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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

C.M.Y.G.,

Petitioner,

v.

Christopher CHESTNUT, Field Office
Director, California City Detention
Facility, Office of Detention and Removal,
U.S. Immigrations and Customs
Enforcement, U.S. Department of
Homeland Security;

Sergio ALBARRAN, Acting Field Office
Director of the San Francisco Immigration
and Customs Enforcement Office, U.S.
Department of Homeland Security;

Todd M. LYONS, Acting Director,
Immigration and Customs Enforcement,
U.S. Department of Homeland Security;

Kristi NOEM, in her Official Capacity,
Secretary, U.S. Department of Homeland
Security; and

Pam BONDI, in her Official Capacity,
Attorney General of the United States.

Respondents.

No.

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

Challenge to Unlawful Incarceration Under
Color of Immigration Detention Statutes;
Request for Declaratory and Injunctive Relief

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NOTICE OF MOTION

Petitioner C.M.Y.G. applies to this Honorable Court for a temporary restraining order enjoining Respondents Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and Pam Bondi, in her official capacity as the U.S. Attorney General, (1) from continuing to detain her based on an unlawful action by ICE, (2) ordering her immediate release from immigration detention; and (3) from re-arresting C.M.Y.G. until she is afforded a hearing before a neutral decisionmaker, as required by the Due Process clause of the Fifth Amendment, to determine whether circumstances have materially changed such that her re-incarceration would be justified because there is clear and convincing evidence establishing that she is a danger to the community or a flight risk.

If the Court deems oral argument necessary, Petitioner requests to appear by video.

Respectfully submitted this Friday, December 19, 2025.

By counsel,

/s/ Natalia Vieira Santanna

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INTRODUCTION

Petitioner, C.M.Y.G., has been civilly imprisoned by U.S. Immigration and Customs Enforcement (ICE) at California City ICE Processing Center (“Cal City”) since November 4, 2025, after having complied with the conditions of her release from the custody of the Department of Homeland Security (DHS) since she was granted parole in August 2023. For years, C.M.Y.G. has appeared at appointments, taken photographs, and answered supervision calls from the Intensive Supervision Appearance Program (ISAP), while diligently pursuing asylum before the Executive Office of Immigration Review (EOIR).

C.M.Y.G.’s current detention may be permitted under the Constitution and Immigration and Nationality Act (INA) only if Respondents can demonstrate before a neutral decision-maker that she is a flight risk or danger to the community, or if her removal is imminent. C.M.Y.G. has no criminal history, and is not a flight risk or danger. Her asylum case remains pending before EOIR, and thus, removal is not imminent. Thus, C.M.Y.G.’s continued detention without a bond hearing before a neutral decision-maker violates her rights under the INA and the Due Process Clause of the Fifth Amendment. U.S. Const. amend. V.

As a result of her arrest and detention, C.M.Y.G. is suffering irreparable and ongoing harm. The unconstitutional deprivation of “physical liberty” unquestionably constitutes irreparable injury.” *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed, “[f]reedom 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 v. Davis*, 533 U.S. 678, 690 (2001).

In light of this irreparable harm, and because she is likely to succeed on the merits of her due process claims, C.M.Y.G. respectfully requests that this Court issue an *ex parte* temporary restraining order (“TRO”) immediately releasing her from custody and enjoining the government from re-arresting her absent the opportunity to contest that arrest at a hearing before a neutral decision maker. Confronted with substantially identical facts and legal issues, this and other courts in this circuit have recently granted the exact relief Petitioner seeks. *See J.O.L.R. v*

1 *Wofford*, 2025 WL 2718631 * 11 (E.D. Cal Sept. 23, 2025); *R.D.T.M. v Wofford*, 2025 WL
 2 2617255 * 11 (E.D. Cal Sept. 9, 2025); *Garro Pinchi v. Noem*, 2025 WL 1853763, *4 (N.D. Cal.
 3 July 4, 2025), converted to preliminary injunction at __ F. Supp. 3d __, 2025 WL 2084921 (N.D.
 4 Cal. July 24, 2025); *Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025)
 5 (granting preliminary injunction).

6 To maintain this Court’s jurisdiction, the Court should also prohibit the government from
 7 transferring C.M.Y.G. out of this District and removing her from the country until these
 8 proceedings have concluded.

9 STATEMENT OF FACTS AND CASE

10 Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
 11 targeting people who are in regular removal proceedings in immigration court, many of whom
 12 have pending applications for asylum or other relief. This “coordinated operation” is “aimed at
 13 dramatically accelerating deportations” by arresting people at the courthouse or at the ICE office
 14 and placing them into expedited removal. Arelis R. Hernández & Maria Sacchetti, *Immigrant*
 15 *Arrests at Courthouses Signal New Tactic in Trump’s Deportation Push*, Wash. Post, May 23,
 16 2025, [https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-](https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/)
 17 [trump/](https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/); see also Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to*
 18 *Ramp Up Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,
 19 <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>. The Trump
 20 administration implemented a policy to drastically increase immigration arrests to a target of at
 21 least 3,000 per day. According to White House officials like Stephen Miller, this directive
 22 prioritized arrest numbers over the individuals’ criminal history, encouraging agents to conduct
 23 mass round-ups in public spaces rather than targeted investigations.

