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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Angel Alejandro QUEZADA GRADO

and

Qinchuan Liu CHAMBERS

Petitioners-Plaintiffs,

v.

Pamela Bondi, U.S. Attorney General; Kristi Noem, Secretary, U.S. Dept. of Homeland Security; Joseph B. Edlow, Director, U.S. Citizenship and Immigration Services; Todd Lyons, Acting Director of Immigration and Customs Enforcement; and Gregory J. Archambeault, San Diego Field Office Director for ICE ERO,

Respondents-Defendants.

Case No. 25CV3833 MMP
Judge Sammartino

MEMORANDUM OF LAW IN SUPPORT OF LEAD PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

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I. INTRODUCTION

Petitioner Angel Alejandro Quezada Grado seeks emergency relief to prevent his imminent arrest and detention by Immigration and Customs Enforcement ("ICE") at his mandatory adjustment-of-status interviews at the San Diego Field Office of U.S. Citizenship and Immigration Services ("USCIS"). Mr. Quezada Grado was inspected and admitted, is married to a U.S. citizen, has a properly filed Form I-130 and Form I-485 application, and is statutorily eligible to adjust status under 8 U.S.C. § 1255(a). See Exs. A-C. His interview is scheduled for January 6, 2026. Ex. D (Interview Notice).

In recent weeks, ICE has begun arresting marriage-based adjustment applicants at USCIS interviews in San Diego and across California, using pre-signed warrants and without individualized assessments. *See* Exs. E-G (Attorney Decls.; ECF No. 1 ¶¶ 50–56 (News Reports). Attorneys with decades of experience have submitted sworn statements describing these arrests as unprecedented and coordinated with USCIS interviews. Exs. E-G. Public reporting confirms the same pattern. ECF No. 1 ¶¶ 50–56. Petitioner therefore faces a credible and imminent threat of arrest solely for appearing at the interview he is required by law to attend.

Petitioner challenges DHS's arrest-at-interview policy under the Immigration and Nationality Act ("INA"), Administrative Procedure Act ("APA"), the Due Process Clause, and the Fourth Amendment. He seeks a temporary restraining order

preventing ICE from arresting him at or in connection with his interview, or, in the alternative, requiring an individualized hearing before any arrest or detention.

Petitioner satisfies all requirements for emergency relief. He is likely to succeed on the merits, face irreparable harm absent relief, and the balance of equities and public interest strongly favor protecting individuals who are complying with the statutory adjustment process.

II. STATEMENT OF FACTS

Petitioner Quezada Grado entered the United States on a B-2 visa in 2010 and has lived in San Diego since childhood. Ex. A. He married a U.S. citizen in 2023 and filed a concurrently submitted Form I-130 and Form I-485 on June 23, 2025. *Id.*; Exc. B-D. USCIS scheduled his mandatory interview for January 6, 2026. Ex. D.

Beginning in November 2025, immigration attorneys in San Diego reported that ICE had begun arresting marriage-based adjustment applicants at USCIS interviews. Exs. E-G. Sworn declarations submitted with this motion describe multiple arrests at the San Diego Field Office, all involving applicants who had overstayed visas but were otherwise eligible to adjust status. Attorneys observed that the warrants used in these arrests were digitally pre-signed on November 15, 2025, with handwritten details added on the day of arrest, suggesting pre-planned

enforcement actions rather than individualized determinations required to establish probable cause. Exs. G-I.

Multiple news outlets have reported similar arrests in San Diego, Fresno, and other California cities. ECF No. 1 ¶¶ 50–56. These reports describe ICE officers waiting until the conclusion of interviews and arresting applicants based solely on their lack of current lawful status. Attorneys with decades of experience uniformly state that such arrests represent a sharp departure from longstanding practice.

Multiple cases in this District reflect the same pattern of arresting adjustment applicants at their USCIS interviews. *See Hirsh v. Bondi*, 3:25-cv-03241-GPC-BLM, ECF No. 1 (S.D. Cal. Nov. 21, 2025); *Castro v. Noem*, No. 3:25-cv-03808-CAB-KSC, ECF No. 3 (S.D. Cal. Dec. 30, 2025); *Boza v. Bondi*, No. 25-cv-3526-AGS-SBC, 2025 LX 583936 (S.D. Cal. Dec. 15, 2025); Silva v. Noem, No. 25-cv-3515-AGS-BLM, 2025 LX 542580 (S.D. Cal. Dec. 15, 2025).

