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

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13 JOSSIE ARANGUREN PACHECO,
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Petitioner,

v.

KRISTI NOEM, in her official capacity,
Secretary of Homeland Security; PAM
BONDI, in her official capacity,
Attorney General of the United States;
CHRISTOPHER CHESTNUT, in his
official capacity, Warden, California
City Detention Facility; SERGIO
ALBARRAN, in his official capacity,
Field Office Director of the San
Francisco Field Office, U.S. Immigration
and Custom Enforcement (ICE); TODD
M. LYONS, in his official capacity,
Acting Director of ICE,

Respondents.

Case No.

**PETITIONER'S NOTICE OF
MOTION AND *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court for the Eastern District of California, that Jossie Aranguren Pacheco("Petitioner") will and hereby does move for emergency relief in the form of a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Rule 231 of the Local Rules of this Court. Because Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the United States and his statutory rights under the Immigration and Nationality Act, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without requiring bond or electronic monitoring, or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and barring his re-detention unless Respondents prove at a hearing before a neutral arbiter by clear and convincing evidence that Petitioner is a flight risk or danger to others. To preserve this Court's jurisdiction, Petitioner further seeks an order enjoining Respondents from transferring Petitioner out of this District or deporting him from the United States during the pendency of the underlying proceedings.

This motion is based on this Notice of Motion and *Ex Parte* Application For Temporary Restraining Order; the accompanying Memorandum of Points and Authorities; the supporting declarations, the papers, evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported

1 by the Petition for Writ of Habeas Corpus (ECF No. ____).

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3 WHEREFORE, Petitioner prays that this Court grant his application for a
4 temporary restraining order (1) requiring Petitioner's immediate release from
5 Respondents' custody pending these proceedings, without requiring bond or
6 electronic monitoring, or, in the alternative, (2) order Petitioner's immediate
7 release from Respondents's custody and barring his re-detention unless
8 Respondents prove by clear and convincing evidence at a hearing before a neutral
9 arbiter that Petitioner is a flight risk or danger to others and (3) enjoining
10 Respondents from transferring Petitioner out of this District or deporting her from
11 the United States during the pendency of the underlying proceedings.
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15 Respondents have not responded to counsel for Petitioner's attempts to
16 resolve this matter prior to filing.
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18 Date: December 17, 2025

19 Respectfully Submitted,

20 /s/Carla V. Gomez

21 Carla V. Gomez

22 *Pro Bono* Attorney for Petitioner
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