24 As a result, arrests of non-citizens with no criminal record surged by over 800%, and two-
 25 thirds of those deported had no criminal history. This focus on quantity over public safety led to a
 26 new and aggressive tactic: systematically arresting immigrants at courthouses and ICE
 27 appointments, regardless of the status of their legal cases. This has created a climate of fear,
 28

1 discouraging people from attending their mandatory hearings or ICE appointments.

2 In addition, individuals are now held for extended periods, sometimes days, in temporary
3 holding cells that are not designed for overnight or prolonged detention, often under inhumane
4 conditions. Government officials have justified these harsh conditions not as a matter of
5 necessity, but as an intentional deterrent, which is not a constitutionally permissible reason for
6 detention.

7 The government's new campaign is also a significant shift from the previous DHS
8 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
9 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*
10 *Sessions*, 905 F.3d 1137 (9th Cir. 2018), (describing prior practice).

11 C.M.Y.G. fled Peru in 2023 because of persecution she suffered by a family member. *See*
12 *Asylum Application of C.M.Y.G. ("Asylum App.")*, submitted as Exh. 2; *see also* Affidavit of
13 C.M.Y.G. ("C.M.Y.G. Aff."). On or around August 29, 2023, C.M.Y.G. tried crossing the border
14 at San Luis, AZ when she was apprehended by immigration officials. C.M.Y.G. Aff. ¶ 2. DHS
15 admitted C.M.Y.G. into their custody for one week before determining that she is not a danger to
16 the community nor a flight risk and releasing her pursuant to 8 C.F.R. § 212.5. Exh. 1; *see also*
17 C.M.Y.G. Aff. ¶ 3.

18 Upon her release, C.M.Y.G. established a life in Bakersfield, California. ¶ 10 *Id.*
19 C.M.Y.G. had a pending employment authorization application with the DHS prior to her
20 detention. ¶ 10 *Id.* C.M.Y.G. has never committed any crimes, nor been arrested for any reason. ¶
21 12 *Id.*

22 C.M.Y.G. diligently complied with all requirements imposed by DHS through the
23 Intensive Supervision Appearance Program (ISAP). ¶ 14 *Id.* She initially attended in-person
24 appointments in Bakersfield to present documents and sign paperwork. ¶ 4 *Id.* She was
25 transitioned to a different Intensive Supervision Appearance Program (ISAP), which required the
26 installation of a monitoring application on a cell phone for weekly reporting every Monday. ¶ 4
27 *Id.* The program required C.M.Y.G. to take a photo every week, answer phone calls from ISAP
28

1 officers, and report periodically in-person at ISAP and ICE offices. ¶ 4 *Id.* To her knowledge,
 2 C.M.Y.G. always complied with the requirements of the ISAP program and her ICE's order of
 3 supervision. ¶ 4 *Id.*

4 On November 3, 2025, C.M.Y.G. took her weekly photo as required. ¶ 5 *Id.* She
 5 confirmed with her officer that she was in compliance and reassured her that everything was fine.
 6 ¶ 5 *Id.* Her ISAP officer informed C.M.Y.G. that she had an in-person meeting scheduled for
 7 November 4, 2025, at the ICE office in Bakersfield. ¶ 5 *Id.*

8 On November 4, 2025, at 8 a.m. C.M.Y.G. appeared for a supervision check-in with ICE
 9 at the Bakersfield office. ¶ 6 *Id.* Upon arrival, C.M.Y.G. noticed a long line outside the building.
 10 ¶ 6 *Id.* C.M.Y.G. checked in and was told to wait inside. She waited for nearly thirty minutes
 11 before being called inside into a room. ¶ 6 *Id.* An ICE officer then brought her into a room and
 12 informed her that she was under arrest “for failing to report on time” without offering any
 13 explanation for her arrest or any claim of non-compliance. ¶ 6 *Id.* ICE arrested and re-detained
 14 C.M.Y.G. on November 4, 2025 then transferred her to California City Detention Facility. ¶ 7 *Id.*
 15 Since her detention, C.M.Y.G. has begun suffering from anxiety and depression. ¶ 9 *Id.* She is
 16 also experiencing extreme stress, worrying about the possibility of being returned to Peru where
 17 she will suffer irreparable harm. ¶ 9 *Id.*

18 C.M.Y.G.'s asylum case remains pending. *See* Asylum App. Prior to her detention,
 19 C.M.Y.G. appeared at an EOIR in person hearing. Her next scheduled hearing is set to occur on
 20 January 21, 2026. *See* Automatic Case Information for C.M.Y.G., *attached as* Exh. 3.

21 LEGAL ARGUMENT

22 C.M.Y.G. is entitled to a temporary restraining order if she establishes that she is “likely
 23 to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief,
 24 that the balance of equities tips in [his] favor, and that an injunction is in the public interest.”
 25 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int'l Sales Co. v. John D.*
 26 *Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and
 27 temporary restraining order standards are “substantially identical”). Even if C.M.Y.G. does not
 28

1 show a likelihood of success on the merits, the Court may still grant a temporary restraining order
 2 if she raises “serious questions” as to the merits of her claims, the balance of hardships tips
 3 “sharply” in her favor, and the remaining equitable factors are satisfied. *Alliance for the Wild*
 4 *Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011). As set forth in more detail below, C.M.Y.G.
 5 overwhelmingly satisfies both standards.

