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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 Catalina CHAMA,

12 Petitioner-Plaintiff,

13 v.

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

16 Pam BONDI, in her Official Capacity, Attorney
17 General of the United States;

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

21 Jason KNIGHT, Salt Lake City Field Office Director
22 for Detention and Removal, U.S. Immigration and
23 Customs Enforcement, Department of Homeland
24 Security; and

25 Darin BALAAM, Sherriff, Washoe County Detention
26 Center.

27 Respondents-Defendants.
28

Agency No.

A 

**MOTION FOR
TEMPORARY
RESTRAINING
ORDER**

**POINTS AND
AUTHORITIES IN
SUPPORT OF EX
PARTE MOTION FOR
TEMPORARY
RESTRAINING
ORDER AND MOTION
FOR PRELIMINARY
INJUNCTION**

Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive Relief

1 NOTICE OF MOTION

2 Petitioner, Catalina Chama, by and through undersigned counsel, respectfully moves this
3 Court for a Temporary Restraining Order (“TRO”) and Preliminary Injunction pursuant to Federal
4 Rule of Civil Procedure 65, enjoining Respondents from continuing her unlawful detention and
5 ordering her immediate release, or in the alternative, a constitutionally adequate bond hearing
6 within seven (7) days at which the government bears the burden of proving, by clear and
7 convincing evidence, that her detention is necessary. If the Court deems oral argument necessary,
8 Petitioner requests to appear by video.

9 Dated this 3rd day of February 2026

Respectfully submitted,

10 *Karen Monrreal*

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12 Karen S. Monrreal, Esq.
13 Attorney for Petitioner Ms. Chama
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1 **I. INTRODUCTION**

2 Petitioner Catalina Chama (“Ms. Chama”), Agency Number [REDACTED] by and through
3 her undersigned counsel, respectfully moves this Court for a Temporary Restraining Order and
4 preliminary injunctive relief to immediately halt her continued and unlawful detention by the U.S.
5 Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE).

6 Ms. Chama is currently detained at the Washoe County Detention Center pending the
7 outcome of her immigration proceedings, despite the government’s failure to establish, by clear
8 and convincing evidence, that she poses either a danger to the community or a flight risk, as
9 required by the Due Process Clause of the Fifth Amendment.

10 1. Ms. Chama has been in immigration custody since January 21, 2026. Ms. Chama
11 first came to the attention of Immigration and Customs Enforcement (“ICE”) on January 21, 2026.
12 On that date, ICE agents, accompanied by agents from the Federal Bureau of Investigation
13 (“FBI”), were conducting an operation to locate a separate individual. Because Ms. Chama
14 resided in close proximity to the target residence, the vehicle wherein she was in was stopped.
15 Ms. Chama was not the subject of the operation, nor was she suspected of or charged with any
16 criminal activity. Rather, she was encountered solely due to her presence in the area at that time.
17 Upon determining that Ms. Chama did not have the proper documents to be in the United States,
18 ICE placed her into detention, and removal proceedings were initiated as a result. She was
19 subsequently transferred to the Washoe County Detention Center, where she is currently being
20 detained.

21 Ms. Chama has not received a constitutionally adequate bond hearing at which the
22 government bears the burden of justifying her continued detention. She remains detained without
23 any individualized determination that she poses a danger to the community or a risk of flight.

24 Her continued detention, without meaningful procedural safeguards and without a lawful
25 basis for mandatory detention, violates the Due Process Clause of the Fifth Amendment. There is
26 no legal justification for treating Ms. Chama as subject to mandatory detention, yet ICE has
27 refused to release her or provide a bond hearing at which the government must meet its burden of
28 proof.

1 Ms. Chama respectfully requests that this Court issue a Temporary Restraining Order
2 enjoining the Department of Homeland Security and ICE from continuing to detain her without
3 due process. She seeks immediate release or, in the alternative, a prompt and constitutionally
4 compliant bond hearing before a neutral adjudicator at which the government must demonstrate,
5 by clear and convincing evidence, that her continued detention is warranted.

6 Absent emergency relief from this Court, Ms. Chama will continue to suffer irreparable
7 harm as a result of her unlawful and ongoing detention.

