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8 UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA
10 PHOENIX, ARIZONA

11 Rendy Erick Diaz Mendez


12 Plaintiff,

13 v.

14 Kristi Noem, Secretary, U.S. Department
15 of Homeland Security; Pamela Bondi,
16 Attorney General of the United States,
17 Executive Office for Immigration Review
18 (EOIR); Corina Almeida, Chief Counsel,
19 Immigration and Customs Enforcement
20 (ICE), Office of Principal Legal Advisor,
21 Florence; John Cantu, Field Office
22 Director, ICE Enforcement and Removal
23 Operations, Phoenix; Luis Rosa, Jr.,
24 Warden, Florence Correctional Center,


25 Defendants.

Case No. _____

Immigration Number: 

**PLAINTIFF'S EXPEDITED
MOTION FOR TEMPORARY
RESTRAINING ORDER/
PRELIMINARY INJUNCTION**

26 I. INTRODUCTION

27 The above-named Plaintiff Rendy Erick Diaz Mendez () , by and
28 through undersigned counsel, respectfully requests this Honorable Court enter an
emergency temporary restraining order and/or a preliminary injunction from this Honorable
Court enjoining Defendants from preventing Plaintiff's release on bond. Plaintiff requests
this Court order Defendants to accept the bond and release Plaintiff from ICE custody and

1 restrain Defendants from moving Plaintiff out of the State of Arizona and this Judicial
2 District pending payment of the bond and before resolution of Plaintiff's concurrently filed
3 Habeas petition.
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5 On or about November 12, 2025, DHS took Plaintiff into custody and placed him
6 into removal proceedings by filing a Notice to Appear with the Florence Immigration Court
7 and detaining him at the Florence Correctional Center located at 1100 Bowling Road,
8 Florence, Arizona 85132. Plaintiff requested a bond redetermination pursuant to 8 U.S.C. §
9 1226(a) and on December 15, 2025, the Immigration Judge ("IJ") denied Plaintiff's request,
10 but finding in the alternative "[t]here is no evidence of danger or criminal history, the
11 Defendant has extensive community ties, and any risk of flight could be addressed with a
12 \$5,000 bond, if the Court had jurisdiction." Defendants continue to detain the Plaintiff in
13 violation of law.
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16 Defendants violated Plaintiff's right to due process and took action not in accordance
17 with the Immigration and Nationality Act ("INA") by asserting Plaintiff is subject to
18 mandatory detention under 8 U.S.C. § 1225(b)(1)(A). This section of law only applies to
19 persons "seeking admission" and does not apply to Plaintiff who maintains 18 years of
20 ongoing continuous physical presence in the United States and never sought admission.
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22 Plaintiff will suffer irreparable and immediate injury from continued unlawful
23 detention unless the temporary restraining order is issued. Plaintiff is likely to succeed on
24 the merits because Defendants because there is no legal justification for Plaintiff's continued
25 detention. It is in the public interest to grant the motion and the balance of equities weigh in
26 favor of Plaintiff who is not a danger, nor a flight risk, and who has three U.S. Citizen
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1 children. Defendants are in no way prejudiced by Plaintiff's release pending resolution of
2 the Habeas petition.

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4 **II. LEGAL BACKGROUND**

5 Since the implementation of the Illegal Immigration Reform and Immigrant
6 Responsibility Act of 1996 ("IIRIRA"), the Immigration Courts, BIA, and Circuit Courts
7 regularly interpreted and implemented 8 U.S.C. § 1226(a) as the statute governing the
8 detention and release of persons inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) for having
9 entered without inspection or admission. This has never caused any controversy or caused
10 Congress to correct this practice and interpretation. 8 U.S.C. § 1226(a) allows the
11 Immigration Court to hold a custody hearing and released non-citizens on parole or a bond
12 of at least \$1500. Defendants, beginning in July of 2025, engaged in a concerted effort to
13 hold all non-citizens who entered without admission subject to 8 U.S.C. § 1225, a statute
14 applying to arriving aliens at the port of entry, persons who entered without inspection within
15 the 2 years prior to apprehension, and inadmissible non-citizens "seeking admission." The
16 Defendants are unlikely to succeed because they do not adhere to the INA's statutory
17 definition of "admission," see *Negrete-Ramirez v. Holder*, 741 F.3d 1047, 1051 (9th Cir.
18 2014), and Plaintiff cannot be considered to be "seeking admission" 18 years after entry. See
19 *Torres v. Barr*, 976 F.3d 918, 923-926 (9th Cir. 2020)(en banc).

