he has remained in ICE custody without the ability
6 to seek release on bond from an immigration judge. He should not have been re-detained, but,
7 even so, as an individual who entered without inspection, the recent BIA decision divests any
8 Immigration Judge of jurisdiction to grant bond. *Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
Therefore, this is the mechanism by and through which he can and should be released.

9 In addition, the risk of erroneous deprivation is high. When Respondents released
10 Petitioner with his family after his entry into the country in 2023, they did so because they
11 determined he was not a flight risk or a danger to the community. *See e.g., Fernandez Lopez*,
12 2025 WL 2959319 at *4 (quoting 8 U.S.C. § 1182(d)(5)(A)). Prior to his re-detention in
13 November of 2025, Petitioner had no notice of Respondents’ intention to re-detain him and no
14 opportunity to contest that action. Since he has entered ICE custody, he has not received a bond
15 or custody redetermination hearing, and the regulations strip an immigration judge of any
16 authority to release her on bond, cutting off any avenue for review of his custody status in the
17 existing immigration court framework. Because the private interest in freedom from immigration
18 detention is substantial, due process requires the government to bear the burden of proving by
19 clear and convincing evidence that Petitioner is a flight risk or danger to the community before
20 re-detaining him. *See e.g., Fernandez Lopez*, 2025 WL 2959319 at *8; *J.S.H.M. v. Wofford*, 2025
21 WL 2938808, *16 (E.D. Ca. Oct. 16, 2025) (unpub); *Abduraimov*, 2025 WL 2912307 at *9; *Mata*
Velasquez v. Kurzdorfer, --- F.Supp.3d ----, 2025 WL 1953796, *17 (W.D.N.Y. July 16, 2025)

1 (detention of parolee without a reasoned explanation or changed circumstances and without a
2 meaningful opportunity to be heard violates due process).

3 Finally, the government's interest in re-detaining Petitioner without first providing notice
4 and a custody hearing is minimal. *See e.g., Fernandez Lopez*, 2025 WL 2959319 at *6; *J.S.H.M.*,
5 2025 WL 2938808 at *18; *Noori*, 2025 WL 2800149 at *11 ("Respondents did not provide
6 Petitioner individualized notice and reasoning prior to his arrest and detention on June 12, 2025
7 and have presented no legitimate reason for why those decisions were made. Any governmental
8 interest of efficient administration of immigration laws . . . does not outweigh these first two
9 factors."). Bond hearings are a routine part of immigration court proceedings, imposing a
10 minimal cost to the government. *See Doe v. Becerra*, --- F.Supp.3d ----, 2025 WL 691664, *6
11 (E.D. Ca. March 3, 2025). Petitioner is represented by counsel and has a demonstrated record of
12 attendance at her immigration proceedings. There is no reason to think that her compliance will
13 change if she is released pending a pre-deprivation custody hearing.

14 Thus, all three *Mathews* favor Petitioner, and she has established a likelihood of success
15 on his due process claims.

16 **B. Petitioner will Suffer Irreparable Harm Absent Issuance of a Temporary Restraining
17 Order.**

18 In the absence of a TRO, Petitioner is at risk of continued unlawful detention.
19 Deprivation of Petitioner's due process rights constitutes irreparable injury. *See Sun v.*
20 *Santacruz*, 2025 WL 2730235, *7 (C.D. Ca. Aug. 26, 2025) (unpub) (citing *Hernandez*, 872 F.3d
21 at 994). In addition, Petitioner's detention is preventing him from caring for his wife and 2 minor
children, (one of whom is an infant) and being part of the lives. They have extreme trauma due to

1 family separation. He is the primary financial provider for his family and they are struggling with
2 bills and housing stability. Further, Petitioner has done nothing wrong to justify his removal from
3 his family, as well as their case, in which he has been designated as the lead Respondent.

4
5 **C. The Balance of Equities Tip in Petitioner's Favor and the Public Interest Favors**
6 **Issuance of a Temporary Restraining Order.**

7 The balance of equities and public interest merge in cases against the government. *See*
8 *Nken v. Holder*, 556 U.S. 418, 436 (2009). Here, the balance favors Petitioner.

9 The likelihood of Petitioner's success on the merits, combined with the established
10 constitutional framework that requires the government to proceed lawfully when detaining non-
11 citizens, strongly tips the balance of equities in Petitioner's favor. "There is generally no public
12 interest in the perpetuation of unlawful agency action. To the contrary, there is a substantial
13 public interest in having governmental agencies abide by the federal laws that govern their
14 existence and operations." *See League of Women Voters of United States v. Newby*, 838 F.3d 1,
15 12 (D.C. Cir. 2016) (internal quotation marks and citations omitted).