Petitioner's interview is scheduled at the same field office where these arrests have occurred. Ex. D. Neither USCIS nor ICE has provided any assurance that Petitioner will not be subject to the same treatment. *See* Declaration of Petitioner's Counsel, filed concurrently. Petitioners therefore face a credible, imminent threat of arrest and detention.

III. LEGAL STANDARD

Federal Rule of Civil Procedure 65(b) governs the issuance of a Temporary Restraining Order ("TRO"). "The legal standard for a TRO is substantially identical to the standard for a preliminary injunction." *Stuhlbarg Int'l Sales Co. v. Brush and Co.,* 240 F.3d 832 (9th Circ. 2001). Petitioner is entitled to a TRO if he establishes: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest. *Wells Fargo & Co. v. ABD Ins. & Fin. Servs, Inc.,* 758 F.3d 1069, 1071 (9th Cir. 2014) (citing *Winter v. Nat. Res. Def. Council, Inc.,* 555 U.S. 7, 22 (2009)).

The Ninth Circuit has adopted a "sliding scale" approach wherein "the elements of the temporary restraining order test are balanced, so that a stronger showing of one element may offset a weaker showing of another." *Pimentel v. Dreyfus,* 670 F.3d 1096, 1105 (9th Cir. 2012) (per curium) (citations omitted). Thus, a TRO may issue where "serious questions going to the merits [are] raised and the balance of hardship tips sharply in [Petitioner's] favor." *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011); *Short v. Brown*, 893 F.3d 671 (9th Cir. 2018). To succeed under the "serious question" test Petitioner must show that he is likely to suffer irreparable injury and that an injunction is in the public interest. 632 F.3d at 1132. "[W]hen the Government is the opposing party,"

the final two factors "merge." *Nken v. Holder*, 556 U.S. 418, 435 (2009). Petitioners satisfy both standards.

IV. ARGUMENT

A. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

1. Respondents' Arrest at Interview Policy Violates the INA and the APA

Respondents' practice of arresting adjustment of status applicants at their USCIS interviews is unlawful because it contradicts the structure and purpose of the INA, frustrates Congress's mandated adjudicatory process, and constitutes an unexplained and impermissible policy shift under the APA. Courts across the country—including multiple within this Circuit—have condemned materially identical practices.

a. The INA Requires USCIS to Adjudicate Adjustment Applications Before Enforcement Action Is Taken

Section 245 of the INA, 8 U.S.C. § 1255(a), establishes a sequential adjudicatory process for determining whether a noncitizen is eligible to adjust status. Congress designed this process to allow applicants to appear for biometrics, attend an interview, supplement the record, and receive a reasoned adjudication.

In *You v. Nielsen*, the court held that DHS may not use the adjustment interview as a pretext for arrest, because doing so "undermines the statutory scheme" and "subverts the adjudicatory process Congress created." 321 F. Supp. 3d 451, 463–64 (S.D.N.Y. 2018). The INA "presupposes a good faith adjudication," and DHS cannot "engineer the failure" of an adjustment application by arresting the applicant at the very moment she is complying with the statute. *Id.*

Respondents' policy here is indistinguishable: by arresting Petitioner at the interview, DHS prevents USCIS from adjudicating the application, thereby nullifying the statutory process Congress mandated.

b. Courts Across the Country Have Rejected DHS's Attempts to Short Circuit the Adjustment Process

i. Lin v. Nielsen (E.D. Pa. 2019)

In *Lin v. Nielsen*, the court held that DHS violated the INA when it arrested an adjustment applicant at her interview, explaining that the INA requires a "meaningful opportunity" to pursue adjustment and DHS cannot "defeat the statutory process through enforcement gamesmanship." 377 F. Supp. 3d 556, 566–67 (E.D. Pa. 2019). The court emphasized that the INA assigns USCIS—not ICE—the primary role in adjudicating adjustment applications.