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23 The Immigration and Nationality Act ("INA") prescribes three basic forms of
24 detention for the vast majority of noncitizens in removal proceedings. First, 8 U.S.C. § 1226
25 authorizes the detention of noncitizens in standard removal proceedings before an
26 Immigration Judge ("IJ"). See 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are
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1 generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§
2 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted
3 of certain crimes are subject to mandatory detention until their removal proceedings are
4 concluded, *see* 8 U.S.C. § 1226(c). Second, the INA provides for mandatory detention of
5 noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent
6 arrivals “seeking admission” referred to under § 1225(b)(2). Third, the INA also provides
7 for detention of noncitizens who have received a final order of removal from the United
8 Staes. See 8 U.S.C. § 1231(a)-(b).
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11 8 U.S.C. § 1225 governs the processing of arriving aliens and is not a detention
12 statute. The only mention of “mandatory detention” comes under 8 U.S.C. §
13 1225(b)(1)(B)(IV) stating that applicants for admission pending asylum interviews “subject
14 to the procedures under this clause shall be detained pending final determination of credible
15 fear of persecution” 8 U.S.C. § 1225(b)(1)(A)(iii)(II) explicitly excludes from expedited
16 removal non-citizens who can show they have been “physically present in the United States
17 continuously for the 2-year period immediately prior to the date of the determination of
18 inadmissibility.”
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21 8 U.S.C. § 1225(b)(2)(A) applies to a non-citizen “who is an applicant for admission, if
22 the examining officer determines that an alien seeking admission is not clearly and beyond a
23 doubt entitled to be admitted, the alien shall be detained for a proceeding under 1229a of this
24 title.” The subsection applies to an “applicant for admission,” with this term being
25 modified and limited to those “seeking admission.” If applicants for admission are to always
26 be considering seeking admission, the inclusion of the condition of those “seeking admission”
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1 would be superfluous.

2 Pursuant to *Loper Bright Enterprises v. Raimondo*, 44 S. Ct. 2244(2024), this Court is
3 not bound to the Agency's interpretation of INA. The term "applicant for admission," as
4 defined under 8 U.S.C. § 1225(a)(1), concerns both the non-citizen who is "present in the
5 United States who has not been admitted" and the non-citizen "who arrives" at the port of
6 entry, otherwise known as an "arriving alien." 8 U.S.C. § 1225(b)(2)(A) explicitly applies to
7 "applicants for admission" "seeking admission." 8 U.S.C. § 1101(a)(13)(A) defines
8 "admission" to mean "the lawful entry of the alien *into* the United States after inspection and
9 authorization by an immigration officer." (Emphasis added). The literal and plain meaning
10 of "seeking admission" means the non-citizen is contemporaneously attempting to lawfully
11 enter the United States. If inspected by the officer after entry, the 2-year physical presence
12 exclusion under 8 U.S.C. § 1225(b)(1)(A)(iii)(II) applies.

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16 Who then does 8 U.S.C. § 1225(b)(2)(A) apply to if not those present without
17 admission? 8 U.S.C. §§ 1101(a)(13)(B) and (C) provide that paroled non-citizens and certain
18 lawful permanent residents presenting themselves at the port of entry can be processed for
19 removal proceedings under 1225(b)(2)(A) as inadmissible aliens seeking admission. *See also*
20 8 C.F.R. § 235.3(b)(3) ("If an alien appears to be inadmissible under other grounds contained
21 in section 212(a) of the Act, and if the Service wishes to pursue such additional grounds of
22 inadmissibility, the alien shall be detained and referred for a removal hearing before an
23 immigration judge pursuant to sections 235(b)(2) and 240 of the Act for inquiry into all
24 charges.")

