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9 UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF NEVADA

11 Alfonso RANGEL RODRIGUEZ,

12 Petitioner-Plaintiff,

13 v.

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

16 Pam BONDI, in his 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.



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


9 Dated this 5<sup>th</sup> day of February 2026

Respectfully submitted,

10 *Karen Monrreal*

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12 Karen S. Monrreal, Esq.  
13 Attorney for Petitioner Mr. Rangel  
14 Rodriguez

1 **I. INTRODUCTION**

2 Petitioner Alfonso Rangel Rodriguez (“Mr. Rangel Rodriguez”), Agency Number  
3 , by and through his undersigned counsel, respectfully moves this Court for a  
4 Temporary Restraining Order and preliminary injunctive relief to immediately halt his continued  
5 and unlawful detention by the U.S. Department of Homeland Security (DHS) and U.S.  
6 Immigration and Customs Enforcement (ICE).

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

11 Mr. Rangel Rodriguez has been in immigration custody since January 21, 2026. He first  
12 came to the attention of Immigration and Customs Enforcement (“ICE”) while he was being held  
13 at the Washoe County Jail following an arrest on December 11, 2025, for domestic battery.

14 After the conclusion of the related state criminal proceedings, ICE immediately assumed  
15 custody of Mr. Rangel Rodriguez on January 21, 2026, and initiated removal proceedings. He has  
16 remained in immigration detention since that date.

17 Mr. Rangel Rodriguez has not received a constitutionally adequate bond hearing at which  
18 the government bears the burden of justifying his continued detention. He remains detained  
19 without any individualized determination that he poses a danger to the community or a risk of  
20 flight.

21 His continued detention, without meaningful procedural safeguards and without a lawful  
22 basis for mandatory detention, violates the Due Process Clause of the Fifth Amendment. There is  
23 no legal justification for treating Mr. Rangel Rodriguez as subject to mandatory detention, yet  
24 ICE has refused to release him or provide a bond hearing at which the government must meet its  
25 burden of proof.

26 Mr. Rangel Rodriguez respectfully requests that this Court issue a Temporary Restraining  
27 Order enjoining the Department of Homeland Security and ICE from continuing to detain him  
28 without due process. He seeks immediate release or, in the alternative, a prompt and

1 constitutionally compliant bond hearing before a neutral adjudicator at which the government  
2 must demonstrate, by clear and convincing evidence, that his continued detention is warranted.

3 Absent emergency relief from this Court, Mr. Rangel Rodriguez will continue to suffer  
4 irreparable harm as a result of his unlawful and ongoing detention.

## 5 **II. STATEMENT OF FACTS AND CASE**

### 6 **Background and Personal History**

7 Mr. Rangel Rodriguez was born on [REDACTED], and is a native and citizen of  
8 Mexico. He last entered the United States in July 1995 without inspection and without being  
9 admitted or paroled. He has continuously resided in the United States since that time and has  
10 built his life, family ties, and future prospects in this country.

### 11 **Family Relationships and Dependents**

12 Mr. Rangel Rodriguez is the father of two United States citizen daughters, Roxanna, age  
13 27, and Karla, age 24. He maintains close and meaningful relationships with both daughters. He  
14 is also engaged to Rosa, who is a United States citizen. These family relationships reflect Mr.  
15 Rangel Rodriguez's strong and longstanding ties to the United States.

16 In addition, Mr. Rangel Rodriguez is the beneficiary of a labor certification filed on  
17 April 30, 2001. As a result, he may be eligible to pursue adjustment of status through his United  
18 States citizen daughters, further demonstrating that he has a viable pathway to lawful status and  
19 a strong incentive to remain available for immigration proceedings.

### 20 **Circumstances Leading to Detention**

21 Mr. Rangel Rodriguez came to the attention of ICE while he was detained at the Washoe  
22 County Jail following an arrest on December 11, 2025, for domestic battery. After the related  
23 criminal proceedings concluded, ICE immediately assumed custody of Mr. Rangel Rodriguez  
24 on January 21, 2026.

### 25 **Immigration Proceedings and Current Custody**

26 Mr. Rangel Rodriguez has remained in immigration custody since January 21, 2026, and  
27 is currently detained at the Washoe County Jail under the custody and control of the Department  
28 of Homeland Security. His continued detention has resulted in prolonged separation from his

1 United States citizen daughters and fiancée, causing significant hardship to his family while his  
2 immigration case proceeds.

3 **III. JURISDICTION**

4 This Court has jurisdiction to review Mr. Rangel Rodriguez’s TRO Application.  
5 Further, jurisdiction is not stripped by 8 U.S.C. §§ 1252(b)(9) or 1252(g).

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

7 Section 1252(b)(9) provides:

8  
9 “Judicial review of all questions of law and fact, including interpretation and  
10 application of constitutional and statutory provisions, arising from any action  
11 taken or proceeding brought to remove an alien from the United States... shall be  
12 available only in judicial review of a final order under this section...”