16 Petitioner's constitutional right to be free of unlawful detention weighs heavily in the
17 public interest. As the revocation of Petitioner's OREC without notice or the opportunity to
18 contest the revocation, coupled with his continued detention without any hearing before a neutral
19 arbiter, violate his due process rights, there can be no public interest in prolonging that
20 circumstance. *See e.g., Washington v. DeVos*, 481 F.Supp.3d 1184, 1197 (W.D. Wash. 2020).

21 Respondents cannot show here how the government's interests overcome the irreparable
injury to Petitioner. He has lived compliant and without issue since 2023. As noted above, the
hardship for Petitioner is concrete and severe, while the imposition on the government is

1 minimal. At worst, if Respondents truly believe Petitioner is a flight risk or a danger to the
2 community, they will be required to provide him with a bond hearing, during which they will
3 need to prove one of those factors exist before they can re-detain him and separate him from his
4 family unit who remain non-detained and in the same procedural posture as Petitioner.

5 The continued deprivation of Petitioner's liberty, when weighed against the minimal
6 imposition of release and a pre-deprivation bond hearing, tip sharply in favor of the issuance of a
7 TRO.

8 **V. THE COURT SHOULD NOT REQUIRE PETITIONER TO PROVIDE**
SECURITY

9 The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This rule permits a
10 court to grant preliminary injunctive relief "only if the movant gives security in an amount that
11 the court considers proper to pay the costs and damages sustained by any party found to have
12 been wrongfully enjoined or restrained." FRCP 65(c). But it is well established that Rule 65(c)
13 does not impose a mandatory requirement for a bond, but rather "invests the district court 'with
14 discretion as to the amount of security required, *if any*.'" *Jorgensen v. Cassidy*, 320 F.3d 906,
15 919 (9th Cir. 2003) (quoting *Barahona-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)). In
16 particular, "[t]he district court may dispense with the filing of a bond when it concludes there is
17 no realistic likelihood of harm to the defendant from enjoining his or her conduct." *Johnson v.*
18 *Courturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). Here, there is no realistic likelihood of harm to
19 Respondents if the Court grants the requested TRO, and it would pose a significant hardship on
20 Petitioner who is incarcerated to have a bond imposed. The Court should exercise its discretion
21 and waive the requirement to post a bond under Rule 65(c).

1
2 **VI. CONCLUSION**

3 For the foregoing reasons, Petitioner respectfully submits that he has met the criteria for a
4 temporary restraining order. He asks the Court to order his immediate release pursuant to the
5 status quo (which is no GPS monitoring) and to enjoin Respondents from re-detaining him: (1)
6 absent further order of this Court; or (2) absent the provision of a pre-deprivation hearing before a
7 neutral arbiter, at which Respondents will bear the burden of proving by clear and convincing
8 evidence that he is a flight risk or a danger to the community.

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

10 **/s/ Emily L. Robinson**
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Counsel for Petitioner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LEONARDO LOPEZ BOHORQUEZ

Petitioner,
vs.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Pamela BONDI, U.S.
Attorney General; Todd LYONS, Acting
Director, Immigration and Customs
Enforcement; Sergio ALBARRAN, Acting
Director, San Francisco Field Office,
Immigration and Customs Enforcement,
Enforcement and Removal Operations;
Christopher CHESTNUT, Warden, California
City Detention Facility, EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; and U.S. DEPARTMENT
OF HOMELAND SECURITY,

Respondents.

Case No.

[PROPOSED]

**TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

1
2 Having reviewed the Application of Petitioner for a temporary restraining order, the Court
3 orders their immediate release on an Order of Release on Recognizance and return to the status
4 quo (without GPS monitoring)

5 Respondents are enjoined from relocating Petitioner outside of the Eastern District of
6 California pending further Order of the Court.

7 Respondents are further ordered not to re-detain Petitioner absent: (1) further order of this
8 Court; or (2) a demonstration by Respondents at a pre-deprivation bond hearing, by clear and
9 convincing evidence, that Petitioner is a flight risk or danger to the community, such that his
10 physical custody is required.

11 It is further Ordered that Respondents shall show cause as to why the Court should not
12 issue a preliminary injunction in this case. The Respondents' response, if any, to this order to
13 show cause shall be filed by _____. Petitioners' reply, if any, to Respondents' response shall
14 be filed by _____.