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27 Recently, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), Defedants applied
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1 mandatory detention under 8 U.S.C. § 1225(b)(2) to applicants for admission who are
2 “arrested and detained without a warrant *while arriving* in the United States” acknowledging
3 the temporal limit of the phrase. (Emphasis Added).
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5 Without directly interpreting the statutory definition of “admission”, Defendants issued
6 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding that all non-citizens present
7 without inspection, regardless of how many years they have been in the country, are subject
8 to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are considered to be seeking
9 admission in perpetuity. *Matter of Yajure Hurtado*, 29 I&N Dec. at 221, remains at odds
10 with Ninth Circuit precedent. In *Torres v. Barr*, 976 F.3d 918, 923-926 (9th Cir. 2020)(en
11 banc), the Ninth Circuit provides a thorough analysis, finding that applying for admission
12 means doing so from outside the United States or at a port of entry, seeking physical entry
13 into the country. The *Torres* decision holds that the legal and factual understanding of seeking
14 admission is limited in time, it cannot continue without limit once the non-citizen is already
15 in the United States. *Id.* at 926. “Accordingly, inadmissibility must be measured at the
16 point in time that an immigrant actually submits an application for entry into the United
17 States.” *Id.*; *See also*; *Negrete-Ramirez v. Holder*, 741 F.3d 1047, 1051 (9th Cir. 2014)
18 (“The definition refers expressly to *entry into* the United States, denoting by its plain terms
19 passage into the country from abroad at a port of entry.”)
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23 III. STATEMENTS OF FACTS

24 Plaintiff is a 40-year-old single male, citizen of Guatemala. Plaintiff entered the
25 United States without inspection on or about January 2008 and was never encountered by
26 Border Patrol. He has continuously lived in the United States since that time, more than 18
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1 years. Plaintiff is eligible for relief removal in the form of cancellation of removal pursuant
2 to INA §240A(b)(1). Prior to his detention, Plaintiff resided in Phoenix, Arizona with his
3 long-time partner and their three (3) United States Citizen children, ages 11, 8, and 23
4 months old. Plaintiff has no criminal issues anywhere in the world. On or about September
5 29, 2025, Immigration and Customs Enforcement (“ICE”) detained Plaintiff on his way to
6 work. Plaintiff has no criminal issues anywhere in the world. Plaintiff had been at liberty in
7 the United States for over 18 years prior to his detention. On or about November 12, 2025,
8 ICE took Plaintiff into custody and placed him into removal proceedings by filing a Notice
9 to Appear with the Florence Immigration Court and detaining him at the Florence
10 Correctional Center located at 1100 Bowling Rd, Florence, Arizona 85132.

11 Plaintiff requested a bond redetermination and on December 15, 2025. The
12 Immigration Judge denied his release request based on jurisdiction, as compelled by the
13 recent decision of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) (“*Matter of*
14 *Hurtado*”). However, should jurisdiction be established, in the alternative, the Immigration
15 Judge explicitly stated that “[t]here is no evidence of danger or criminal history, the
16 respondent has extensive community ties, and any risk of flight could be addressed with a
17 \$5,000 bond, if the Court had jurisdiction”. Defendants continue to detain the Plaintiff in
18 violation of law.

19 On September 5, 2025, the Board of Immigration Appeals issued *Matter of Yajure*
20 *Hurtado*, 29 I&N Dec. 216 (BIA 2025), implementing Defendants’ concerted policy goal of
21 holding all persons who entered without inspection subject to mandatory detention under 8
22 U.S.C. § 1225(b)(2)(A). Plaintiff remains detained at the Florence Correctional Center,
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1 pending removal proceedings. Defendants unilaterally and arbitrarily have scheduled
2 Plaintiff for expedited removal hearings, disrupting his legal defense and causing additional
3 litigation.
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5 IV. STATEMENTS OF FACTS

6 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed
7 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,
8 that the balance of equities tips in his favor, and that an injunction is in the public interest.”

