

<p>JOSE MALDONADO</p> <p><i>Petitioner,</i></p> <p>v.</p> <p>CASEY JEREMY, Warden, Imperial Regional Adult Detention Facility, Calexico, California in his official capacity, GREGORY J. ARCHAMBEAULT, Field Office Director, San Diego Field Office, U.S. Immigration and Customs Enforcement, in his official capacity; U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity; TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity PAMELA BONDI, U.S. Attorney General, in her official capacity,</p> <p><i>Respondents.</i></p>	<p>Case No. 3:26-cv-00296-BJC-DEB</p> <p>PETITION FOR TEMPORARY RESTRAINING ORDER AND REQUEST FOR EXPEDITED CONSIDERATION</p>
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I. INTRODUCTION

Petitioner seeks a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b) to preserve the status quo while this Court adjudicates the legality of his continued immigration detention. Petitioner challenges only the authority and constitutionality of his detention. He does not seek review of removability, removal proceedings, or any immigration benefit.

Absent interim relief, Petitioner faces ongoing and irreparable deprivation of liberty, as well as a risk that custody-altering action could impair this Court's ability to grant effective habeas relief.

II. JURISDICTION AND AUTHORITY TO ISSUE INTERIM RELIEF

This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's civil immigration detention. The Supreme Court has recognized habeas corpus as the basic mechanism for obtaining judicial review of continued immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

Federal courts possess inherent authority to issue temporary, status-quo-preserving relief necessary to protect their jurisdiction and ensure meaningful judicial review. Where government action threatens to moot a detention challenge or frustrate review before the court can resolve the merits, interim injunctive relief is appropriate. *Nken v. Holder*, 556 U.S. 418, 426–27 (2009).

Jurisdiction is not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g). Petitioner does not seek review of removal decisions or removal proceedings. He challenges only the legality of his

detention and related custody authority, a claim collateral to removal proceedings and properly within habeas jurisdiction. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006); *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018).

III. LEGAL STANDARD

A Temporary Restraining Order is an extraordinary remedy. The movant must show (1) a likelihood of success on the merits, (2) irreparable harm absent relief, (3) that the balance of equities tips in his favor, and (4) that the public interest supports relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008).

Where the government is a party, the balance of equities and the public interest merge. *Nken*, 556 U.S. at 435.

1. LIKELIHOOD OF SUCCESS ON THE MERITS

To obtain a temporary restraining order, a movant must show a likelihood of success on the merits. *Winter*, 555 U.S. This standard does not require proof of certainty or a numerical probability. Courts recognize that interim relief may be appropriate even where ultimate success is uncertain, particularly where maintaining the status quo is necessary to prevent irreparable harm.

As the Second Circuit has explained, the required showing of likelihood of success “may be less than 50%” where interim relief is necessary to preserve “the critical opportunity to maintain the status quo.” *Mohammed v. Reno*, 309 F.3d 95, 102 (2d Cir. 2002).

Petitioner has demonstrated a strong likelihood of success on the merits of his habeas petition based on multiple independent grounds.

A. Petitioner Falls Within the Scope of Binding Classwide Relief Rejecting Respondents’

Detention Theory

Petitioner is likely to succeed on the merits because his continued detention rests on the same statutory theory that has already been adjudicated and rejected in binding nationwide classwide litigation. In *Lazaro Maldonado Bautista et al. v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025; final judgment entered Dec. 18, 2025), the district court declared unlawful the Department of Homeland Security's effort to treat noncitizens arrested in the interior of the United States as subject to mandatory detention under INA § 235(b) based solely on alleged manner of entry.

The court certified a nationwide class and entered declaratory relief on the merits, holding that class members are detained pursuant to 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The court further vacated the Department of Homeland Security's July 2025 Interim Guidance that asserted mandatory detention authority under § 1225(b) for individuals arrested in the interior.

Petitioner fits squarely within the class definition addressed in that judgment. He entered the United States without inspection, was not apprehended at or near the border, and was later arrested in the interior. Under the governing judgment, individuals in Petitioner's posture are detained under § 1226(a) and are entitled to consideration for release, including an individualized custody determination.

Respondents' continued reliance on § 1225(b), notwithstanding that judgment, places Petitioner within the scope of the relief already granted and supports a strong likelihood of success on the merits.

B. Petitioner's Detention Is Governed by INA § 1226(a), Not INA § 235(b)

Independently, Petitioner is likely to succeed because his detention is governed by INA § 1226(a), not § 1225(b). Petitioner was arrested in the interior of the United States more than a decade after entry and placed in ordinary removal proceedings under 8 U.S.C. § 1229a. He was not apprehended at the border, was not encountered during inspection or admission, and was not processed as an arriving noncitizen.

The Immigration and Nationality Act establishes distinct detention frameworks that turn on a noncitizen's procedural posture at the time of arrest. Section 1225 governs detention during the inspection and admission process, while § 1226 governs detention of noncitizens already present in the United States who are placed in removal proceedings.