Respondents' policy collapses those roles in precisely the way *Lin* forbids.

ii. Diaz v. Albarran (N.D. Cal. 2025)

In *Diaz v. Albarran*, the court confronted the same arrest-at-interview practice and required DHS to provide a pre removal bond hearing, recognizing that the INA does not permit DHS to "convert the adjustment interview into an enforcement trap." No. 3:25 cv 09837 JSC, 2025 WL 3496686, at *1 (N.D. Cal. Dec. 5, 2025).

iii. Franco v. Meyer (E.D. Cal. 2025)

In *Franco v. Meyer*, the court held that DHS's arrest at interview conduct was likely unlawful because it "frustrates the statutory purpose of § 1255(a)" and deprives applicants of the process Congress created. No. 1:25 cv 01620 DAD CKD, 2025 LX 570989 (E.D. Cal. Nov. 25, 2025).

iv. Pablo Sequen v. Kaiser (2025)

In *Pablo Sequen v. Kaiser*, the court again condemned DHS's practice of arresting applicants at their interviews, holding that the INA requires a "fair and orderly adjudication" and DHS cannot "preempt adjudication through enforcement action." 793 F. Supp. 3d 1114, 1122–23 (2025).

These cases reflect a growing judicial consensus: DHS may not weaponize the adjustment interview to avoid adjudication.

c. Respondents' Policy Is Arbitrary and Capricious Under the APA

Even if the INA did not independently prohibit Respondents' conduct (it does), the policy is unlawful under the APA because DHS has abruptly departed

from longstanding practice without acknowledging the change or providing a reasoned explanation.

Under *FCC v. Fox Television Stations*, an agency must:

- acknowledge when it changes policy,
- provide a reasoned explanation for the change, and
- address reliance interests. 556 U.S. 502, 515–16 (2009).

Respondents have done none of these things. For decades, DHS permitted adjustment applicants to attend interviews without fear of arrest. The sudden shift to arrest at interview tactics—without notice, explanation, or acknowledgment—violates the APA's core requirement of reasoned decision making.

Courts applying *Fox* in the immigration context have repeatedly held that DHS must justify abrupt changes in enforcement practices. See, e.g., *You*, 321 F. Supp. 3d at 463 (DHS's arrest at interview conduct was arbitrary and capricious).

d. Respondents' Policy Deprives Applicants of the INA's Promise of a Meaningful Opportunity to Adjust Status

Across all these cases—*You*, *Lin*, *Diaz*, *Franco*, *Pablo Sequen*—courts have recognized a consistent principle: the INA guarantees applicants a meaningful opportunity to pursue adjustment, and DHS may not defeat that opportunity through enforcement tactics that prevent adjudication.

Respondents' policy violates that principle by:

- preventing USCIS from adjudicating Petitioner's application,
- depriving Petitioner of the statutory process Congress created, and
- manufacturing the very "removability" DHS then uses to justify detention.

This is not a permissible exercise of discretion; it is a statutory violation.

2. Petitioner Is Likely to Prevail on His Claim That He Has a Protected Liberty Interest That Mandates a Pre-Deprivation Hearing

The Fifth Amendment prohibits the government from depriving a person of liberty without notice and an opportunity to be heard at a meaningful time and in a meaningful manner. When the government plans the deprivation—as DHS does when it directs an applicant to appear for a USCIS interview and then arrests him there—due process requires pre deprivation process with a prompt individualized hearing immediately afterward, which Respondents have not done.

Federal courts across California and the country have repeatedly held that noncitizens arrested in the course of pursuing lawful immigration relief possess a protected liberty interest that cannot be extinguished without individualized review. Petitioner is therefore overwhelmingly likely to succeed on this claim.

a. The Constitution Protects Petitioner's Liberty Interest and Requires Procedural Safeguards Before the Government May Detain Him

The Supreme Court has long recognized that noncitizens physically present in the United States possess a constitutionally protected liberty interest in freedom from physical restraint. In *Zadvydas v. Davis*, the Court held that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty the Due Process Clause protects." 533 U.S. 678, 690 (2001). This principle applies regardless of immigration status.

Because detention is a severe deprivation of liberty, due process requires procedural safeguards before the government may impose it. Under *Mathews v. Eldridge*, courts evaluate due process claims by balancing:

1. the private interest affected,
2. the risk of erroneous deprivation under current procedures, and
3. the government's interest. 424 U.S. 319, 335 (1976).