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10 *Winter v. Natural Resources Defense Counsel Inc.*, 129 S.Ct 365, 375 (2008).

11 **a. Plaintiff is likely to succeed on the merits of their argument that 8**
12 **U.S.C. § 1225(b)(2)(A) does not apply to him because he is not**
13 **“seeking admission” as defined under the INA**

14 Plaintiff is likely to succeed on their claim that 18 years after entering the United States
15 without inspection, he cannot be held under mandatory detention as an applicant for admission
16 “seeking admission.” “Admission” as defined in the INA under 8 U.S.C. § 1101(a)(13)(A)
17 means “the lawful entry of the alien *into* the United States after inspection and authorization
18 by an immigration officer.” (Emphasis added). Plaintiff is charged as inadmissible under 8
19 U.S.C. § 1158(a)(6)(A)(i) for having entered the United States without inspection. If he was
20 seeking admission, as argued by the Defendants, then he would have been charged as such
21 on the Notice to Appear. However, he was not. As has been the regular practice of the Court
22 for over 28 years, the Immigration Judge held a custody redetermination under 8 U.S.C. §
23 1226(a), finding that if jurisdiction is established that Plaintiff is neither a danger nor a flight
24 risk and ordered his release upon the posting of a \$5,000 bond.
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1 Defendants denied Plaintiff's release on the argument that he is subject to mandatory
2 detention under the expedited removal/inspection of arriving aliens statute as contained in
3 8 U.S.C. § 1225. Specifically, Defendants have engaged in a concerted effort to force ICE
4 to argue all persons who entered the United States without admission and inspection are
5 subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Defendants intentionally
6 brought this argument so that they could direct EOIR, through the Board of Immigration
7 Appeals to publish *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), holding exactly
8 what DHS argued. This Agency precedent is without legal any persuasiveness, as it
9 does not address the statutory definition of "admission." Defendants Kristi Noem and
10 Pam Bondi predetermined the outcome prior to any litigation through the courts.

13 8 U.S.C. § 1225(b)(2)(A) states a non-citizen "who is an applicant for admission, if the
14 examining officer determines that an alien seeking admission is not clearly and beyond a
15 doubt entitled to be admitted, . . . shall be detained for a proceeding under 1229a of this title."
16 The Ninth Circuit has previously held that section 1225(b)(2)(A) cannot apply to persons
17 with long residence in the United States because there is a temporal limit to someone "seeking
18 admission."
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21 In *Torres v. Barr*, 976 F.3d 918, 923-926 (9th Cir. 2020)(en banc), the Ninth Circuit
22 provides a thorough analysis, finding that applying for admission means doing so from outside
23 the United States or at a port of entry, seeking physical entry into the country. The *Torres*
24 decision holds that being an application for admission is limited in time, and it cannot
25 continue without limit once the non-citizen is already in the United States. *Id.* at 926.
26 "Accordingly, inadmissibility must be measured at the point in time that an immigrant actually
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1 submits an application for entry into the United States.” *Id*; *See also*; *Negrete-Ramirez v.*
2 *Holder*, 741 F.3d 1047, 1051 (9th Cir. 2014) (“The definition refers expressly to *entry into*
3 the United States, denoting by its plain terms passage into the country from abroad at a port
4 of entry.”) By the plain meaning of the statute and the Ninth Circuit’s statutory analysis, the
5 term “seeking admission” cannot apply to a person already inside the United States for over
6 23 years.