6 Furthermore, the requirements for issuing a temporary restraining order without notice are
 7 met here. *See* Fed. R. Civ. P. 65(b). C.M.Y.G. notified respondents’ counsel on December 19,
 8 2025, that she would be filing the motion by email to the U.S. Attorney’s Office email address for
 9 habeas petition filings. C.M.Y.G. also set out specific facts demonstrating that immediate and
 10 irreparable injury, loss, or damage may result before respondents can be heard in opposition. *See*
 11 *Pinchi v. Noem*, No. 25-cv-05632-RML, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025);
 12 *J.O.L.R. v Wofford*, 2025 WL 2718631 * 11 (E.D. Cal Sept. 23, 2025); *R.D.T.M. v Wofford*, 2025
 13 WL 2617255 * 11 (E.D. Cal Sept. 9, 2025)(granting ex parte temporary restraining order in
 14 similar circumstances).

15 **I. Petitioner Warrants A Temporary Restraining Order**

16 A temporary restraining order should be issued if “immediate and irreparable injury, loss,
 17 or irreversible damage will result” to the applicant in the absence of an order. Fed. R. Civ. P.
 18 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a
 19 preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*
 20 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). C.M.Y.G. is likely
 21 to remain in unlawful custody in violation of her due process rights without intervention by this
 22 Court. C.M.Y.G. will continue to suffer irreparable injury if she continues to be detained without
 23 due process.

24 **a. Petitioner is likely to succeed in the merits because Petitioner’s detention** 25 **violates substantive due process.**

26 The Due Process Clause applies to “all ‘persons’ within the United States, including
 27 [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.”
 28 *Zadvydas*, 533 U.S. at 693. “The touchstone of due process is protection of the individual against

1 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
2 exercise of power without any reasonable justification in the service of a legitimate government
3 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). “Freedom from
4 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
5 the heart of the liberty that Clause protects.” *Zadvydas*, 533 U.S. at 690.

6 To comply with substantive due process, the government’s deprivation of an individual’s
7 liberty must be justified by a sufficient purpose. Therefore, immigration detention, which is
8 “civil, not criminal,” and “nonpunitive in purpose and effect,” must be justified by either
9 (1) dangerousness or (2) flight risk. *Zadvydas*, 533 U.S. at 690; *see Hernandez*, 872 F.3d at 994
10 (“[T]he government has no legitimate interest in detaining individuals who have been determined
11 not to be a danger to the community and whose appearance at future immigration proceedings can
12 be reasonably ensured by a lesser bond or alternative conditions.”). When these rationales are
13 absent, immigration detention serves no legitimate government purpose and becomes
14 impermissibly punitive, violating a person’s substantive due process rights. *See Jackson v.*
15 *Indiana*, 406 U.S. 715, 738 (1972) (detention must have a “reasonable relation” to the
16 government’s interests in preventing flight and danger); *see also Mahdawi v. Trump*, No. 2:25-
17 CV-389, 2025 WL 1243135, at *11 (D. Vt. Apr. 30, 2025) (ordering release from custody after
18 finding petitioner may “succeed on his Fifth Amendment claim if he demonstrates *either* that the
19 government acted with a punitive purpose *or* that it lacks any legitimate reason to detain him”).

20 The Supreme Court has recognized that noncitizens may bring as-applied challenges to
21 detention, including so-called “mandatory” detention. *Demore v. Kim*, 538 U.S. 510, 532-33
22 (2003) (Kennedy, J., concurring) (“Were there to be an unreasonable delay by the INS in
23 pursuing and completing deportation proceedings, it could become necessary then to inquire
24 whether the detention is not to facilitate deportation, or to protect against risk of flight or
25 dangerousness, but to incarcerate for other reasons.”); *Nielsen v. Preap*, 586 U.S. 392, 420 (2019)
26 (“Our decision today on the meaning of [§ 1226(c)] does not foreclose as-applied challenges—
27 that is, constitutional challenges to applications of the statute as we have now read it.”).
28

1 C.M.Y.G., who has no criminal record and who is diligently pursuing her immigration
2 case, is neither a danger nor a flight risk. Therefore, her detention is both punitive and not
3 justified by a legitimate purpose, violating her substantive due process rights. Indeed, when
4 Respondents chose to release C.M.Y.G. from custody in August 2023, that decision represented
5 their finding that she was neither a danger nor a flight risk. *See Saravia* at 1176 (N.D. Cal. 2017),
6 *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) ("Release reflects a
7 determination by the government that the noncitizen is not a danger to the community or a flight
8 risk."). No material changes in circumstances have transpired since to disturb that finding.

9 *First*, because C.M.Y.G. had no criminal history, and has had no intervening criminal
10 history or arrests since her release, there is no credible argument that she is a danger to the
11 community.