All three factors weigh decisively in Petitioner's favor:

- Private interest: Petitioner's physical liberty is at stake—the highest protected interest.
- Risk of error: Arrest at interview practices create a heightened risk of erroneous deprivation, as multiple courts have recognized.

- Government interest: DHS has no legitimate interest in detaining individuals without individualized findings, especially when DHS itself orchestrated the encounter.

Under *Mathews*, Respondents' refusal to provide a hearing is unconstitutional.

b. When DHS Engineers the Circumstances of Detention, Due Process Requires a Pre Deprivation Hearing

Where the government initiates the deprivation and the deprivation is foreseeable, due process requires pre deprivation process. DHS:

1. directed Petitioner to appear at a USCIS interview,
2. controlled the time, place, and manner of the encounter, and
3. has likely planned in advance to arrest him there.

This is not a spontaneous enforcement action. It is a government orchestrated deprivation of liberty. Courts have repeatedly held that such conduct triggers heightened procedural protections.

In *Sanchez v. McAleenan*, the court held that when DHS's actions "create the circumstances leading to detention," due process requires a meaningful opportunity to be heard before or immediately after the deprivation. 2024 WL 1256264, at *2 (D. Md. Mar. 25, 2024). The court emphasized that DHS cannot "manufacture the basis for detention" and then deny process.

That is precisely what occurred here.

c. Courts Across California Have Held That Applicants Arrested at Their Interviews Are Entitled to Hearings

i. Qian Sun v. Santacruz (C.D. Cal. 2025)

The court held that an adjustment applicant arrested at her interview had a protected liberty interest requiring a bond hearing, explaining that "detention that results from compliance with the INA's adjudicatory process cannot be imposed without procedural safeguards." 2025 LX 379426.

ii. Garro Pinchi v. Noem (N.D. Cal. 2025)

The court held that DHS's arrest at interview practice "implicates a core liberty interest protected by the Fifth Amendment" and requires individualized review. 5:25-cv-05632, ECF No. 6.

iii. Fanfan v. Noem (S.D. Cal. 2025)

Judge Sabraw held that arresting an applicant at his interview "raises serious due process concerns" and that detention without individualized findings "cannot be squared with constitutional requirements." 2025 LX 584095.

iv. Arzate v. Andrews (E.D. Cal. 2025)

The court held that a noncitizen detained after pursuing lawful immigration relief was entitled to a hearing because "the government's interest in detention does not override the individual's fundamental liberty interest absent individualized findings." 2025 LX 316975.

v. Sequen v. Albarran (N.D. Cal. 2025)

The court ordered a hearing for an applicant arrested at his interview, holding that due process requires "a prompt opportunity to contest the factual and legal basis for detention." 2025 LX 529230.

These cases reflect a clear judicial consensus: DHS may not use the adjustment interview as a mechanism for detention without providing individualized process.

d. Petitioner Is Likely to Succeed on His Due Process Claim

Respondents' arrest at interview practice deprives Petitioner of liberty without notice, denies him any opportunity to be heard, and creates a foreseeable and government engineered deprivation.

Petitioner is therefore overwhelmingly likely to prevail on his claim that he has a protected liberty interest that mandates a pre deprivation hearing.

3. Petitioner is Likely to Prevail on His Claim That Respondents' Actions Violate Petitioners' Fourth Amendment Rights

The Fourth Amendment protects all persons within the United States—citizens and noncitizens alike—from unreasonable searches and seizures. Arrests by immigration authorities constitute "seizures" within the meaning of the Fourth Amendment and must therefore be supported by a valid warrant or individualized

probable cause. *See Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 979 (C.D. Cal. 2024). Respondents' arrest-at-interview practice violates these constitutional requirements.

Recent arrests at the San Diego USCIS Field Office demonstrate that ICE has been executing warrants that were digitally pre-signed on November 15, 2025, regardless of the date of the arrest. Ex. E (Rodriguez Decl.) ¶ 5; Ex. F (Cavarria Decl.) ¶ 7; Exs. H-I. The remaining portions of the warrants—including the name of the individual and the asserted basis for removability—were handwritten on the day of the arrest. Attorneys who witnessed these arrests uniformly observed that the warrants lacked individualized factual detail and appeared to have been prepared in advance of any interview or case-specific review. These observations are consistent with the pattern of enforcement actions described in sworn declarations submitted with this motion.