7
8 In addition to the Ninth Circuit, since Defendants adopted their new policies, dozens
9 of federal courts have uniformly rejected their newly invented misclassification as illegal
10 and because it defies the INA’s detention authorities. Courts have likewise rejected *Matter*
11 *of Yajure Hurtado*, which adopts the same reading of the statute as ICE, ruling that the BIA’s
12 decision is not entitled to any deference under *Loper Bright Enters. v. Raimondo*, 603 U.S.
13 369, 412-13 (2024).¹

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19 ¹ See, e.g., *Alejandro v. Olson*, No. 1:25-cv-02027-JPH-MKK (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, No. 1:25-
20 cv-01968-SEB-TAB (S.D. Ind. Oct. 8, 2025); *Campos Leon v. Forestal*, No. 1:25-cv-01774-SEB-MJD, 2025 WL
21 2694763 (S.D. Ind. Sept. 22, 2025); *Ochoa Ochoa v. Noem*, No. 25 C 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16,
22 2025) (Jenkins, J.), *H.G.V.U. v. Smith*, No. 25 C 10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2020) (Coleman, J.),
23 *Mariano Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025) (Alonso, J.), and *G.Z.T. v. Smith*,
24 No. 25 C 12802 (N.D. Ill. Oct. 21, 2025) (Ellis, J.), *Corona Diaz v. Olson, et al.*, No. 25-cv-12141 (N.D. Illinois 2025),
25 *Belsai v. Bondi, et al.*, No. 25-cv-3862 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Lepe v. Andrews*, No.
26 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. C25-4048-
27 LTS-MAR, --- F.Supp.3d ---, 2025 WL 2712417 (N.D. Iowa Sept. 23, 2025); *Salazar v. Dedos*, No. 1:25- cv-00835-
28 DHU-JMR, 2025 WL 2676729 (D. N.M. Sept. 17, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept.
3, 2025); *Lopez-Campos v. Raycraft*, No. 2:25- cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v.*
Trump, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-
02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D.
Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug. 15,
2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*,
No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157,
2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted 2025 WL 2349133 (D. Ariz. Aug. 13,
2025); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No.
CV 25-11613-BEM, 2025 WL 2084238, at *9 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025
WL 1869299, at *8 (D. Mass. July 7, 2025).

1 Pursuant to *Loper Bright Enterprises v. Raimondo*, 44 S. Ct. 2244(2024), this Court
2 is not bound to the Agency’s interpretation of INA. Even if this case is litigated on appeal,
3 the ultimate decision of Plaintiff’s custody will be determined by the Ninth Circuit, but at this
4 moment, no appeal has been filed, and Plaintiff is not the party who would seek to appeal the
5 Immigration Court’s decision to grant bond. Plaintiff has no other recourse.
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7 Plaintiff is likely to succeed arguing the bond is valid because the plain reading of the
8 statute indicates he is subject to the general detention statute pursuant to 8 U.S.C. 1226(a), and
9 not the expedited removal/inspection provisions under § 1225(b). Congress specifically
10 excepted from the harsh provisions of § 1225(b), persons who established two years of
11 physical presence after entering without admission. 8 U.S.C. § 1225(b)(1)(A)(iii)(II). When
12 persons seek admission, and they are not subject to expedited removal under § 1225(b)(1),
13 such as inadmissible lawful permanent residents, they are then processed under §
14 1225(b)(2)(A). If congress wanted to subject all non-citizens inadmissible for having entered
15 without inspection, they would have specifically stated such in § 1225, or they would have
16 included non-citizens inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) in the enumerated list
17 of persons subject to mandatory detention under 8 U.S.C. § 1226(c).
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21 Finally, if the accepted widespread interpretation, practice, and implementation of
22 releasing persons like the Plaintiff under 1226(a) was not congressional intent, congress
23 would have stepped in to clarify the law. The only indication of congressional intent
24 concerning the custody statutes came in the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3
25 (2025), which amended § 1226 to provide for the mandatory detention of inadmissible non-
26 citizens with certain criminal convictions and conduct. The statute and the amendments made
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1 by the Laken Riley Act intentionally precludes some aliens inadmissible under 8 U.S.C.
2 1182(a)(6)(A)(i) from being granted bond. If 8 U.S.C. § 1225(b)(2)(A) clearly applied to all
3 persons inadmissible under § 1182(a)(6)(A)(i), there would be no conceivable reason for the
4 Laken Riley Act to include provisions specifying certain non-citizens inadmissible under §
5 1182(a)(6)(A)(i) arrested for shoplifting are subject to mandatory detention. By the plain
6 reading of the statute, Plaintiff who entered 18 years ago, and never sought admission,
7 cannot be considered “seeking admission.” 8 U.S.C. § 1225(b)(2)(A) does not apply to
8 Plaintiff.
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11 **b. Plaintiff suffers irreparable harm from his continued unlawful**
12 **detention.**