8 **II. STATEMENT OF FACTS AND CASE**

9 **Background and Personal History**

10 Ms. Chama is a fifty-nine-year-old native and citizen of Mexico who last entered the
11 United States on September 1993. Since that time, she has continuously resided in this country
12 and has built her life, family ties, and economic stability in the United States. Ms. Chama has
13 lived in the Reno area since entering the United States and has made Reno, Nevada her home
14 where she lived with and supported her family.

15 For the past years, Ms. Chama has maintained stable employment. Through her
16 employment, she has consistently provided financial support for her household and her children,
17 demonstrating reliability, responsibility, and strong community ties. Her work has been her
18 primary means of caring for her family and ensuring their basic needs are met.

19 **Family Relationships and Dependents**

20 Ms. Chama is the mother of three children. Although her children are now adults, she
21 continues to play an important and supportive role in their lives. She is also the grandmother of
22 five grandchildren, all of whom are United States citizens. In addition, Ms. Chama's daughter is
23 a United States citizen, further reflecting Ms. Chama's strong and longstanding family ties in the
24 United States.

25 Ms. Chama's detention has disrupted these close family relationships and has deprived
26 her children and grandchildren of her emotional support, guidance, and presence. Her continued
27 detention has placed strain on her family unit and has caused significant hardship to her U.S.-
28 citizen relatives who rely on her as an active and stabilizing figure in their lives.

1 **Circumstances Leading to Detention**

2 At the time of her detention, Ms. Chama was not engaged in any criminal activity and was
3 not the subject of any law enforcement investigation. On January 21, 2026, ICE agents,
4 accompanied by agents from the FBI, were conducting an operation to locate a separate
5 individual. Because Ms. Chama resided in close proximity to the target location, the vehicle in
6 which she was traveling was stopped.

7 Ms. Chama was not suspected of any crime, was not charged with any offense, and was
8 encountered solely due to her presence in the area during the operation. Upon questioning, ICE
9 agents determined that Ms. Chama had entered the United States without inspection and
10 admission or parole and did not possess documentation authorizing her to remain in the United
11 States.

12 Based solely on this immigration determination—and despite the absence of any criminal
13 conduct or criminal history—Ms. Chama was taken into the custody of Immigration and Customs
14 Enforcement, where she remains detained.

15 **Immigration Proceedings and Current Custody**

16 Ms. Chama is currently detained under the custody and control of the Department of
17 Homeland Security. Her detention is not based on any criminal conviction, pattern of misconduct,
18 or threat to public safety, but rather solely on her immigration status. Her continued detention has
19 deprived her family—particularly her U.S.-citizen daughter and grandchildren—of their primary
20 source of care and support.

21 Ms. Chama has no criminal history, and her encounter with immigration authorities did
22 not arise from any suspected wrongdoing on her part. She was detained solely as a result of her
23 proximity to a law enforcement operation targeting another individual, and not because of any
24 criminal conduct, allegation, or investigation involving her.

25 **III. JURISDICTION**

26 This Court has jurisdiction to review Ms. Chama’s TRO Application.
27 Further, jurisdiction is not stripped by 8 U.S.C. §§ 1252(b)(9) or 1252(g).

28 **A. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(b)(9)**

1 Section 1252(b)(9) provides:

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3 “Judicial review of all questions of law and fact, including interpretation and
4 application of constitutional and statutory provisions, arising from any action
5 taken or proceeding brought to remove an alien from the United States... shall be
6 available only in judicial review of a final order under this section...”

7 Ms. Chama’s detention is not so intertwined with the broader removal process that it can
8 only be reviewed after a final removal order is issued. The Supreme Court addressed this precise
9 issue in *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018), where it rejected an overly expansive
10 reading of the phrase “arising from” in 8 U.S.C. § 1252(b)(9). The Court warned that interpreting
11 the statute so broadly as to include constitutional challenges to detention—merely because they
12 are tangentially related to removal—would lead to “absurd results” and deprive noncitizens of
13 “any meaningful opportunity for judicial review.” *Id.*

14 Here, Ms. Chama is not seeking to challenge her removal proceedings, nor the decision to
15 initiate them. Rather, she challenges her prolonged civil detention without a constitutionally
16 sufficient bond hearing under 8 U.S.C. § 1226(a)—a discrete legal and constitutional issue that is
17 wholly independent of whether she is ultimately removable. Moreover, as the Court in *Jennings*
18 made clear, § 1252(b)(9) does not apply where the petitioner is “not asking for review of an
19 order of removal,” and where the claim does not “challenge the decision to detain them in the
20 first place or to seek removal.” *Id.* at 294. Ms. Chama’s challenge arises from the denial of a
21 bond hearing, not the initiation of removal proceedings.