12 *Second*, as to flight risk, the question is whether custody is reasonably necessary to secure
13 a person's appearance at immigration court hearings and related check-ins. *See Hernandez*, 872
14 F.3d at 990-91. There is no basis to argue that C.M.Y.G., who was arrested by Respondents *while*
15 *appearing at her scheduled ICE appointment*, is a flight risk. Moreover, C.M.Y.G. has a viable
16 path toward immigration relief, further mitigating any risk of flight. *See Padilla v. U.S. Immigr.*
17 *and Customs Enf't*, 704 F. Supp. 3d 1163, 1173 (W.D. Wash. 2023) (holding that there is not a
18 legitimate concern of flight risk where plaintiffs have bona fide asylum claims and desire to
19 remain in the United States). C.M.Y.G. is not a flight risk, given that she has promptly
20 communicated with her officer, ICE, and ISAP appointment. At the time of her arrest, C.M.Y.G.
21 had filed her Form I-589, Application for Asylum and Withholding of Removal, and she has
22 every intention of continuing to pursue her applications for immigration relief.

23 In sum, C.M.Y.G.'s actions since Respondents first released her confirm that she is
24 neither a danger nor a flight risk. Indeed, her ongoing compliance and community ties compel the
25 conclusion that she is even *less* of a danger or flight risk than when she was initially released.
26 Accordingly, C.M.Y.G.'s ongoing detention is unconstitutional, and substantive due process
27 principles require her immediate release.
28

b. Petitioner is likely to succeed on the merits of her claim that the Constitution requires a hearing before a neutral arbiter prior to any re-incarceration by ICE.

C.M.Y.G. is likely to succeed on her claim that, in her particular circumstances, her current detention is unlawful because the Due Process Clause of the Constitution prevents Respondents from re-arresting her without first providing a pre-deprivation hearing before a neutral adjudicator where the government demonstrates by clear and convincing evidence that there has been a material change in circumstances such that she is now a danger or a flight risk.

The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's release and re-arrest the noncitizen at any time. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language granting ICE the power to revoke an immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981), the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens. There, the BIA held that "where a previous bond determination has been made by an immigration judge, no change should be made by [the DHS] absent a change of circumstance." *Id.* In practice, DHS "requires a showing of changed circumstances both where the prior bond determination was made by an immigration judge *and* where the previous release decision was made by a DHS officer." *Saravia*, 280 F. Supp. 3d at 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (emphasis added). The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has no authority to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021) ("Thus, absent changed circumstances ... ICE cannot redetain Panosyan.").

ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances." *Saravia*, 280 F. Supp. 3d at 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (quoting Defs.' Second Supp. Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may re-arrest a noncitizen who had been previously released from custody only after a material change in circumstances. *See Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

1 ICE's power to re-arrest a noncitizen who is at liberty following a release from custody is
 2 also constrained by the demands of due process. *See Hernandez*, 872 F.3d 976, 981 (9th Cir.
 3 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the
 4 requirements of due process"). In this case, the guidance provided by *Matter of Sugay*—that ICE
 5 should not re-arrest a noncitizen absent changed circumstances—is insufficient to protect
 6 C.M.Y.G.'s weighty interest in her freedom from unlawful detention.

7 Federal district courts in California have repeatedly recognized that the demands of due
 8 process and the limitations on DHS's authority to revoke a noncitizen's bond or parole set out in
 9 DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen
 10 on ICE release, like C.M.Y.G., before ICE re-detains him. *See, e.g., Ortega v. Bonnar*, 415 F.
 11 Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at
 12 *3 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL
 13 783561, at *2 (N.D. Cal. Mar. 1, 2021); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL
 14 1443250, at *3-4 (N.D. Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-
 15 detained, and required notice and a hearing before any re-detention); *Enamorado v. Kaiser*, No.
 16 25-CV-04072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction
 17 warranted preventing re-arrest at plaintiff's ICE interview when he had been on bond for more
 18 than five years). *See also Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4
 19 (E.D. Cal. Mar. 3, 2025) (holding the Constitution requires a hearing before any re-arrest);
 20 *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21,
 21 2025); *Garcia v. Kaiser*, No. 4:25-cv-06916-YGR (N.D. Cal. Aug. 29, 2025); *Hernandez Nieves*
 22 *v. Kaiser*, *Jimenez* No. 25-CV-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Caicedo*
 23 *Hinestroza et al. v. Kaiser*, No. 25-CV-07559- JD, 2025 WL 2606983 (N.D. Cal. Sept. 9,
 24 2025). *Arzate v. Andrews*, Slip Copy, 2025 WL 2230521 (E.D. Cal. Aug. 4, 2025) (The court
 25 found Mr. Arzate was likely to succeed on his claim that his re-detention without a new bond
 26 hearing violated the Due Process Clause; the court enjoined the government from re-detaining
 27 him without first providing a bond hearing where it must prove by clear and convincing evidence
 28

1 that he is a flight risk or a danger to the community); *Pinchi v. Noem*, Slip Copy, 2025 WL
2 1853763 (N.D. Cal. July 4, 2025).

3 Courts analyze procedural due process claims, such as this one, in two steps: the first asks
4 whether a protected liberty interest exists under the Due Process Clause, and the second examines
5 the procedures necessary to ensure that any deprivation of that protected liberty interest accords
6 with the Constitution. *See Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989).