A warrant is constitutionally valid only if it is supported by individualized probable cause and issued by a neutral and detached official based on the specific facts of the case. *Giordenello v. United States*, 357 U.S. 480, 485–86 (1958). Warrants that are pre-signed, templated, or issued without a contemporaneous assessment of the individual's circumstances fail this requirement. *See Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319, 326–27 (1979) (invalidating warrants where the issuing official failed to make an individualized probable cause determination). The

warrants used in recent San Diego arrests do not satisfy these constitutional standards.

Moreover, probable cause must be particularized to the individual. *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979). The mere fact that an applicant overstayed a visa—conduct that Congress expressly forgives for immediate relatives seeking adjustment under 8 U.S.C. § 1255(a)—does not establish probable cause for arrest at a USCIS interview. Nor does it justify pre-planned enforcement actions timed to coincide with a mandatory benefits appointment. Arresting Petitioners based solely on their lack of current lawful status, without any individualized assessment of removability or risk, would therefore violate the Fourth Amendment.

Finally, the timing and uniformity of the warrants used in recent arrests indicate that ICE is executing enforcement actions that are predetermined rather than based on facts learned during the interview. Ex. E (Rodriguez Decl.) ¶ 3.b; Ex. F (Chavarria Decl.) ¶ 10; Ex. G (Hasbini Decl.) ¶ 10. This practice is incompatible with the Fourth Amendment's requirement that probable cause be assessed at the time of the arrest and based on the totality of the circumstances. *Beck v. Ohio*, 379 U.S. 89, 91 (1964).

Because Petitioners face imminent arrest pursuant to warrants that are likely invalid and unsupported by individualized probable cause, they are likely to succeed on their Fourth Amendment claim.

B. Petitioner Has Suffered and Will Continue to Suffer Irreparable Harm Absent Emergency Injunctive Relief

Parties seeking preliminary injunctive relief must also show they are "likely to suffer irreparable harm in the absence of preliminary relief." *Winter*, 555 U.S. at 20. Irreparable harm is harm for which there is "no adequate legal remedy, such as an award of damages." *Ariz. Dream Act. Coal. v. Brewer* (Ariz. I), 757 F.3d 1053, 1068 (9th Cir. 2014); see also *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir. 2013).

Absent immediate injunctive relief, Petitioners face imminent and irreparable harm. Specifically, the likely unconstitutional deprivation of liberty. "It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Hernandez v. Sessions, 872 F.3d 976, 94 (9th Cir. 2017)* (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). "When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (cleaned up). The unconstitutional deprivation of "physical liberty" unquestionably constitutes irreparable injury." *Hernandez,* 872 F.3d at 994-95. 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,* 533 U.S. at 690; *Sequen,* 793 F. Supp.

at 1119 (concluding that Plaintiff's detention without a pre-detention hearing before a neutral decisionmaker is "likely unconstitutional," that she had "carried [her] burden as to irreparable harm. (internal citations omitted)).

If Petitioners were to be detained, they would be immediately separated from their U.S.-citizen spouses, disrupting their marriage and inflicting emotional and psychological harm that cannot be remedied after the fact. Ex. A (Quezada Decl.). They would be transported to an immigration detention center, where conditions are notoriously harsh, and they would lose the ability to participate in the adjudication of their own applications. Because detention removes jurisdiction from USCIS and places it with an Immigration Judge, they would try to get released on bond, and then either apply for adjustment in immigration court or move to terminate proceedings and continue the adjustment with USCIS. Additionally, detention would jeopardize Mr. Quezada Grado's ability to maintain financial stability and employment authorization. *Id.* These consequences cannot be undone and would permanently alter the trajectory of their lives in the United States. Only a TRO can prevent these imminent harms.

These harms are ongoing, immediate, and cannot be remedied by monetary damages or any later judicial relief. The loss of lawful status, work authorization, family unity, and household stability, constitutes irreparable harm that courts have repeatedly recognized as sufficient to justify preliminary injunctive relief. *See*

Sampson v. Murray, 415 U.S. 61, 92 n.68 (1974); *Leiva-Perez v. Holder*, 640 F.3d 962, 969 (9th Cir. 2011).

