

FILED

Rahat Mahfuz Chowdhury

California City Dentention Center
22844 Virginia Blvd
California City
CA
93505

DEC 15 2025

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

1:25CV 01860 KES SKO(CHC)

IN THE MATTER OF

RAHAT MAHFUZ CHOWDHURY
A
PRO SE

V

RESPONDENTS
WARDEN OF THE CALIFORNIA CITY
DETENTION CENTER

DETAINED

MOTION FOR TRO (TEMPERORY RESTRAING ORDER) EX PARTE

Respected Clerk Of The Court,

In light of recent changes to my detention, in which i was transfered from Adelanto Detention facility In the Central District Of The Eastern Division where a petition of Habeas Corpus was filed on 10/02/2025 CASE NUMBER: 5:25-cv-02634-SSS-KEN in the docket of the honourable District Judge Sunshine Sykes and Magistrate Judge Karen E.Scott, respondents where given 30 days to responds which surpassed on 11/22/2025, no response was filed and instead respondents elected to transfer me to California City Detention Center, a transfer which further violates my due process rights and liberty. I now refile a Writ of Habeas Corpus within the court jurasdiction of Califronia City Dentention and this motion for TRO.

For the above stated reasoning and below Winter Factor i seek the following:

- Immediate release from California City Detention Center pending the outcome of the matter before the district court.
- Respondents be enjoined from rearresting/ relocating me pending the outcome of the matter before the district court.
- Or Subsequently Retransferred to Adelanto ICE processing Center into the Central District Of California pending the outcome of CASE NUMBER: 5:25-cv-02634-SSS-KEN before the District Court.

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1. Likelihood that i will succeed on Merits.

On November 25th 2025 Judge Sykes ruled that the Trump administration cannot impose mandatory detention on thousands of immigrants held by U.S Immigration authorities without giving them an opportunity to seek release on bond. Judge Sykes further certified a nationwide class, opens a tabs of individuals who were already living in the United States when they were detained and are legally entitled to a hearing to determine whether they can be released on bond while their deportation cases proceed.

Judge Sykes ruled that the Trump administrations policy, adpoted in July 2025 denying bond hearings to migrants detained during domestic enforcement operations in the U.S were illegal. Judge Sykes further ruled that the DHS policy was unlawful, finding it contradicted the clear structure of the federal immigration law that distinguishes between recent arrivals at the border and noncitizens already living in the U.S. Referring to S1225 and S1226. The court determined that denying bond hearings to this class of immigrants violated their due process rights.

This case will succeed based on the merits of this petition given the ruling of District Court Judge Sunshine Sykes who coincidently is also the district court judge for this action. The matters, grounds and rulings that Judge Sykes addressed are fundamentally the same grounds which i raise in my petition of Habeas Corpus.

Violation of the Due Process clause, a 5th Amendment Violation construting a violation of the constitution, by imposing a mandatory detention without a bond hearing subject to the incorrect governing statute of S1225 deemed an 'arriving alien' whilst having lived within the United States for over 2 year. These are the very violations that Judge Sykes rules against and in favour of a class of individuals detained.

The governments failiure to distinguish between those arriving and present within the United States, imposing a mandatory bond on all aliens irrespective of any other factorsis a violation of due process. And this case will succeed based upon the merits of this case.

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2. Irreparable Harm

"It is well established that the deprivation of the constitutional rights 'unquestionably constitutes irreparable injury' Melendres V. Arpaio 695 F.3d 990 'irreparable harms imposed on anyone subject to immigration detention including 'the economic burden imposed on detainees and their families as a result of detention' As per harms imposed on anyone subject to immigration detention, the psychological, physical and emotional well being constitutes harms.

I am a non punitive detainee, detained pending civil immigration proceedings in the California City Detention Center, which until 6 months ago was formerly a federal prison housing criminal inmates. This detention center is run under the same regiments that it previously did so and hows non punitives detainees in the same conditions and hostility as criminal inmates. Having been transfered to the California City Detention Center my rights to practise my faith through dietary requirments are temporarily violated pending authorization. The facilities strict regiments mean i am further loss of liberty in accessing phone calls outside of the facilities one hour counts 4 times a day and 7 hour lockdown between 22:00 and 05:00 during which time i am kept locked within my dorm. The facility conducts counts at 07:00, 11:00, 15:00, 19:00 lasting an hour an upwards during which time i am also locked in my dorm without access to a phone. Throughout the day i am locked in my dorm for 11 hours with no access to a phone. The mental strain that this imposes is detrimental to my mental health. Causing me to become caustrophobic over time. I am at further loss of my liberty and unable to call my daughter as the facility mandates a 22:00 lockdown after which all detainees are locked within their cells with no access to a phone. Taking into account that the United Kingdom is 8 hours ahead of the US, i am not able to call her prior to her attending school which is an agreed routine between myself and her mother who co-parent.