15 Respondents are hereby notified of their right to apply to the Court for modification or
16 dissolution of the Temporary Restraining Order on two (2) days' notice or such shorter notice as
17 the Court may allow. Fed. R. Civ. P. 65(b).

18
19 **IT IS SO ORDERED.**

20
21 Dated: _____

22 United States District Court Judge
23
24
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28

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8
9 Counsel for Petitioner
10

11
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 LEONARDO LOPEZ BOHORQUEZ

Case No.

16 Petitioner,
17 vs.

**DECLARATION OF EMILY L.
ROBINSON AND EXHIBITS IN
SUPPORT OF WRIT OF HABEAS
CORPUS AND EX PARTE MOTION
FOR TRO**

18 Kristi NOEM, Secretary, U.S. Department of
19 Homeland Security; Pamela BONDI, U.S.
20 Attorney General; Todd LYONS, Acting
21 Director, Immigration and Customs
22 Enforcement; Sergio ALBARRAN, Acting
23 Director, San Francisco Field Office,
24 Immigration and Customs Enforcement,
Enforcement and Removal Operations;
Christopher CHESTNUT, Warden, California
City Detention Facility, EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW;
IMMIGRATION AND CUSTOMS
ENFORCEMENT; and U.S. DEPARTMENT
OF HOMELAND SECURITY,

Respondents

1 I, Emily L. Robinson, hereby declare under penalty of perjury that the following is true
2 and correct to the best of my knowledge:

- 3 1. I am an Immigration Defense Attorney with the Law Office of Emily L. Robinson in Los
4 Angeles, California. I represent Petitioner before this Court in seeking his unlawful
5 redetention.
- 6 2. This declaration is based on my own personal knowledge as well as information
7 Petitioner as I have represented Petitioner and his family throughout their removal
8 proceedings. I am aware of the timeline of events for the placement of the ankle monitor
9 without notice and then detention without notice.
- 10 3. The facts stated in this declaration are true and of my own personal knowledge, except as
11 to any matters stated on information and belief, and as to those matters, I am informed
12 and believed them to be true.
- 13 4. I personally emailed counsel for Respondents, Edward Olsen, Civil Division of the
14 United States Attorney's Office for the Eastern District of California with notice of this
15 Motion on December 15, 2025, informing him of the intended filing of this motion.
16 Edward Olsen replied and stated that their position on these matters continues to be to
17 oppose.
- 18 5. Petitioner entered the United States on May 14, 2023, with his spouse, Paula Corona, 28
19 years old, and his daughter, [REDACTED] (who is presently 8 years old). Since
20 arriving to the United States in 2023, Petitioner and his wife also had a U.S. Citizen baby
21 girl, [REDACTED] who is only [REDACTED] old (current ages).
- 22 6. Petitioner, his wife, and older child entered the country on foot, and were taken into
23 custody. On information and belief, ICE determined that Petitioners were not a flight risk
24 or danger to the community before releasing the family as a family unit. They have no
criminal record anywhere in the world. All of them were issued ICE Form I-220A and
released on their own recognizance. They have been living in the United States without
issue since that time. Upon information and belief, Petitioner and his spouse have
dutifully complied with their check-ins and other conditions of supervision.

- 1 7. On May 15, 2023, Petitioner and his non-citizen family members were served with a
2 Notice to Appear. They have never missed a Court hearing and have always worked
3 with undersigned Counsel who also represents them before the Executive Office for
4 Immigration Review. Petitioner is lead on the asylum case.
- 5 8. The primary method of supervision for Petitioner and his wife was the supervision
6 phone application. This required him to be home and send from 10 to 11:00AM every
7 Thursday. Sometimes if the application would glitch, he would send more than one
8 photo to be on the "safe side."
- 9 9. Following an increase in tactics to detain individuals irrespective of their compliance
10 with their terms release, and without explanation or warning, Immigration and Customs
11 Enforcement called Petitioner into the Office for an in-person "custody review" and
12 placed a GPS ankle monitor on Petitioner on or around September 22, 2025. There was
13 no explanation for this shift, other than unjustified policies of enhanced surveillance on
14 immigrants who are behaving in the manner they should to meet their obligations to our
15 immigration system.
- 16 10. ICE had not had GPS monitoring on Petitioner prior to this and had decreased check-in
17 obligations over the course of over two years of presence in the United States. As
18 individuals prove their character and trustworthiness it is common to have conditions of
19 supervision reduced and only increased if new problems have arisen.
- 20 11. Petitioner and his spouse called their attorney immediately after the check-in and were
21 very upset. They were wondering why it is an ankle monitor would now be required.
22 Petitioner felt it made him look and feel like a criminal even though he had always done
23 anything and everything asked of him.
- 24 12. On November 14, 2025, Petitioner and his spouse attended a routine check-in
appointment. Petitioner's spouse waited in the car. Hours passed and she became
concerned. She looked at his location on her phone and saw that he was approximately
twenty minutes away. At that point she entered the ISAP Office. Officers told her that

1 they had to “review” Petitioner’s case and he was being taken to the California City
2 Detention Center. No other information or explanation was offered.