Because Petitioner was arrested in the interior and placed in removal proceedings, any detention authority arises under § 1226(a), which provides for discretionary detention and individualized custody determinations. Section 1225(b) does not govern detention in these circumstances. Petitioner is therefore likely to succeed on the merits of his statutory claim.

C. Detention Untethered From Statutory Authorization Raises Serious Constitutional

Concerns

Petitioner is also likely to succeed because detention that is not authorized by a statute applicable to the detainee's procedural posture raises serious constitutional concerns under the Due Process Clause.

The Supreme Court has recognized that freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause and that civil detention must remain tethered to statutory authorization and a legitimate governmental purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). The Ninth Circuit has applied this principle to pre-removal-order detention,

holding that the government may not detain a noncitizen absent a valid statutory basis corresponding to that individual's procedural posture. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006).

Here, Respondents continue to detain Petitioner under a statutory framework that does not correspond to his procedural posture. That disconnect supports a substantial likelihood of success on Petitioner's constitutional claim.

D. Respondents' Detention Scheme Denies Constitutionally Required Process

Petitioner is also likely to succeed on his procedural due process claim because Respondents' detention scheme denies him notice and a meaningful opportunity to be heard regarding the basis for his continued confinement. Petitioner has not received an individualized custody determination and has been deprived of the opportunity to appear before a neutral decision-maker to contest whether detention is necessary to ensure his appearance or protect the community.

Procedural due process claims are evaluated under the balancing framework set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), which requires consideration of (1) the private interest affected, (2) the risk of erroneous deprivation through the procedures used, and (3) the government's interest. The private interest at stake here—freedom from physical restraint—is substantial. Yet the procedures employed provide no notice of an individualized detention rationale and no opportunity to challenge continued custody before a neutral adjudicator. Due process further requires that civil detention bear a reasonable relation to a legitimate governmental purpose and that the procedures used to impose and maintain detention are fundamentally fair. *Demore v. Kim*, 538 U.S. 510, 531 (2003). Where detention categorically

forecloses individualized consideration and places liberty beyond meaningful review, the risk of erroneous deprivation is substantial.

That risk is underscored by Petitioner's individual circumstances. Petitioner has no criminal history, lived in the United States for more than a decade without incident, and has strong family and community ties. Nonetheless, Respondents' legal position forecloses any custody determination altogether, preventing consideration of whether detention is necessary in his particular case. That categorical denial of process supports a substantial likelihood of success on Petitioner's procedural due process claim.

Moreover, the additional procedural safeguards required here would impose minimal administrative or fiscal burden on Respondents. Providing notice and an individualized custody determination is a routine function of the immigration detention system and is expressly contemplated under 8 U.S.C. § 1226(a). Conducting such a hearing would not require the creation of new procedures or resources, but only the application of existing ones. Any delay associated with providing notice and a hearing would be limited and temporary. To the extent continued detention were ultimately justified, that determination could be made promptly through established processes. In contrast, continued detention during the pendency of judicial review imposes ongoing costs without individualized assessment. Courts have recognized that immigration detention carries significant public expense and that alternatives to detention reduce that burden. See *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025).

Because Petitioner is covered by binding classwide relief, because his detention is governed by 8 U.S.C. § 1226(a) rather than § 1225(b), because detention untethered from

applicable statutory authority raises serious constitutional concerns, and because Respondents' detention scheme denies constitutionally required process, Petitioner has demonstrated a strong likelihood of success on the merits.

2. IRREPARABLE HARM

To obtain temporary injunctive relief, a movant must show that irreparable harm is likely in the absence of interim relief, not merely possible. *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008). Irreparable harm exists where the injury is actual and ongoing and cannot be remedied through later judicial relief.

A. Continued Civil Detention Constitutes Irreparable Harm

Petitioner is currently in civil immigration detention. Continued confinement inflicts irreparable harm because loss of physical liberty cannot be remedied retroactively. Even a short period of allegedly unlawful detention constitutes irreparable injury, as time spent in custody cannot be restored if Petitioner ultimately prevails. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017).

Absent interim relief, Petitioner will remain detained during this Court's consideration of the habeas petition. That period of confinement will occur regardless of the Court's eventual ruling and therefore represents harm that no subsequent decision can undo.

B. Ongoing Family Separation and Medical Hardship Deepen the Harm

Petitioner's detention also inflicts irreparable harm through sustained family separation and the loss of critical support within his household. The Ninth Circuit has recognized that separation from family members and disruption of caregiving relationships constitute irreparable injury. *Leiva-Perez v. Holder*, 640 F.3d 962, 968 (9th Cir. 2011).

Petitioner's detention inflicts ongoing and irreparable harm through family separation and the loss of essential caregiving support. He is married to a United States citizen who suffers from diabetes and relied on him for daily assistance with managing her medical needs. He is also the father of a four-year-old United States citizen child who depended on him for financial support and parental care. Petitioner's detention has removed him from these roles, and these harms are occurring now and intensify with each additional day of confinement.