22 Accordingly, § 1252(b)(9) does not bar this Court from exercising jurisdiction over Ms.
23 Chama’s TRO Application.

24 **B. Jurisdiction Is Not Barred by 8 U.S.C. § 1252(g)**

25 8 U.S.C. § 1252(g) statute states:

26 “...no court shall have jurisdiction to hear any cause or claim by or on behalf of
27 any alien arising from the decision or action by the Attorney General to
28 commence proceedings, adjudicate cases, or execute removal orders...”

1 However, the Supreme Court has explicitly interpreted § 1252(g) as a narrow
2 jurisdictional limitation. In *Jennings*, the Court reiterated that § 1252(g) applies only to the three
3 specific actions listed: the commencement of proceedings, adjudication of cases, and execution
4 of removal orders. *Jennings*, 583 U.S. at 293.

5 Ms. Chama's claim does not arise from any of these three enumerated actions. Instead, it
6 challenges the government's decision to classify her as an "applicant for admission" and deny
7 her access to a bond hearing under § 1226(a)—a procedural and constitutional due process
8 violation. As *Jennings* reaffirmed, courts should not interpret the phrase "arising from" so
9 broadly as to "sweep in any claim that can technically be said to 'arise from'" removal
10 proceedings. *Id.* Doing so would insulate virtually all governmental actions from judicial review,
11 including those that raise serious constitutional questions—a result the Court expressly rejected.

12 Accordingly, because Ms. Chama's TRO Application does not challenge the
13 government's authority to commence proceedings, adjudicate removability, or execute a removal
14 order, § 1252(g) does not apply.

15 In sum, neither § 1252(b)(9) nor § 1252(g) precludes this Court from hearing Ms.
16 Chama's constitutional claims. She is not challenging a final order of removal or the
17 government's authority to initiate proceedings. Rather, she seeks urgent judicial relief from her
18 detention without a constitutionally required bond hearing. This Court therefore retains
19 jurisdiction to review her claims and grant the requested temporary restraining order.

20 **IV. LEGAL STANDARD**

21 Pursuant to Federal Rule of Civil Procedure 65, a court may grant preliminary injunctive
22 relief to prevent "immediate and irreparable injury." Fed R. Civ. P. 65(b). A preliminary
23 injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the
24 plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22, 129 S.
25 Ct. 365, 172 L. Ed. 2d 249 (2008). To obtain a preliminary injunction, a plaintiff must establish
26 four elements: "(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer
27 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its
28 favor, and (4) that the public interest favors an injunction." *Wells Fargo & Co. v. ABD Ins. &*

1 *Fin. Servs. Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014), as amended (Mar. 11, 2014) (*citing Winter*,
2 555 U.S. at 20).

3 In the Ninth Circuit, a preliminary injunction may also issue under the "serious
4 questions" test. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)
5 (affirming the continued viability of this doctrine post-*Winter*). According to this test, "serious
6 questions going to the merits and a balance of hardships that tips sharply towards the plaintiff
7 can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a
8 likelihood of irreparable injury, and that the injunction is in the public interest." *Id.* at 1135.
9 Courts in the Ninth Circuit evaluate "these factors on a sliding scale, such that a stronger
10 showing of one element may offset a weaker showing of another." *Recycle for Change v. City of*
11 *Oakland*, 856 F.3d 666, 669 (9th Cir. 2017).

12 **V. ARGUMENT**

13 **Ms. Chama warrants a Temporary Restraining Order.**

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

22 **A. Likelihood of Success on the Merits.**

23 Under the clear terms of the statute and well-established case law, 8 U.S.C. § 1226(a)
24 governs the detention of individuals who, like Ms. Chama, are physically present within the
25 United States and are undergoing removal proceedings. Given that Ms. Chama has lived in the
26 United States for more than 30 years and was not apprehended at the border or upon entry, her
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1 case is governed by § 1226(a). As such, she is entitled to a bond hearing that complies with the
2 due process protections afforded under that provision.

