

1 Gurpreet Kaur, Esq.
2 Law Office of Gurpreet Kaur
3 674 County Square Dr, Suite 305
4 Ventura, CA 93003
5 Ph. 805-300-9003; Cell 909-997-4570
6 Fax: 805-716-6100
7 E-mail: gurpreetkauresq@gmail.com
8 *Attorney for Petitioner*

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11 **IN THE UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF TEXAS**

13 RAJAN BABU

14 Petitioner,

15 v.

16 Warden of the Port Isabel Detention Facility;
17 TODD LYONS, Acting Director of Immigration
18 and Customs Enforcement; KRISTI NOEM,
19 Secretary of the U.S. Department of Homeland
20 Security; PAMELA BONDI, Attorney General of
21 the United States

22 Respondents.

Civil Action No.

23 **MOTION FOR TEMPORARY**
24 **RESTRAINING ORDER**

25 **MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE**
26 **PRELIMINARY INJUNCTION**
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1 **I. INTRODUCTION**

2 Petitioner Babu respectfully moves for an emergency Temporary Restraining Order (“TRO”) to
3 prevent ongoing and irreparable constitutional harm resulting from Respondents’ unlawful detention of
4 Petitioner without access to bond. Petitioner is currently detained under the Department of Homeland
5 Security’s July 8, 2025 detention policy, which reclassifies noncitizens like Petitioner as subject to
6 mandatory detention under 8 U.S.C. § 1225(b) and categorically denies bond hearings.
7

8 As set forth in Petitioner’s Verified Petition for Writ of Habeas Corpus and incorporated
9 Memorandum of Law, this policy violates the Immigration and Nationality Act (“INA”) and the Fifth
10 Amendment. Federal courts—including courts within this District—have overwhelmingly rejected
11 DHS’s position and held that noncitizens in pre-final order removal proceedings are detained, if at all,
12 under 8 U.S.C. § 1226(a) and are therefore entitled to an individualized bond hearing. ICE’s detention of
13 Petitioner—after years of full compliance with the laws of the US—underscores the urgent need for
14 emergency relief. Petitioner was never detained or apprehended by ICE in any manner prior to his recent
15 detention. Petitioner remained in continuous compliance for almost four years, and demonstrating that
16 he posed no flight risk and no danger to the community.
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19 In stark contrast to this sustained compliance, ICE unexpectedly detained Petitioner when he
20 stopped for inspection at a border patrol check point during the normal course of his employment. ICE
21 detained Petitioner without notice, without any changed circumstances, and without any lawful
22 justification, and thereafter failed to provide any valid reason for his detention.
23

24 This deceptive and arbitrary detention, following years of compliance and liberty granted by the
25 Government itself, constitutes an unlawful deprivation of physical liberty in violation of due process.

26 Absent immediate injunctive relief, Petitioner will continue to suffer irreparable loss of liberty
27 and faces the risk of transfer outside this District, which would frustrate this Court’s jurisdiction.
28

1 **II. LEGAL STANDARD**

2 The standards governing a TRO and a preliminary injunction are “substantially identical.”
3 *Stuhlbarg Int’l Sales Co. v. John D. Bush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

4 A TRO may issue where the movant demonstrates: A likelihood of success on the merits, a
5 likelihood of irreparable harm absent relief, that the balance of equities tips in his favor, and that an
6 injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008).
7

8 Alternatively, a TRO may issue where serious questions go to the merits and the balance of
9 hardships tips sharply in the movant’s favor. *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th
10 Cir. 2014).

11 **III. ARGUMENT**

12 **A. Petitioner Is Likely to Succeed on the Merits**

13 **1. Petitioner Is Detained Under § 1226(a), Not § 1225(b)**

14 Petitioner entered the United States in 2021, was released on bond pursuant to Form I-286,
15 complied with all conditions, and has remained in the interior of the United States for years. He is in
16 pre-final order removal proceedings.
17

18 For nearly three decades, DHS and EOIR consistently treated individuals in Petitioner’s position
19 as detained under § 1226(a). DHS’s July 8, 2025 policy abruptly reversed that interpretation and
20 unlawfully stripped Immigration Judges of bond authority.
21

22 District courts nationwide—including multiple courts in the Southern District of Texas—have
23 rejected DHS’s interpretation as inconsistent with: The statutory text, the structure of §§ 1225 and 1226,
24 Congressional intent, and Due process.
25

26 **2. Bautista–Maldonado Confirms Bond Eligibility and Class Protection**

1 In *Bautista–Maldonado v. DHS*, the district court held that DHS may not reclassify noncitizens
2 already placed in removal proceedings as subject to mandatory detention under § 1225(b). The court
3 concluded that such individuals are detained, if at all, under § 1226(a) and must be afforded bond
4 hearings before an Immigration Judge.

5 Petitioner falls squarely within the certified or, at minimum, protected class in *Bautista–*
6 *Maldonado*:
7

- 8 • He entered without inspection on December 30, 2025 and was not apprehended,
- 9 • He is in pre–final order removal proceedings,
- 10 • DHS relies on the July 8, 2025 policy to deny bond, and
- 11 • He is detained without individualized custody review.