The equities further favor interim release. Petitioner has strong incentives to comply with all court requirements, including a pending Form I-130 filed by his United States citizen spouse and a pending application for cancellation of removal. These pending proceedings underscore that Petitioner has substantial reasons to appear and none to abscond while the legality of his detention is adjudicated

C. Continued Detention and Custody Decisions Pending Review Risk Impairing Effective Relief

While this habeas action is pending, Respondents retain authority over Petitioner's custodial status and placement. Changes in custody or placement, including transfer to a different detention facility or district, could complicate or impede this Court's ability to provide effective habeas relief.

Petitioner has already sought administrative custody review and was denied bond based on Respondents' detention classification. On this record, administrative processes do not offer a meaningful mechanism to address the legal issues presented here or to prevent ongoing confinement during judicial review.

Temporary relief is therefore necessary to preserve the status quo and ensure that this

Court's eventual ruling has practical effect. Continued detention under a disputed statutory framework while the petition is pending risks undermining the Court's ability to grant meaningful relief. *Nken v. Holder*, 556 U.S. 418, 426–27 (2009).

3. BALANCE OF EQUITIES AND PUBLIC INTEREST

When the government is a party, the balance of equities and the public interest merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Accordingly, courts analyze the final two *Winter* factors together. See *Nat'l Urban League v. Ross*, 484 F. Supp. 3d 802, 807 (N.D. Cal. 2020) (recognizing that “when the government is a party, the analysis of the balance of hardships and the public interest merge” and citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)).

Here, the merged equities weigh decisively in Petitioner's favor. Petitioner continues to suffer a deprivation of liberty that cannot be restored. By contrast, the relief requested would impose only a limited and temporary obligation on Respondents to act within lawful authority while judicial review proceeds. The public interest favors ensuring that civil detention is exercised only as authorized by law and subject to judicial oversight. *Zadvydas*, 533 U.S. at 699.

IV. CONCLUSION

Petitioner remains confined under a detention theory that is inconsistent with his procedural posture, foreclosed by binding classwide relief, and unsupported by individualized justification. Continued detention inflicts ongoing and irreparable harm and risks rendering judicial review ineffective. The temporary relief requested is limited in scope and directed solely at preserving the status quo and this Court's ability to adjudicate the legality of Petitioner's detention.

For these reasons, Petitioner respectfully requests that the Court issue a Temporary Restraining Order preserving its jurisdiction and preventing further custody under the challenged detention framework while this matter is pending.

V. REQUESTED TEMPORARY RELIEF

Petitioner respectfully requests that the Court issue a Temporary Restraining Order for the period permitted by Federal Rule of Civil Procedure 65(b)(2), or until further order of the Court, and order the following interim relief:

Preserve the status quo pending adjudication of the Petition for Writ of Habeas Corpus;

Enjoin Respondents from continuing to detain Petitioner during the pendency of this habeas action except pursuant to lawful statutory authority and constitutionally adequate procedural safeguards, including an individualized custody determination consistent with 8 U.S.C. § 1226(a);

Enjoin Respondents from transferring Petitioner outside this Court's jurisdiction while this habeas action is pending, absent prior leave of Court;

Enjoin Respondents from effecting removal or other custody-altering enforcement action that would moot or substantially interfere with this Court's jurisdiction;

Grant such other temporary and narrowly tailored relief as the Court deems necessary to preserve its jurisdiction and ensure meaningful judicial review.

Petitioner seeks interim release rather than referral to a bond hearing because, on this record, a bond hearing would not provide effective relief and would risk perpetuating the same statutory and constitutional violations challenged in this habeas action. Petitioner has already been denied bond on jurisdictional grounds tied to Respondents' detention classification.

Requiring Petitioner to remain detained while pursuing further administrative proceedings would not cure the underlying legal defect in his custody.

In any event, the record does not support continued detention. Petitioner has lived in the United States for more than a decade without incident, has no criminal history, and has strong family and community ties. He is married to a United States citizen who suffers from diabetes and relies on him for daily medical support, and he is the father of a four-year-old United States citizen child who depends on him for care and financial stability.

Because each additional day of detention continues the very deprivation of liberty his habeas petition seeks to remedy, interim release is the most effective relief to preserve Petitioner's rights while the Court adjudicates the legality of his detention.

Petitioner does not seek review of removal proceedings, does not challenge removability, and does not request adjudication of any immigration benefit. The relief requested is temporary, limited, and directed solely at preserving this Court's ability to adjudicate the legality of Petitioner's detention.

Dated: January 20, 2026

Respectfully Submitted,

/s/ Theodora E. Adoghe
Theodora E. Adoghe, Esq., CASBN358199
Law Offices Of Mariana L. Hanna
402 West Broadway, Suite 1730
Phone: 619-234-3635
Email: theodoraadoghe@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2026, Petitioner filed the Motion for Temporary Restraining Order and all documents filed in this action to date via the Court's CM/ECF system, which effected service on all registered parties, including the United States Attorney's Office

/s/ Theodora E. Adoghe
Theodora E. Adoghe, Esq., CASBN358199
Law Offices Of Mariana L. Hanna
402 West Broadway, Suite 1730
Phone: 619-234-3635
Email: theodoraadoghe@gmail.com