3 Section 1226 distinguishes between two classes of individuals in immigration detention.
4 Section 1226(a) applies to individuals within the United States pending removal proceedings and
5 allows for discretionary release on bond. In contrast, § 1226(c) applies to a narrow category of
6 so-called “criminal aliens” and imposes mandatory detention under more limited circumstances.

7 Critically, individuals detained under § 1226(a) are entitled to an initial bond hearing
8 before an immigration judge, with the opportunity to present evidence, be represented by counsel,
9 and seek subsequent bond redeterminations if circumstances materially change. See *Rodriguez*
10 *Diaz v. Garland*, 53 F.4th 1189, 1201 (9th Cir. 2022).

11 Here however, it was alleged that Ms. Chama is not detained under § 1226(a), but rather
12 under § 1225(b)(2), based on the claim that she qualifies as an “applicant for admission” due to
13 her entry without inspection. That provision mandates detention for arriving noncitizens unless
14 they are “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). The
15 government suggest that this provision applies not only to arriving aliens at ports of entry but also
16 to individuals already physically present in the country without having been formally “admitted.”

17 This argument, however, misreads the statute. If Congress had intended § 1225 to apply
18 universally to all individuals who entered without inspection—even those long-settled in the
19 interior of the country—§ 1226 would serve no meaningful function, particularly with respect to
20 noncitizens charged under § 1226(c). Respondents' position improperly creates an irreconcilable
21 conflict where none exists.

22 In *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018), the Supreme Court clarified that
23 § 1225 applies at the Nation’s borders and ports of entry, where the government determines
24 admissibility of arriving noncitizens. In contrast, § 1226 governs individuals already inside the
25 United States, including those who may be removable but have developed significant ties to the
26 country. As the Court explained, § 1226 applies to “aliens who are already present in the United
27 States but who have not been admitted and are nonetheless subject to removal,” while § 1225
28 applies to aliens at the border seeking admission.

1 Accepting Respondents’ interpretation would render large portions of § 1226 superfluous,
2 violating the canon of statutory construction that requires giving effect to all parts of a statute.
3 See *Corely v. United States*, 556 U.S. 303, 314 (2009) (“A statute should be construed so that no
4 part will be inoperative or superfluous, void or insignificant.”).

5 Because Ms. Chama is a long-term resident of the United States who was not apprehended
6 at a port of entry, and because she does not fall within the limited scope of § 1226(c), she is plainly
7 detained under § 1226(a) and is entitled to a bond hearing with full due process protections.

8 Accordingly, Ms. Chama is likely to succeed on the merits of her claim that the
9 government has wrongfully denied her a bond hearing in violation of § 1226(a) and the Fifth
10 Amendment.

11 **B. Irreparable Harm**

12 To obtain a temporary restraining order, a petitioner must show that they are likely to
13 suffer irreparable harm in the absence of preliminary relief. *Winter v. Natural Resources Defense*
14 *Council, Inc.*, 555 U.S. 7, 20 (2008).

15 Ms. Chama has been detained by U.S. Immigration and Customs Enforcement since
16 January 22, 2026, and has been denied a bond hearing throughout that period. The Supreme Court
17 has long recognized that “[f]reedom from imprisonment— from government custody, detention,
18 or other forms of physical restraint—lies at the heart of the liberty [the Due Process] Clause
19 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The ongoing deprivation of this
20 fundamental liberty, without an individualized bond determination, constitutes a clear and
21 continuing constitutional injury.

22 The Ninth Circuit has emphasized that the loss of constitutional rights “unquestionably
23 constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting
24 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). This principle squarely applies here. Ms. Chama
25 remains detained without due process, in violation of her Fifth Amendment rights.

26 Moreover, Ms. Chama’s detention has caused substantial and ongoing harm not only to
27 her, but also to her family. Ms. Chama is the mother of three adult children and the grandmother
28 of five U.S.-citizen grandchildren, with whom she maintains close and meaningful relationships.

1 Her continued detention has deprived her family of her emotional support, guidance, and
2 stabilizing presence, placing significant strain on these family bonds. In particular, her U.S.-
3 citizen daughter and grandchildren have been directly impacted by the sudden and prolonged
4 separation, resulting in emotional and familial hardship. As the Ninth Circuit recognized in
5 *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017), prolonged immigration detention
6 inflicts not only a loss of liberty, but also serious emotional, financial, and familial harm—harms
7 that are present here and that underscore the irreparable nature of Ms. Chama’s injury.

