

JASMINE PANDHER, ESQ. (BAR ID 26~40)  
GAHRA and GOSWAMI  
P.O. BOX 11717  
PLEASANTON, CA 94588  
PHONE: (510) 841-4582, FAX: (510) 217-6847  
E-MAIL: jasmine@gahralaw.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
MILAN, NM

**Vijay Kumar**

Petitioner,

v.

**Mary De Anda-Ybarra**, Field Office Director  
of Enforcement and Removal Operations, **ERO**  
El Paso Field Office, Immigration and Customs  
Enforcement; **Kristi Noem**, Secretary, U.S.  
Department of Homeland Security; **Todd M.**  
**Lyons**, Acting Director of the United States  
Immigration and Customs Enforcement;  
**Pamela Bondi**, U.S. Attorney General;  
Executive Office for Immigration Review,  
**George Dedos**, Cibola County Correctional  
Center

Respondents

Alien No.



Case No.

**PETITION FOR TEMPORARY  
RESTRAINING ORDER**

Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Petitioner hereby moves the Court for emergency relief in the form of a temporary restraining order directing Respondents to release Petitioner from his custody with no additional conditions of release that were not imposed prior to his detention in 2025.

Petitioner also seeks a temporary restraining order enjoining the Respondents from relocating Petitioner outside of the District of New Mexico pending final resolution of this case.

1 Transfer outside this District would impede the Court's jurisdiction over the habeas petition,  
2 frustrate Petitioner's access to counsel, and risk mootng the requested relief. The District of New  
3 Mexico is the district of confinement, and habeas jurisdiction attaches to the immediate custodian.  
4 Any transfer during pendency of this action would defeat the Court's ability to provide effective  
5 relief. Courts in this District routinely prohibit such transfers in immigration habeas matters.

6 Please note that the Petitioner has been unable to raise this matter by way of a regularly  
7 scheduled motion. Petitioner was not aware of his rights and, as a result, the said omission was  
8 not caused by a lack of diligence attributable to the Petitioner but was due to the fact that he did  
9 not understand the factual basis of his claim. Also, upon advice of previous counsel, he was  
10 informed that pursuant to *Matter of Yajure Hurtado*, the Immigration Judges would not  
11 considering the bond requests of Petitioner and other similarly situated individuals.

12 Indeed, emergency relief is appropriate notwithstanding any delay between Petitioner's  
13 detention and the filing of this motion. In cases arising under *Matter of Q. Li*, courts have  
14 consistently recognized that the injury at issue is not a past event but an ongoing deprivation of  
15 liberty resulting from the categorical denial of bond jurisdiction. Where detention is predicated on  
16 an agency-imposed jurisdictional bar rather than an individualized custody determination, each  
17 additional day of confinement constitutes a continuing constitutional violation. Accordingly, the  
18 passage of time does not diminish irreparable harm or defeat a request for temporary injunctive  
19 relief.

20 Recent post-*Q. Li* decisions confirm that prolonged detention without access to a bond  
21 hearing remains an exigent circumstance, even where the petitioner has been detained for months  
22 prior to seeking relief. Courts have granted emergency relief in materially identical cases where  
23 immigration judges declined bond jurisdiction pursuant to *Q. Li* and the government failed to  
24  
25

1 identify any new or changed circumstances demonstrating that continued detention was necessary  
2 to address danger or flight risk. See, e.g., *Chavarria v. Chestnut*, No. 1:25-CV-01755-DAD-AC,  
3 2025 WL 3533606, at \*4 (E.D. Cal. Dec. 9, 2025); *Bernal v. Albarran*, No. 25-CV-09772-RS,  
4 2025 WL 3281422, at \*6 (N.D. Cal. Nov. 25, 2025).

5 As reflected in those decisions, the government bears the burden of demonstrating that  
6 continued detention is justified by **current, individualized facts**, not by categorical rules or stale  
7 allegations. Where, as here, detention continues solely because *Q. Li* is interpreted to foreclose  
8 bond jurisdiction as a matter of law, and the government has made no showing of materially  
9 changed circumstances, the constitutional injury is ongoing and immediate judicial intervention is  
10 warranted.

11  
12 Moreover, courts addressing *Q. Li*-based detention have emphasized that emergency relief  
13 is particularly appropriate where the government retains the unilateral ability to  
14 effectuate **removal or transfer** at any time, thereby threatening to moot judicial review.  
15 Temporary injunctive relief is therefore necessary to preserve the Court's jurisdiction and prevent  
16 irreparable harm while the merits of Petitioner's habeas claim are adjudicated. See *F.T.C. v. Dean*  
17 *Foods Co.*, 384 U.S. 597, 604 (1966).

18 In sum, any delay in filing does not undermine the propriety of emergency relief where  
19 detention continues without lawful process, bond jurisdiction has been categorically denied  
20 under *Q. Li*, and the government cannot articulate a present, individualized justification for  
21 continued custody. Under these circumstances, Petitioner has satisfied the requirements for  
22 temporary injunctive relief.

23  
24 Petitioner further moves for the issuance of an order to show cause as to why a preliminary  
25 injunction should not issue.

1 This application is supported by the Memorandum of Points and Authorities,  
2 accompanying exhibits, as well as any additional submissions that may be considered by the Court.

3 \

4 \

5 \

6

7 Respectfully submitted,

8 DATED this February 5 of 2026.

9

10 s/ Jasmine Pandher

11 JASMINE PANDHER, ESQ.

12 GAHRA and GOSWAMI

13 P.O. BOX 11717

14 PLEASANTON, CA 94588

15 ATTORNEY FOR PETITIONER

16

17

18

19

20

21

22

23

24

25

**PROOF OF SERVICE**

I, the undersigned, declare that my office is in Pleasanton, California. I am over the age of eighteen (18) years and not a party to the action within. On February 2, 2026, I served the following documents: **PETITIONER’S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE** by mailing a true and correct copy to each addressed as follows:

Mary De Anda-Ybarra  
Field Office Director, El Paso Field Office,  
Attn: U.S. Immigration and Customs Enforcement,  
Office of the Principal Legal Advisor,  
500 12th St. SW,  
Mail Stop 5900,  
Washington, DC 20536-5900

Todd M. Lyons  
U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536

Kristi Noem  
U.S. Department of Homeland Security  
2801 Nebraska Avenue NW  
Washington, D.C. 20528

Pamela Jo Bondi  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Civil Process Clerk  
U.S. Attorney’s Office  
District of New Mexico  
201 3rd Street NW, Suite 900  
Albuquerque, New Mexico 87102

George Dedos, Warden,  
Cibola County Correctional Center  
2000 Cibola Loop,  
Milan, NM 87021, USA

**By mail.** I am readily familiar with the business for collection and processing of correspondence for mailing and that this document will be sent on this date in the ordinary course of business.

1 I declare under the penalty of perjury that the foregoing is true and correct. Executed on  
2 February 5, 2026, at Pleasanton, CA.

3  
4  
5 s/ Jasmine Pandher  
6 JASMINE PANDHER, ESQ.  
7 GAHRA and GOSWAMI  
8 P.O. BOX 11717  
9 PLEASANTON, CA 94588  
10 ATTORNEY FOR PETITIONER  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25