3 13. Petitioner has met every requirement of him but reports he was shackled on his wrists
4 and legs like an animal even though he does not have any criminal issues in the U.S. or
5 anywhere in the world.

6 14. On information and belief, prior to his detention, Petitioner was given no notice of ICE’s
7 intention to re-detain him. He was not provided with any information about why his
8 ORR was revoked after two years and seven months. He simply appeared as ordered by
9 ERO, as he has without fail since being released following his entry with his family in
10 May of 2023.

11 15. Petitioner is now separated from his wife, young daughter, and infant child. They are
12 suffering physically, emotionally, and financially in his absence. The whole family was
13 set for an individual hearing before EOIR on April 12, 2026. Petitioner and his family
14 had been preparing with Counsel for that upcoming hearing.

15 16. Petitioner and his family had to flee their native Colombia after they were targeted by
16  soldiers. They entered Petitioner’s home and beat him and his wife and even
17 injured the then three- or four-year-old  The family went into hiding together and
18 have shared all their past persecution.

19 17. Severing Petitioner from the family unit significantly weakens the cases of the wife and
20 child in removal as their cases are all linked and the harm they suffered was together.
21 Forcing the family to proceed with their cases separately and not as a family unit makes
22 their asylum case far more difficult to present and is another layer of harm and risk to
23 the already vulnerable family unit. Petitioner’s spouse is now handling his absence
24 emotionally, financially and in terms of struggling to co-parent for an infant and young
daughter all while not knowing what will happen to her spouse/Petitioner.

1 18. Further, due to the horrors suffered in their home country, the minor,  is already
2 receiving therapy. Taking her father away from her in such an unlawful and brutal way
3 will only serve to cause her further mental harm.

4 19. On information and belief, ICE has no particularized evidence that Petitioner is a danger
5 to the community or flight risk.

6 20. On information and belief, Petitioner has not received individualized hearings before a
7 neutral decisionmaker to assess whether recent re-detention is warranted due to danger or
8 flight risk.

9 21. These unlawful practices are well known. Recently, *Garro Pinchi et al. v. Noem et al.*,
10 Case No. 5:25-cv-5632-PCP was filed in the San Jose Division of the Northern District of
11 California. This exposes that the Respondents initiated a new campaign targeting
12 noncitizens living in the community for re-arrest and re-detention without notice.
13 Noncitizens like Petitioner have relief on the promise that they will not be re-detained
14 absent a violation or notice. They have built and expanded families and understand that
15 they will maintain liberty while litigating their immigration cases as long as they continue
16 to pose no danger or flight risk. This re-detention is plainly unlawful.

17 22. Petitioner has been out on his own recognizance for a period of **years**.

18 23. Petitioner has no reason to be a danger or a flight risk as his primary goal is to provide
19 safety and security for his family and he has shown this by appearing for Court, check-ins
20 and anything else asked of him throughout him and his family's immigration process.

21 24. We plead with this Court to use its authority to order the immediate release of Petitioner
22 and return him to the status quo as there is no basis or justification for his redetention.

23 25. In support of Petitioner's Petition for Writ of Habeas Corpus and Application for
24

1 Temporary Restraining Order and Order to Show Cause, I submit the following
2 documents. All the following attachments are true and correct copies of the documents
3 listed below:

4 **EXHIBITS IN SUPPORT**

- 5 A. DHS Form I-862 Notice to Appear
6 B. I-213 Dated May 14, 2023
7 C. Documents Evidencing ISAP/Supervision Compliance/Terms of Release
8 D. Class Action Compliant and Amended Habeas Petition in *Garro Pinchi et al. v. Noem et*
9 *al.*, Case No. 5:25-cv-5632-PCP

10
11 I declare under penalty of perjury that the foregoing statement is true and correct to the best of
12 my own personal knowledge.