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

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

28 Accordingly, § 1252(b)(9) does not bar this Court from exercising jurisdiction over Mr.  
Rangel Rodriguez’s TRO Application.

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

2                   8 U.S.C. § 1252(g) statute states:

3  
4                   “...no court shall have jurisdiction to hear any cause or claim by or on behalf of  
5                   any alien arising from the decision or action by the Attorney General to  
6                   commence proceedings, adjudicate cases, or execute removal orders...”

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

11                  Mr. Rangel Rodriguez’s claim does not arise from any of these three enumerated actions.  
12                  Instead, it challenges the government’s decision to classify his as an “applicant for admission”  
13                  and deny his access to a bond hearing under § 1226(a)—a procedural and constitutional due  
14                  process violation. As *Jennings* reaffirmed, courts should not interpret the phrase “arising from”  
15                  so broadly as to “sweep in any claim that can technically be said to ‘arise from’” removal  
16                  proceedings. *Id.* Doing so would insulate virtually all governmental actions from judicial review,  
17                  including those that raise serious constitutional questions—a result the Court expressly rejected.

18                  Accordingly, because Mr. Rangel Rodriguez’s TRO Application does not challenge the  
19                  government’s authority to commence proceedings, adjudicate removability, or execute a removal  
20                  order, § 1252(g) does not apply.

21                  In sum, neither § 1252(b)(9) nor § 1252(g) precludes this Court from hearing Mr. Rangel  
22                  Rodriguez’s constitutional claims. He is not challenging a final order of removal or the  
23                  government’s authority to initiate proceedings. Rather, he seeks urgent judicial relief from his  
24                  detention without a constitutionally required bond hearing. This Court therefore retains  
25                  jurisdiction to review his claims and grant the requested temporary restraining order.

26                  **IV. LEGAL STANDARD**

27                  Pursuant to Federal Rule of Civil Procedure 65, a court may grant preliminary injunctive  
28                  relief to prevent “immediate and irreparable injury.” Fed R. Civ. P. 65(b). A preliminary

1 injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the  
2 plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22, 129 S.  
3 Ct. 365, 172 L. Ed. 2d 249 (2008). To obtain a preliminary injunction, a plaintiff must establish  
4 four elements: "(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer  
5 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its  
6 favor, and (4) that the public interest favors an injunction." *Wells Fargo & Co. v. ABD Ins. &*  
7 *Fin. Servs. Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014), as amended (Mar. 11, 2014) (*citing Winter*,  
8 555 U.S. at 20).

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

## 18 **V. ARGUMENT**

### 19 **Mr. Rangel Rodriguez warrants a Temporary Restraining Order.**

20 A temporary restraining order should be issued if "immediate and irreparable injury, loss,  
21 or irreversible damage will result" to the applicant in the absence of an order. Fed. R. Civ. P.  
22 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a  
23 preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*  
24 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). Mr. Rangel  
25 Rodriguez is likely to remain in unlawful custody in violation of his due process rights without  
26 intervention by this Court. Mr. Rangel Rodriguez will continue to suffer irreparable injury if he  
27 continues to be detained without due process.

28

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

2           Under the clear terms of the statute and well-established case law, 8 U.S.C. § 1226(a)  
3 governs the detention of individuals who, like Mr. Rangel Rodriguez, are physically present  
4 within the United States and are undergoing removal proceedings. Because Mr. Rangel Rodriguez  
5 entered the United States in December 2003 and has resided in this country for more than two  
6 decades, and because he was not apprehended at the border or at the time of entry, his detention  
7 is governed by 8 U.S.C. § 1226(a). Accordingly, he is entitled to a bond hearing that comports  
8 with the due process protections required under that provision.

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

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

17           Here however, it was alleged that Mr. Rangel Rodriguez is not detained under § 1226(a),  
18 but rather under § 1225(b)(2), based on the claim that he qualifies as an “applicant for admission”  
19 due to his entry without inspection. That provision mandates detention for arriving noncitizens  
20 unless they are “clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A).  
21 The government suggest that this provision applies not only to arriving aliens at ports of entry but  
22 also to individuals already physically present in the country without having been formally  
23 “admitted.”

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

1 In *Jennings v. Rodriguez*, 583 U.S. 281, 287–89 (2018), the Supreme Court clarified that  
2 § 1225 applies at the Nation’s borders and ports of entry, where the government determines  
3 admissibility of arriving noncitizens. In contrast, § 1226 governs individuals already inside the  
4 United States, including those who may be removable but have developed significant ties to the  
5 country. As the Court explained, § 1226 applies to “aliens who are already present in the United  
6 States but who have not been admitted and are nonetheless subject to removal,” while § 1225  
7 applies to aliens at the border seeking admission.