12 As a class member, Petitioner is entitled to the relief ordered in *Bautista–Maldonado*, including
13 restoration of bond eligibility and protection from unlawful mandatory detention.
14

15 **B. Petitioner Is Suffering Irreparable Harm**

16 Loss of physical liberty constitutes irreparable harm as a matter of law. *Melendres v. Arpaio*, 695
17 F.3d 990, 1002 (9th Cir. 2012).
18

19 The conditions of Petitioner’s release required him to comply with all terms and conditions
20 imposed by DHS, which Petitioner fully and faithfully satisfied. Petitioner remained in full compliance
21 for more than three years, reporting as required, committing no violations, and posing no danger or
22 flight risk. At no point during this period did DHS allege noncompliance or changed circumstances. ICE
23 detained Petitioner without notice, without changed circumstances, and without any lawful justification,
24 and thereafter failed to provide any valid reason for his detention.
25

26 This arbitrary re-detention—after years of compliance—constitutes an unlawful deprivation of
27 liberty and establishes irreparable harm as a matter of law. See *Melendres*, 695 F.3d at 1002 (deprivation
28

1 of constitutional rights “unquestionably constitutes irreparable injury”). Each additional day of detention
2 inflicts ongoing constitutional injury that cannot be remedied by monetary damages, forces Petitioner to
3 litigate his immigration case from confinement, separates him from his family and employment, and
4 exposes him to the risk of transfer outside this District, thereby threatening this Court’s jurisdiction.

5 Accordingly, immediate injunctive relief under Federal Rule of Civil Procedure 65 is warranted
6 to prevent further irreparable harm.

7
8 **C. The Balance of Equities and Public Interest Favor Relief**

9 The balance of equities weighs sharply in Petitioner’s favor. DHS previously determined
10 Petitioner posed no danger or flight risk when it released him on bond. Respondents cannot credibly
11 claim harm from either: Releasing Petitioner under conditions, or providing a constitutionally adequate
12 bond hearing.

13
14 Petitioner has demonstrated a clear likelihood of success on the merits and ongoing irreparable
15 deprivation of physical liberty, immediate injunctive relief is warranted. Under Federal Rule of Civil
16 Procedure 65(c), the Court may issue injunctive relief without requiring a bond where, as here, the
17 injunction serves to halt unconstitutional government action and the enjoined party faces no cognizable
18 monetary harm. Continued detention is unlawful, Respondents suffer no financial injury from
19 compliance with federal law, and any bond requirement would be inappropriate. Accordingly, the Court
20 should order Petitioner’s immediate release, or alternatively immediate bond eligibility under 8 U.S.C. §
21 1226(a), without security.

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24 The public interest is served by ensuring that federal agencies comply with the Constitution and
25 the INA. Because the injunction sought would merely halt unconstitutional government action and
26 restore the status quo ante, Rule 65(c) permits waiver of any bond requirement, as Respondents face no
27 cognizable monetary harm from compliance with the Constitution and the INA.

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1 **IV. REQUESTED RELIEF**

2 Petitioner respectfully requests that the Court:

- 3 1. Issue a Temporary Restraining Order Prohibiting Respondents from transferring Petitioner
4 outside the Eastern District of California during the pendency of this action;
5
6 2. Order Petitioner's immediate release, or in the alternative,
7
8 3. Order Respondents to provide an individualized bond hearing before an Immigration Judge
9 within a fixed time period, with the burden on DHS; and
10
11 4. Set an Order to Show Cause re preliminary injunction.

12 **V. CONCLUSION**

13 Respondents' continued detention of Petitioner without bond violates the INA, the Fifth
14 Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent
15 further irreparable harm and to preserve this Court's jurisdiction.

16 Respectfully,

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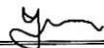
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22 Fax: 805-716-6100

23 E-mail: gurpreetkauresq@gmail.com

24 Dated this 25th day of December, 2025.

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As set forth in Petitioner’s Verified Petition for Writ of Habeas Corpus and incorporated Memorandum of Law, this policy violates the Immigration and Nationality Act (“INA”) and the Fifth Amendment. Federal courts—including courts within this District—have overwhelmingly rejected DHS’s position and held that noncitizens in pre-final order removal proceedings are detained, if at all, under 8 U.S.C. § 1226(a) and are therefore entitled to an individualized bond hearing. ICE’s detention of Petitioner—after years of full compliance with the laws of the US—underscores the urgent need for emergency relief. Petitioner was never detained or apprehended by ICE in any manner prior to his recent detention. Petitioner remained in continuous compliance for almost four years, and demonstrating that he posed no flight risk and no danger to the community.

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V. CONCLUSION

Respondents’ continued detention of Petitioner without bond violates the INA, the Fifth Amendment, and binding federal court authority. Immediate injunctive relief is necessary to prevent further irreparable harm and to preserve this Court’s jurisdiction.

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Dated this 25th day of December, 2025.



 Gurpreet Kaur, Esq.