7 **1. Petitioner has a protected liberty interest in her conditional release.**

8 The Due Process Clause protects C.M.Y.G.'s liberty from immigration custody: "Freedom
9 from imprisonment—from government custody, detention, or other forms of physical restraint—
10 lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533
11 U.S. 678, 690 (2001).

12 Since August 2023, C.M.Y.G. has exercised that freedom under DHS's own grant of
13 parole. Accordingly, she retains a weighty liberty interest under the Due Process Clause of the
14 Fifth Amendment in avoiding unlawful re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-
15 47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471,
16 482-483 (1972).

17 In *Morrissey*, the Supreme Court examined the "nature of the interest" that a parolee has
18 in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the conditions of
19 his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to
20 form the other enduring attachments of normal life." *Id.* at 482. The Court further noted that "the
21 parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live
22 up to the parole conditions." *Id.* The Court explained that "the liberty of a parolee, although
23 indeterminate, includes many of the core values of unqualified liberty and its termination inflicts
24 a grievous loss on the parolee and often others." *Id.* In turn, "[b]y whatever name, the liberty is
25 valuable and must be seen within the protection of the [Fifth] Amendment." *Morrissey*, 408 U.S.
26 at 482.

27 This basic principle—that individuals have a liberty interest in their conditional release—
28

1 has been reinforced by both the Supreme Court and the circuit courts on numerous occasions. *See*,
2 *e.g.*, *Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program
3 created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation
4 process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals released on felony
5 probation have a protected liberty interest requiring pre-deprivation process). As the First Circuit
6 has explained, when analyzing the issue of whether a specific conditional release rises to the level
7 of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific
8 conditional release in the case before them with the liberty interest in parole as characterized by
9 *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation
10 marks and citation omitted). *See also, e.g.*, *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C.
11 Cir. 2017) (“a person who is in fact free of physical confinement—even if that freedom is
12 lawfully revocable—has a liberty interest that entitles him to constitutional due process before he
13 is re-incarcerated”) (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408
14 U.S. at 482).

15 In fact, it is well-established that an individual maintains a protectable liberty interest even
16 where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-Fuentes*,
17 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process
18 considerations support the notion that an inmate released on parole by mistake, because he was
19 serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because
20 the mistaken release was not his fault, and he had appropriately adjusted to society, so it “would
21 be inconsistent with fundamental principles of liberty and justice” to return him to prison)
22 (internal quotation marks and citation omitted).

23 Here, when this Court “‘compar[es] the release in [C.M.Y.G.’s case], with the liberty
24 interest in parole as characterized by *Morrissey*,” they bear similar features in liberty interests.
25 *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, C.M.Y.G.’s release “enables [her] to
26 do a wide range of things open to persons,” including to live at home, work, care for her family,
27 and “be with family and friends and to form the other enduring attachments of normal life.”
28

1 *Morrissey*, 408 U.S. at 482.

2 **2. Petitioner's liberty interest mandates her release from unlawful**
 3 **custody and a hearing before any re-arrest.**

4 C.M.Y.G. asserts that, here, (1) where her detention would be civil; (2) where she has
 5 been at liberty for over three years, during which time she has appeared at all of her immigration
 6 court hearings and ICE appointments; (3) where she has a viable asylum claim (4) where no
 7 change in circumstances exist that would justify her lawful detention; and (5) where the only
 8 circumstance that has changed was ICE's move to arrest as many people as possible under the
 9 new administration's initiative, due process mandates that she be released from her unlawful
 10 custody and receive notice and a hearing before a neutral adjudicator *before* any re-arrest or
 11 revocation of her custody release.

12 "Adequate, or due, process depends upon the nature of the interest affected. The more
 13 important the interest and the greater the effect of its impairment, the greater the procedural
 14 safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d
 15 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must
 16 "balance [C.M.Y.G.'s] liberty interest against the [government's] interest in the efficient
 17 administration of" its immigration laws to determine what process [she] is owed to ensure that
 18 ICE does not unconstitutionally deprive [her] of [her] liberty. *Id.* at 1357. Under the test outlined
 19 in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test:
 20 "first, the private interest that will be affected by the official action; second, the risk of an
 21 erroneous deprivation of such interest through the procedures used, and the probative value, if
 22 any, of additional or substitute procedural safeguards; and finally the government's interest,
 23 including the function involved and the fiscal and administrative burdens that the additional or
 24 substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (citing *Mathews v.*
 25 *Eldridge*, 424 U.S. 319, 335 (1976)).

26 The Supreme Court "usually has held that the Constitution requires some kind of a
 27 hearing *before* the State deprives a person of liberty or property." *Zinerman v. Burch*, 494 U.S.
 28 113, 127 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies

1 are “the only remedies the State could be expected to provide” can the post-deprivation process
2 satisfy the requirements of due process. *Zinerman*, 494 U.S. at 985. Moreover, only where “one
3 of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible
4 in preventing the kind of deprivation at issue” such that “the State cannot be required
5 constitutionally to do the impossible by providing predeprivation process,” can the government
6 avoid providing pre-deprivation process. *Id.*

7 Because, in this case, the provision of a pre-deprivation hearing is both possible and
8 valuable to preventing an erroneous deprivation of liberty, ICE is required to provide C.M.Y.G.
9 with notice and a hearing *prior* to any reincarceration and revocation of her release. *See*
10 *Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Zinerman*, 494 U.S. at 985; *see*
11 *also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th
12 Cir. 1984) (holding that individuals awaiting involuntary civil commitment proceedings may not
13 constitutionally be held in jail pending the determination as to whether they can ultimately be
14 recommitted). Under *Mathews*, “the balance weighs heavily in favor of [C.M.Y.G.’s] liberty” and
15 requires a pre-deprivation hearing before a neutral adjudicator.