13 Plaintiff remains detained despite the Immigration Judge alternative order that if
14 jurisdiction is found, he can be released upon a posting of a \$5,000 bond. Defendants’ refusal
15 to accept the bond and release Plaintiff keeps him separated from his children and prevents
16 him from returning to work to support his family. He is not a danger and not a flight risk,
17 so Plaintiff suffers the emotional harm of being detained without any good factual argument
18 for why he should be detained. Should Plaintiff ultimately win relief from removal, he will
19 be personally and financially set back by the months of detention.
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22 Plaintiff has been subjected to an accepted setting, with a final hearing on his
23 deportation hearing scheduled for January 13, 2025. His continued detention in a purposely
24 accelerated setting deprives him of the opportunity to actively prepare for his case with
25 counsel. If he does not win relief, he would have missed out on the opportunity to prepare
26 and plan to return to his native country. In every way, he is prejudiced by the continued
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1 detention, and this harm cannot be undone.

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3 **c. The balance of equities favors Plaintiff.**

4 Defendants advance a novel argument that goes against decades of practice and
5 interpretation, all with the goal of subjecting millions of people like Plaintiff to mandatory
6 detention. Plaintiff has accrued 18 years of continuous physical presence in the United States.
7 This comes with establishing himself in the community, in the economy, and with his family.
8 Defendants do not argue Plaintiff poses any danger or flight risk, and if in fact not subject to
9 mandatory detention, there will not have been any justification for the public resources used
10 to detain Plaintiff. Three U.S. citizen children await their father's release. Defendants await
11 the outcome of their legal arguments without suffering any real prejudice.
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14 **d. Granting the restraining order serves the public interest.**

15 Detaining those who pose no danger and no flight risk constitutes misuse of
16 government and public resources. Family unity remains an important public interest as stated
17 throughout the INA and its attending regulations. *See e.g.* 8 U.S.C. §§ 1153(a), (d),
18 1158(b)(3), 1182(a)(9); 8 C.F.R. §§ 212.7(e), 236, Subpart B. Releasing Plaintiff back to his
19 family and community maintains family unity, an important public interest. Treating people
20 with dignity while they face removal proceedings engenders faith in the system that is both
21 harsh but also provides pathways to legalization. There is merit to preventing Defendants
22 from continuing to detain Plaintiff on the basis of a novel argument not supported by decades
23 of legal practice and interpretation. For such a dramatic shift, there has been no notice. The
24 public interest is served by the orderly implementation of the nation's immigration laws.
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V. CONCLUSION

Plaintiff respectfully requests the Court grant their motion for temporary restraining order to restrain Defendants from detaining Plaintiff while the concurrently filed habeas petition is litigated.

RESPECTFULLY SUBMITTED, this day 16th day of December 2025

Zava Immigration Law Group PLLC

s/ Jessica Anleu

Jessica Anleu
Attorney for Plaintiff

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CERTIFICATE OF SERVICE

On the 16th day of December, 2025, I, Jessica Anleu, the undersigned, served via certified U.S. Mail, the attached **PLAINTIFF'S EXPEDITED MOTION FOR TEMPORARY RESTRAINING ORDER/ PRELIMINARY INJUNCTION**, on each person/entity listed below addressed as follows:

Civil Clerk
United States Attorney's Office
District of Arizona
Two Renaissance Square
40 N. Central Avenue, Suite 1200
Phoenix, AZ 85004-4408

Luis Rosa, Jr.
Warden, Florence Correctional Center
1100 Bowling Rd.
Florence, Arizona 85132

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485 Washington, DC 20528

s/ Jessica Anleu, Esq.