8 Petitioner’s continued detention without the opportunity for a constitutionally adequate
9 bond hearing violates due process and inflicts immediate and serious harm on her and her family.
10 Accordingly, the second prong of the TRO standard—irreparable harm—is clearly satisfied.

11 **C. Balance of the Equities and Public Interest**

12 The Balance of Equities and Public Interest Strongly Favor Ms. Chama. When the
13 government is the opposing party, the final two TRO factors—the balance of equities and the
14 public interest—merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In this case, both weigh
15 decisively in favor of Ms. Chama.

16 As demonstrated above, Petitioner’s continued detention without a bond hearing—
17 violates federal statutory and constitutional protections. Detaining a person without due process
18 offends core principles of federal law and undermines the constitutional guarantee of liberty. As
19 the Ninth Circuit has made clear, “it would not be equitable or in the public’s interest to allow the
20 state to violate the requirements of federal law.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006,
21 1029 (9th Cir. 2013). Accordingly, both the public interest and the balance of equities weigh in
22 favor of granting relief.

23 While the government undoubtedly has an interest in the consistent application of
24 immigration policy, this interest does not extend to the unlawful denial of liberty in contravention
25 of statutory protections. As the Ninth Circuit has recognized, “there is no public interest in the
26 perpetuation of unlawful agency action.” *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C.
27 Cir. 2016) (internal citation omitted).

1 Moreover, the government’s refusal to provide a bond hearing relies on a novel and
2 disputed interpretation of immigration detention statutes. This approach departs from decades of
3 statutory practice under 8 U.S.C. § 1226(a), which has long required an individualized assessment
4 of flight risk and danger before depriving a person of liberty. Enforcing Petitioner’s right to a
5 bond hearing does not disturb the law; it restores it.

6 By contrast, continuing to detain Petitioner without a bond hearing inflicts ongoing and
7 irreparable harm. She has lived in the United States for over three decades, has strong family and
8 community ties, and has no history indicating danger or flight risk. The balance of equities
9 overwhelmingly favors ensuring a prompt, constitutionally required bond hearing—not allowing
10 prolonged detention based on an untested expansion of mandatory detention under *Yajure*
11 *Hurtado*.

12 Accordingly, both the balance of equities and the public interest support the issuance of a
13 temporary restraining order in Ms. Chama’s favor.

14 **VI. CONCLUSION**

15 For the reasons stated above, Petitioner respectfully requests that this Court issue a
16 Temporary Restraining Order prohibiting Respondents from continuing to detain her without
17 providing a bond hearing. Petitioner has shown a strong likelihood of success on the merits
18 because her detention properly falls under 8 U.S.C. § 1226(a), not § 1225, and *Matter of Yajure*
19 *Hurtado* does not authorize her continued detention without individualized review—particularly
20 where the underlying criminal charges have been dismissed. Accordingly, she is entitled to a
21 constitutionally compliant bond hearing.

22 Ms. Chama’s continued detention—without any individualized determination of whether
23 she poses a flight risk or danger to the community—violates the governing statutory framework
24 and the Due Process Clause of the Fifth Amendment. Every additional day he remains
25 incarcerated without due process inflicts irreparable harm, depriving her of her liberty and
26 causing profound emotional, medical, and financial hardship to her U.S. citizen child and other
27 dependent family members who rely on her for care and stability.

28 The balance of equities and the public interest overwhelmingly support injunctive relief.

1 There is no legitimate public benefit in detaining a long-term resident with deep community ties,
2 no criminal history, and no finding of dangerousness—particularly where her detention is based
3 on a misapplication of immigration statutes.

4 For these reasons, Ms. Chama respectfully requests that this Court grant a Temporary
5 Restraining Order and order her immediate release. In the alternative, the Court should require
6 the government to provide a prompt and constitutionally adequate bond hearing—at which the
7 government bears the burden of proving, by clear and convincing evidence, that continued
8 detention is necessary.

9 Dated this 3rd day of February 2026

Respectfully submitted,

10 *Karen Monrreal*

11 Karen S. Monrreal, Esq.
12 Attorney for Petitioner, Ms. Chama