16 **(a) Petitioner’s private interest in her liberty is profound.**

17 Under *Morrissey* and its progeny, individuals conditionally released from serving a
18 criminal sentence have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
19 addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of
20 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles
21 him to constitutional due process before he is re-incarcerated—apply with even greater force to
22 individuals like C.M.Y.G., who have been released pending civil removal proceedings, rather
23 than parolees or probationers who are subject to incarceration as part of a sentence for a criminal
24 conviction. Parolees and probationers have a diminished liberty interest given their underlying
25 convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S.
26 868, 874 (1987). Nonetheless, even in the context of criminal parolees, the courts have held that
27 they cannot be re-arrested without a due process hearing, during which they can raise any claims
28

1 they may have regarding why their reincarceration would be unlawful. *See Gonzalez-Fuentes*,
 2 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, C.M.Y.G. retains a truly weighty liberty
 3 interest even though she is under conditional release.

4 What is at stake in this case for C.M.Y.G. is one of the most profound individual interests
 5 recognized by our legal system: whether ICE may unilaterally nullify a prior decision releasing a
 6 non-citizen from custody and be able to take away her physical freedom, i.e., her “constitutionally
 7 protected interest in avoiding physical restraint.” *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
 8 2011) (internal quotation omitted). “Freedom from bodily restraint has always been at the core of
 9 the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).
 10 *See also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—from government custody,
 11 detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due
 12 Process] Clause protects.”); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

13 Thus, there is a clear, profound private interest at stake in this case, which must be
 14 weighed heavily when determining what process she is owed under the Constitution. *See*
 15 *Mathews*, 424 U.S. at 334-35.

16
 17 **(b) The government’s interest in re-incarcerating Petitioner**
 18 **without a hearing is low and the burden on the government to**
refrain from re-arresting her until she is provided a hearing is
minimal.

19 The government’s interest in maintaining an unlawful detention without a due process
 20 hearing is low, and when weighed against C.M.Y.G.’s significant private interest in her liberty,
 21 the scale tips sharply in favor of enjoining Respondents (1) from keeping her in unlawful custody;
 22 (2) re-arresting C.M.Y.G. unless and until the government demonstrates to a neutral adjudicator
 23 by clear and convincing evidence that she is a flight risk or danger to the community; and (3)
 24 removing her from the United States in violation of an agency order and district court injunction.
 25 It becomes abundantly clear that the *Mathews* test favors C.M.Y.G. when the Court considers that
 26 the process she seeks—notice and a hearing regarding whether release from custody should be
 27 revoked—is a standard course of action for the government. Providing C.M.Y.G. with a hearing
 28 before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing

1 evidence that C.M.Y.G. is a flight risk or danger to the community would impose only a *de*
2 *minimis* burden on the government, because the government routinely provides this sort of
3 hearing to individuals like C.M.Y.G.

4 As immigration detention is civil in nature, it cannot serve a punitive purpose. The
5 government's only interest in holding an individual in immigration detention can be to prevent
6 danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See*
7 *Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it has any
8 basis for detaining C.M.Y.G. when she was released after a DHS' determination in 2023, and
9 since has lived at liberty with her community, without any criminal or civil traffic infractions.

10 In August 2023, DHS officers determined that C.M.Y.G. was not a flight risk or a danger
11 to the community and there are no material changes in circumstances to undermine that
12 determination. *See Morrissey*, 408 U.S. at 482 ("It is not sophistic to attach greater importance to
13 a person's justifiable reliance in maintaining his conditional freedom so long as he abides by the
14 conditions on his release, than to his mere anticipation or hope of freedom") (quoting *United*
15 *States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir. 1971).

16 It is difficult to see how the government's interest in detaining C.M.Y.G. has materially
17 changed since she was released in August 2023, absent any material circumstances indicating she
18 is a danger to the community or a flight risk. The government's interest in detaining C.M.Y.G. at
19 this time is extremely low. That ICE has a new policy to make a minimum number of arrests each
20 day under the new administration does not constitute a material change in circumstances or
21 increase the government's interest in detaining her. *See* "Trump officials issue quotas to ICE
22 officers to ramp up arrests," *Washington Post* (January 26, 2025), *available at*:
23 <https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/>;
24 "Stephen Miller's Order Likely Sparked Immigration Arrests And Protests," *Forbes* (June 9,
25 2025), [https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/)
26 [sparked-immigration-arrests-and-protests/](https://www.forbes.com/sites/stuartanderson/2025/06/09/stephen-millers-order-likely-sparked-immigration-arrests-and-protests/) ("At the end of May 2025, 'Stephen Miller, a senior
27 White House official, told Fox News that the White House was looking for ICE to arrest 3,000
28

1 people a day, a major increase in enforcement. The agency had arrested more than 66,000 people
 2 in the first 100 days of the Trump administration, an average of about 660 arrests a day,' reported
 3 the New York Times. Arresting 3,000 people daily would surpass 1 million arrests in a calendar
 4 year.”).