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

12 Because Mr. Rangel Rodriguez is a long-term resident of the United States who was not  
13 apprehended at a port of entry, and because he does not fall within the limited scope of § 1226(c),  
14 he is plainly detained under § 1226(a) and is entitled to a bond hearing with full due process  
15 protections.

16 Accordingly, Mr. Rangel Rodriguez is likely to succeed on the merits of his claim that the  
17 government has wrongfully denied him a bond hearing in violation of § 1226(a) and the Fifth  
18 Amendment.

### 19 B. Irreparable Harm

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

23 Mr. Rangel Rodriguez has been detained by U.S. Immigration and Customs Enforcement  
24 since January 21, 2026, and has been denied a bond hearing throughout that period. The Supreme  
25 Court has long recognized that “[f]reedom from imprisonment— from government custody,  
26 detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process]  
27 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The ongoing deprivation of this  
28

1 fundamental liberty, without an individualized bond determination, constitutes a clear and  
2 continuing constitutional injury.

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

7 Moreover, Mr. Rangel Rodriguez’s continued detention has caused substantial and  
8 ongoing harm not only to him, but also to his family. Mr. Rangel Rodriguez is the father of two  
9 United States citizen daughters, Roxanna, age 27, and Karla, age 24, with whom he maintains  
10 close and meaningful relationships. His detention has separated him from his daughters and  
11 deprived them of his presence, guidance, and emotional support.

12 Mr. Rangel Rodriguez is also engaged to Rosa, a United States citizen, and his continued  
13 detention has imposed significant hardship on their family unit by disrupting their shared life and  
14 future plans. The prolonged separation has strained these family relationships and caused  
15 emotional and familial hardship. As the Ninth Circuit recognized in *Hernandez v. Sessions*, 872  
16 F.3d 976, 995 (9th Cir. 2017), prolonged immigration detention results not only in a deprivation  
17 of liberty, but also in serious emotional, financial, and familial harm—harms that are present here  
18 and that underscore the irreparable nature of Mr. Rangel Rodriguez’s injury.

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

### 22 **C. Balance of the Equities and Public Interest**

23 The Balance of Equities and Public Interest Strongly Favor Mr. Rangel Rodriguez. When  
24 the government is the opposing party, the final two TRO factors—the balance of equities and the  
25 public interest—merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). In this case, both weigh  
26 decisively in favor of Mr. Rangel Rodriguez.

27 As demonstrated above, Petitioner’s continued detention without a bond hearing—  
28 violates federal statutory and constitutional protections. Detaining a person without due process

1 offends core principles of federal law and undermines the constitutional guarantee of liberty. As  
2 the Ninth Circuit has made clear, “it would not be equitable or in the public’s interest to allow the  
3 state to violate the requirements of federal law.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006,  
4 1029 (9th Cir. 2013). Accordingly, both the public interest and the balance of equities weigh in  
5 favor of granting relief.

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

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

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

22 Accordingly, both the balance of equities and the public interest support the issuance of a  
23 temporary restraining order in Mr. Rangel Rodriguez’s favor.

## 24 **VI. CONCLUSION**

25 For the reasons stated above, Petitioner respectfully requests that this Court issue a  
26 Temporary Restraining Order prohibiting Respondents from continuing to detain his without  
27 providing a bond hearing. Petitioner has shown a strong likelihood of success on the merits  
28 because his detention properly falls under 8 U.S.C. § 1226(a), not § 1225, and *Matter of Yajure*

1 *Hurtado* does not authorize his continued detention without individualized review—particularly  
2 where the underlying criminal charges have been dismissed. Accordingly, he is entitled to a  
3 constitutionally compliant bond hearing.

4 Mr. Rangel Rodriguez’s continued detention—without any individualized determination  
5 of whether he poses a flight risk or danger to the community—violates the governing statutory  
6 framework and the Due Process Clause of the Fifth Amendment. Every additional day he  
7 remains incarcerated without due process inflicts irreparable harm, depriving him of his liberty  
8 and causing profound emotional, medical, and financial hardship to his U.S. citizen child and  
9 other dependent family members who rely on him for care and stability.

10 The balance of equities and the public interest overwhelmingly support injunctive relief.  
11 There is no legitimate public benefit in detaining a long-term resident with deep community ties,  
12 no criminal history, and no finding of dangerousness—particularly where his detention is based  
13 on a misapplication of immigration statutes.

14 For these reasons, Mr. Rangel Rodriguez respectfully requests that this Court grant a  
15 Temporary Restraining Order and order his immediate release. In the alternative, the Court  
16 should require the government to provide a prompt and constitutionally adequate bond hearing—  
17 at which the government bears the burden of proving, by clear and convincing evidence, that  
18 continued detention is necessary.

19 Dated this 5<sup>th</sup> day of February 2026

20 Respectfully submitted,

21 *Karen Monrreal*

22 \_\_\_\_\_  
23 Karen S. Monrreal, Esq.  
24 Attorney for Petitioner, Mr. Rangel  
25 Rodriguez  
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