Furthermore the facility does not uphold a regular visitation schedule instead elects for a appointment only visitation policy, my fiance has called on numerous time to attempt to schedule and has essentially been given the run around with no one person having the correct knowledge. Additionally she struggles to reach anyone at the facility as the phone lines are unattended throughout most parts. The facilities remote location and distance away from civilization makes it unsafe for my fiance to travel to, in the instance that she was to get a flat tire in the desert their is no service and often no one passing. I am restricted to one hour of recreation time outside, unable to maintain a healthy diet, unable to maintain fitness, unable to maintain my basic hygiene, restricted to shaving twice a week. The financial strain that dentention impose extended to my fiance who has financially supported me for 6 months whilst detained through phone calls and commissary totaling to around \$5000, the financial burden upon her also construtes harm.

My due process right is futher violated as i am unable to adequetly represent myself in legal proceedings haveing to share one computer with 80 detainees and one printer throughout the whole facility. In order to file this motion i have requested the printer on multiple occasions since transferring to California City over a week ago. I have also request envelopes in order to send legal mail all of which have been significantly prolonged beyond a resaonable time for legal matters.

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This facility 'California City Detention Center' does not have the structure, policies, procedures and due process rights to detain immigration detainees. I am unable to print legal mail without waiting days for a printer. My simple request for an envelope has been ignored for days delaying my matters before the District and Immigration courts. Each day that i am detained within the facility is a further violation of my due process right and liberty.

Having filed a Writ Of Habeas Corpus whilst detained at the Adelanto Immigration Facility, respondents were ordered to respond within 30 days, at which point the respondents instead of responding to the petition elected to transfer me to California City Detention Center. This further violates my rights and causes irreparable harm and loss of faith in the judicial system.

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DETAINED

3/4. Interest to public harms

When nomovant is the government the last two winter factors 'merge'
Baird v Bonta 81 F.4th 1036,1040 (9th Cir. 2023)

"It is always in the public interest to prevent the violation of a party's constitutional right"
Preminger v Principi 422 F.3d 815,826 (9th Cir 2005)

"Public interests concerns are implicated when a constituotnal right has been violated becaause all citizens have a stake in upholding the constitution.

The public has a strong interest in upholding procedural protections against unlawful detention and the ninth circuit recognized that the costs to the public of immigration detentions are staggering" Jorge M.F v. Wilkinson No 21-cv-01434-JST 2021 U.S

Freedom from imprisonment from government custody detention or other forms of physcial restraint is at the heart of the liberty that the due process clause protects. (Zadvydas V David 533 U.S at 690)

The governments sole interest in my detention lies in assuring attendance in removal proceedings and 'should' an order of removal be imposed it's ability to carry out such order. However the likelihood that any such order will be imposed in the near future given that my court proceedings are now in the process of being transferred to California City and i must await a new court schedule, are extremly unlikely and speculative. The government has already detained me for 6 months and now restarts the process of court proceedings. The governments interest in continued detention and the harms that it may face are minimal in comparision to the harms and interest to the public and the upholding of the due process clause.

Further to the above the Respondents have failed to respond to the order of the petition as ordered by the honourable judge and instead transfered me out of the district. Per the order of the honourable judge Karen E. Scott the respondents failiure to respond within the period elected. Solely prolonging my detention. The respondents shares no libertry intrest in a "speedy" hearing which is clearly demonstarted by their failiure to respond.

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Conclusion

I believe that i have satisfied the requirments and criteria for a TRO in that the likelihood of success weighs in favour of my petition based upon violations of the due process clause. The irreparable harm that i face and will further face in being detained without my due process right to a bond hearing given the time that has lapsed in filing my petition and the governements failiure to respond a TRO for immediate release is merited. Also the intrest of public harms and safety weigh in favour of myself the petitioner when the nomovant has no interest other than sole detention. I do not pose a risk to the safety of the public or property. I ask that this TRO be granted and i be released from Custody pending the outcome of this matter.

Kind Regards



Rahat Mahfuz Chowdhury

12/5/2025