5 Moreover, the “fiscal and administrative burdens” that his immediate release and a lawful
 6 pre-detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at 334-35.
 7 C.M.Y.G. does not seek a unique or expensive form of process, but rather a routine hearing
 8 regarding whether her release should be revoked and whether she should be re-incarcerated.

9 As the Ninth Circuit noted in 2017, which remains true today, “[t]he costs to the public of
 10 immigration detention are ‘staggering’: \$158 each day per detainee, amounting to a total daily
 11 cost of \$6.5 million.” *Hernandez*, 872 F.3d at 996.

12 Alternatively, providing C.M.Y.G. with a hearing before this Court (or a neutral decision-
 13 maker) regarding release from custody is a routine procedure that the government provides to
 14 those in immigration detention facilities daily. At that hearing, the Court would have the
 15 opportunity to determine whether circumstances have changed sufficiently to justify her re-arrest.
 16 But there is no justifiable reason to re-incarcerate C.M.Y.G. before such a hearing takes place. As
 17 the Supreme Court noted in *Morrissey*, even where the State has an “overwhelming interest in
 18 being able to return [a parolee] to imprisonment without the burden of a new adversary criminal
 19 trial if in fact he has failed to abide by the conditions of his parole . . . the State has no interest in
 20 revoking parole without some informal procedural guarantees.” 408 U.S. at 483.

21 Releasing C.M.Y.G. from unlawful custody and enjoining C.M.Y.G.’s re-arrest until ICE
 22 (1) moves for a custody re-determination before an IJ and (2) demonstrates by clear and
 23 convincing evidence that C.M.Y.G. is a flight risk or danger to the community is far *less* costly
 24 and burdensome for the government than keeping her detained. *Hernandez*, 872 F.3d at 996.

25 **(c) Without a due process hearing prior to any re-arrest, the**
 26 **risk of erroneous deprivation of liberty is high.**

27 Releasing C.M.Y.G. from unlawful custody and providing C.M.Y.G. a pre-deprivation
 28 hearing would decrease the risk of her being erroneously deprived of her liberty. Before

1 C.M.Y.G. can be lawfully detained, she must be provided with a hearing before a neutral
2 adjudicator at which the government is held to show that there has been sufficiently changed
3 circumstances; such circumstances that ICE's August 2023 release should be altered or revoked
4 because clear and convincing evidence exists to establish that C.M.Y.G. is a danger to the
5 community or a flight risk.

6 The procedure C.M.Y.G. seeks—a hearing in front of a neutral adjudicator at which the
7 government must prove by clear and convincing evidence that circumstances have changed to
8 justify her detention *before* any re-arrest—is much more likely to produce accurate
9 determinations regarding factual disputes, such as whether a certain occurrence constitutes a
10 “changed circumstance.” *See Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989)
11 (when “delicate judgments depending on credibility of witnesses and assessment of conditions
12 not subject to measurement” are at issue, the “risk of error is considerable when just
13 determinations are made after hearing only one side”). “A neutral judge is one of the most basic
14 due process protections.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated*
15 *on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has
16 noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a
17 neutral decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v. Napolitano*
18 (“*Diouf II*”), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

19 Due process also requires consideration of alternatives to detention at any custody
20 redetermination hearing that may occur. The primary purpose of immigration detention is to
21 ensure a noncitizen's appearance during removal proceedings: *Zadvydas*, 533 U.S. at 697.
22 Detention is not reasonably related to this purpose if there are alternatives to incarceration that
23 could mitigate the risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly,
24 alternatives to detention must be considered in determining whether C.M.Y.G.'s reincarceration is
25 warranted.

26 As the above-cited authorities show, C.M.Y.G. is likely to succeed on her claim that the
27 current arrest and detention that ICE effected on November 4, 2025, are unlawful. The Due
28

1 Process Clause requires notice and a hearing before a neutral decision-maker before any
2 reincarceration by ICE. And, at the very minimum, he clearly raises serious questions regarding
3 this issue, thus also meriting a TRO. *See Alliance for the Wild Rockies*, 632 F.3d at 1135.

4 **II. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief**

5 C.M.Y.G. will suffer irreparable harm if she remains detained after being deprived of her
6 liberty and subjected to unlawful incarceration by immigration authorities without being provided
7 the constitutionally adequate process that this motion for a temporary restraining order seeks.
8 Detainees in ICE custody are held in “prison-like conditions.” *Preap v. Johnson*, 831 F.3d 1193,
9 1195 (9th Cir. 2016). As the Supreme Court has explained, “[t]he time spent in jail awaiting trial
10 has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and
11 it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972); *accord Nat’l Ctr. for*
12 *Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth
13 Circuit has recognized in “concrete terms the irreparable harms imposed on anyone subject to
14 immigration detention,” including “subpar medical and psychiatric care in ICE detention
15 facilities, the economic burdens imposed on detainees and their families as a result of detention,
16 and the collateral harms to children of detainees whose parents are detained.” *Hernandez*, 872
17 F.3d at 995. The government itself has documented alarmingly poor conditions in ICE detention
18 centers. *See, e.g.*, DHS, Office of Inspector General (OIG), Summary of Unannounced
19 Inspections of ICE Facilities Conducted in Fiscal Years 2020-2023 (2024) (reporting violations of
20 environmental health and safety standards; staffing shortages affecting the level of care detainees
21 received for suicide watch, and detainees being held in administrative segregation in unauthorized
22 restraints, without being allowed time outside their cell, and with no documentation that they
23 were provided health care or three meals a day).