Courts have consistently recognized that the loss of employment authorization and the resulting inability to work and support one's family constitutes irreparable harm that cannot be adequately remedied through monetary damages alone. *See Sampson v. Murray*, 415 U.S. 61, 92 n.68 (1974) (acknowledging that "the loss of income and benefits … may constitute irreparable injury" in exceptional circumstances where the deprivation threatens subsistence); *Ariz. Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (holding that denial of driver's licenses and work authorization inflicts irreparable harm on DACA Recipients "in their everyday lives, including their ability to work, drive, and support their families"); *Leiva-Perez* 640 F.3d at 969 (recognizing that deportation and loss of lawful ability to remain and work cause substantial and irreparable injury beyond economic detriment); *Gonzalez v. United States Dep't of Homeland Sec.*, 500 F. Supp. 3d 1115 (E.D. Cal. 2020) (finding irreparable harm where revocation of work authorization and benefits prevented individuals from maintaining income and health insurance).

In addition, Petitioner is at imminent risk of detention, removal, and long-term bars to reentry under the Immigration and Nationality Act.

These harms are not speculative; they are imminent. Each passing day without injunctive relief deepens the family's suffering and renders any ultimate favorable judgment less meaningful. Even if Petitioners prevail on the merits, no future decision can retroactively restore lost income, health coverage, or erase accrued unlawful presence.

Respondents may cite recent SDCA decisions denying TROs in similar arrest-at-interview cases. *See, e.g.*, *Boza v. Bondi*, No. 25-cv-3526-AGS-SBC, 2025 LX 583936 (S.D. Cal. Dec. 15, 2025); *Silva v. Noem*, No. 25-cv-3515-AGS-BLM, 2025 LX 542580 (S.D. Cal. Dec. 15, 2025). But in both cases, the court denied relief because the plaintiffs failed to show imminent harm. Here, by contrast, Petitioners have provided attorney declarations and examples of warrants to prove the imminent harm. Exs. E-G (Attorney Decls.); Exs. H-I (Warrants).

Given the imminent risk of unlawful arrest, forced family separation, loss of work and stability, and deprivation of lawful status, Petitioners' need for a temporary restraining order is urgent and compelling. Immediate relief is necessary to prevent irreparable injury while this matter is adjudicated.

C. The Balance of Hardships and Public Interest Weigh Heavily in Petitioner's Favor

The balance of equities and the public interest undoubtedly favor granting this TRO. First, the balance of hardships strongly favors Petitioner. The government cannot suffer harm from an injunction that prevent it from engaging in an unlawful practice. S*ee Zepeda v. United States Immigration & Naturalization Serv., 753 F.2d 719, 727 (9th Cir. 1983)* ("[T]he INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations."). Therefore, the government cannot allege harm arising from a temporary restraining order or preliminary injunction ordering it to comply with the Constitution.

Further, any burden imposed by requiring the government to refrain from arresting Petitioners unless and until he is provided a hearing before a neutral is both de minimis and clearly outweighed by the substantial harm they will suffer as if they are detained. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) ("Society's interest lies on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required.").

A temporary restraining order is in the public interest. First and most importantly, "it would not be equitable or in the public's interest to allow [a party] . . . to violate the requirements of federal law, especially when there are no adequate remedies available." *Ariz. Dream Act Coal. v. Brewer at* 1069 (quoting *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013)). If a temporary restraining order is not entered, the government would effectively be granted permission to

arrest and detain Petitioners in violation of the requirements of Due Process. "The public interest and the balance of the equities favor 'prevent[ing] the violation of a party's constitutional rights.'" *Ariz. Dream Act Coal.*, 757 F.3d at 1069 (quoting *Melendres*, 695 F.3d at 1002); *see also Hernandez*, 872 F.3d at 996 ("The public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of bonds established by a likely unconstitutional process."); cf. *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) ("Generally, public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution.").

Therefore, the public interest overwhelmingly favors entering a temporary restraining order.

V. CONCLUSION

For the foregoing reasons, Petitioners request that the Court grant temporary injunctive relief, enjoining Respondents from arresting Petitioners at their adjustment interviews, and ordering Respondents to immediately provide assurances that they will not arrest Petitioners at their adjustment interviews.

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Respectfully Submitted

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