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

14 **/s/ Emily L. Robinson**

15 Law Office of Emily L. Robinson

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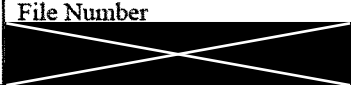
U.S. Department of Homeland Security

Subject ID :



Record of Deportable/Inadmissible Alien

Family Name (CAPS) LOPEZ-BOHORQUEZ, LEONARDO FABIO		First	Middle	Sex M	Hair BLK	Eyes BLK	Complexion MBR
Country of Citizenship COLOMBIA	Passport Number and Country of Issue			Height 60	Weight 157	Occupation LABORER	
U.S. Address				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 05/14/2023 08:30, EGP, ew1			Passenger Boarded at	FBI Number 			
Number, Street, City, Province (State) and Country of Permanent Residence				☒ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated			
Date of Birth 	Age: 26	Date of Action 05/15/2023	Location Code EGS	Method of Location/Apprehension PB			
City, Province (State) and Country of Birth COLOMBIA		AR ☒	Form: (Type and No.) Lifted ☐ Not Lifted ☐	At/Near See I-831	Date/How 05/14/2023 09:23		
NIV Issuing Post and NIV Number		Social Security Account Name		By HECTOR GARCIA-DE-LA-PAZ			
Date Visa Issued		Social Security Number		Status at Entry		Status When Found	
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children 1 - COLOMBIA			
Father's Name, Nationality, and Address, if Known LOPEZ-SEBASTIAN LEONARDO 1968 NATIONALITY: COLOMBIA ADDRESS: DOMICILIO CONOCIDO		Mother's Present and Maiden Names, Nationality, and Address, if Known BOHORQUEZ-OLIVEROS YOLANDA NATIONALITY: COLOMBIA ADDRESS: DOMICILIO CONOCIDO					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	Charge Code Words(s) See Narrative			
Name and Address of (Last) Current U.S. Employer		Type of Employment	Salary	Employed from/to			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: 							
		Left Index fingerprint		Right Index fingerprint			
SCARS MARKS AND TATTOOS							
None Visible - None Visible							
Subject Health Status							
... (CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				DANIEL ALEMAN Border Patrol Agent _____ (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: DANIEL ALEMAN			
				on: May 15, 2023 (time)			
				Disposition: Notice to Appear Released (I-862)			
				Examining Officer: RODRIGUEZ, LORENZO			

Alien's Name LOPEZ-BOHORQUEZ, LEONARDO FABIO	File Number 	Date 05/14/2023
Current Criminal Charges ----- 05/14/2023 - 8 USC 1182 - ALIEN INADMISSIBILITY UNDER SECTION 212 Current Administrative Charges ----- 05/14/2023 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)		
Previous Criminal History ----- Subject has no criminal history RECORDS CHECKED ----- 		
FUNDS IN POSSESSION ----- United States Dollar 50.00 United States Dollar 110.00 United States Dollar 120.00 United States Dollar 120.00		
AT/NEAR ----- EAGLE PASS, TX		
Record of Deportable/Excludable Alien: ----- ENCOUNTER: Subject was encountered by U.S. Border Patrol Agents on the United States side of the U.S./Mexico border. After a brief interview, it was determined that this subject was not a citizen or resident of the United States. Subject was placed under arrest, transported to a U.S. Border Patrol Station for further processing, and advised of their rights.		
ENTRY: Subject entered as indicated on form I-213, and was not inspected or admitted by an Immigration Officer at the time of entry.		
IMMIGRATION HISTORY: Negative		
CRIMINAL HISTORY: Negative		
CREDIBLE FEAR STATEMENT: 		
Signature DANIEL ALEMAN	Title Border Patrol Agent	

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Alien's Name LOPEZ-BOHORQUEZ, LEONARDO FABIO	File Number 	Date 05/14/2023
Subject claims to have fear of being returned to their native country. CONSULATE NOTIFICATION: Subject was notified of the right to communicate with a consular officer. Subject waived their consular notification rights. HEALTH SCREEN: Subject appears to be in good health. Medical Form CBP-2500 has been completed. IMMIGRATION COURT LOCATION: Court date and address provided to subject on Form I-862, Notice to Appear. DISPOSITION: Subject will be released by an Immigration Officer on Order of Release own Recognizance due to lack of space. Subject was served with ICE Form I-220A, with reporting instructions for the nearest ICE/ERO office in the local commuting area of their intended destination. Other Identifying Numbers ----- ALIEN-  Cedula (Foreign ID)- 		
Signature DANIEL ALEMAN	Title Border Patrol Agent	

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