24 C.M.Y.G. established a life in Bakersfield, California. Prior to his detention she was living
25 with her aunt and her partner. C.M.Y.G. had a pending employment authorization application
26 with the DHS prior to her detention. C.M.Y.G. has never committed any crimes nor been arrested
27 for any reason. C.M.Y.G. is currently detained at California City Detention Center. Her detention
28

1 has caused her severe emotional distress, depression and anxiety. The emotional hardship on her
2 loved ones, due to C.M.Y.G.'s detention, has been severe. Every additional day C.M.Y.G. spends
3 in unlawful detention subjects her and others to further irreparable harm.

4 As detailed *supra*, C.M.Y.G. contends that her re-arrest, absent a hearing before a neutral
5 adjudicator, violates her due process rights under the Constitution. It is clear that "the deprivation
6 of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695
7 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Thus, a
8 temporary restraining order is necessary to prevent C.M.Y.G. from suffering irreparable harm by
9 being subject to unlawful and unjust detention.

10 **III. The Balance of Equities and the Public Interest Favor Granting this Temporary** 11 **Restraining Order**

12 The balance of equities and the public interest undoubtedly favor granting this temporary
13 restraining order.

14 First, the balance of hardships strongly favors C.M.Y.G. The government cannot suffer
15 harm from an injunction that prevents it from engaging in an unlawful practice. *See Zepeda v.*
16 *I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) ("[T]he INS cannot reasonably assert that it is harmed in
17 any legally cognizable sense by being enjoined from constitutional violations."). Therefore, the
18 government cannot allege harm arising from a temporary restraining order or preliminary
19 injunction ordering it to comply with the Constitution.

20 Further, any burden imposed by requiring the ICE to release C.M.Y.G. from unlawful
21 custody and refrain from re-arrest unless and until she is provided a hearing before a neutral is
22 both *de minimis* and clearly outweighed by the substantial harm she will suffer as if she is
23 detained. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) ("Society's interest lies on
24 the side of affording fair procedures to all persons, even though the expenditure of governmental
25 funds is required.").

26 A temporary restraining order is in the public interest. First and most importantly, "it
27 would not be equitable or in the public's interest to allow [a party] . . . to violate the requirements
28 of federal law, especially when there are no adequate remedies available." *Ariz. Dream Act Coal.*

1 v. *Brewer*, 757 F.3d 1053, 1069 (9th Cir. 2014) (quoting *Valle del Sol Inc. v. Whiting*, 732 F.3d
2 1006, 1029 (9th Cir. 2013)). If a temporary restraining order is not entered, the government would
3 effectively be granted permission to detain C.M.Y.G. in violation of the requirements of Due
4 Process. “The public interest and the balance of the equities favor ‘prevent[ing] the violation of a
5 party’s constitutional rights.’” *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695
6 F.3d at 1002); *see also Hernandez*, 872 F.3d at 996 (“The public interest benefits from an
7 injunction that ensures that individuals are not deprived of their liberty and held in immigration
8 detention because of bonds established by a likely unconstitutional process.”); *cf. Preminger v.*
9 *Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated
10 when a constitutional right has been violated, because all citizens have a stake in upholding the
11 Constitution.”).

12 Therefore, the public interest overwhelmingly favors entering a temporary restraining
13 order and preliminary injunction.

14 This is the first opportunity Petitioner can bring this action because there is a scarcity of
15 qualified federal and immigration attorneys in this jurisdiction, and the demand for competent
16 lawyers far exceeds availability. The undersigned is aware of the shortage of legal services
17 available to individuals such as Petitioner, as the undersigned office has been receiving 5-10 calls
18 per week from prospective clients seeking similar assistance. The undersigned can only take a
19 few of these cases due to already being at capacity. The same individuals will re-inquire about
20 services’ availability even weeks later, stating they could not locate different specialized
21 counsels. The undersigned has heard similar statements from colleagues who are also attorneys
22 that specialize in immigration and/or federal litigation.

23 24 CONCLUSION

25 For all the above reasons, this Court should find that C.M.Y.G. warrants a temporary
26 restraining order and a preliminary injunction ordering that Respondents (1) release her from her
27 unlawful custody; (2) refrain from re-arresting her unless and until she is afforded a hearing
28

1 before a neutral adjudicator on whether a change in custody is justified by clear and convincing
2 evidence that she is a danger to the community or a flight risk; and (3) refrain from sending her to
3 any place outside of the United States.

4 Respectfully submitted this December 19, 2025.

5 By counsel,

6 /s/ Natalia Vieira Santanna

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