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8 *Attorney for Petitioner-Plaintiff*

9 UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF NEVADA

11 Samuel Angel DE LEON and
12 Aminta Celestina CARRETO YOC DE LEON

13 Petitioner-Plaintiff,

14 v.

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

17 Pam BONDI, in their Official Capacity, Attorney
18 General of the United States;

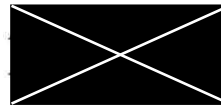
19 Todd M. LYONS, Acting Director, Immigration and
20 Customs Enforcement, U.S. Department of Homeland
21 Security;

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

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

28 Respondents-Defendants.

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

NOTICE OF MOTION

1
2 Petitioner, Samuel Angel De Leon and Aminta C. Carreto Yoc De Leon, by and through
3 undersigned counsel, respectfully moves this Court for a Temporary Restraining Order (“TRO”)
4 and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, enjoining
5 Respondents from continuing their unlawful detention and ordering their immediate release. If
6 the Court deems oral argument necessary, Petitioners request to appear by video.

7 Dated this 27th day of February 2026

Respectfully submitted,

8 *Karen Monrreal*

9 _____
Karen S. Monrreal, Esq.
Attorney for Petitioners

1 **I. INTRODUCTION**

2 Petitioners Samuel Angel De Leon (“Petitioners”), [REDACTED] and
3 Aminta C. Carreto Yoc De Leon (Ms. Carreto Yoc De Leon), [REDACTED] as
4 husband and wife and similar situated individuals, by and through their undersigned counsel,
5 respectfully moves this Court for a Temporary Restraining Order and preliminary injunctive relief
6 to immediately halt their continued and unlawful detention by the U.S. Department of Homeland
7 Security (DHS) and U.S. Immigration and Customs Enforcement (ICE).

8 Petitioners are currently detained at the Washoe County Detention Center under the
9 custody and control of the Department of Homeland Security, pending removal from the United
10 States.

11 Petitioners have remained in immigration custody since February 25, 2026, when they
12 were apprehended by Immigration and Customs Enforcement (“ICE”) at a scheduled biometrics
13 appointment with U.S. Citizenship and Immigration Services. They had appeared at that
14 appointment in compliance with government instructions in connection with their pending T
15 nonimmigrant application and accompanying Form I-192. Rather than being permitted to
16 complete this required step, they were detained pursuant to a prior in absentia removal order.

17 Petitioner’s continued detention, under these circumstances, violates the Due Process
18 Clause of the Fifth Amendment and the Fourt Amendment. Their detention is being maintained
19 in a manner that is fundamentally unfair, particularly where they were apprehended while
20 complying with a government-mandated process and where their continued detention prevents
21 them from completing the steps necessary to pursue their pending application. There is no
22 sufficient justification for maintaining them in custody without affording them a meaningful
23 opportunity to contest that detention.

24 Petitioners respectfully request that this Court grant immediate relief and enjoin the
25 Department of Homeland Security and ICE from continuing to detain them in violation of their
26 constitutional rights. They seek immediate release from custody so that they may proceed with
27 the required steps in their pending applications.

1 Absent intervention from this Court, Petitioners will continue to suffer irreparable harm
2 as a result of their unlawful and ongoing detention, including the loss of their ability to pursue
3 their pending application and the continued deprivation of their liberty.

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

5 **Background and Personal History**

6 Petitioner, Mr. De Leon was born on August 27, 1967, and is a native and citizen of
7 Guatemala. Petitioner Ms. Carreto Yoc De Leon was born on February 27, 1972, and is a native
8 and citizen of Guatemala. They are husband and wife and similar situated individuals. They last
9 entered the United States on or about August 2006, without inspection and without being
10 admitted or paroled, together with their four children. They fled Guatemala due to a well-
11 founded fear that their life, as well as the lives of their family members, were in danger. Since
12 that time, they have continuously resided in the United States, where they have established their
13 life, developed strong family ties, and built their future.

14 **Family Relationships and Dependents**

15 Petitioners are the parents of four children, all of whom are recipients of Deferred
16 Action for Childhood Arrivals (DACA): Raquel, Gabriela, Jhensy, and Yeimy De Leon. In
17 addition to their children, Petitioners's immediate family includes their children and their U.S.
18 citizen grandchildren. They maintain close, meaningful, and supportive relationships with their
19 children, and grandchildren. These family ties demonstrate Petitioners deep-rooted and
20 longstanding connections to the United States.

21 **Circumstances Leading to Detention**

22 On January 30, 2026, in an effort to regularize their immigration status, Petitioners filed
23 Form I-914 and Form I-914A, seeking classification as a T nonimmigrant and a derivative T
24 nonimmigrant.

25 At the time of their entry into the United States, Petitioners fled Guatemala due to fear
26 for their safety and that of their family, they entered the United States with their children and
27 were encountered by immigration authorities. The family was ultimately allowed to enter the
28 United States and placed in removal proceedings. However, due to significant language barriers,

1 the stress and fear associated with fleeing to a new country, and the responsibility of caring for
2 their young children, Petitioners did not understand that they would later be required to appear
3 for a hearing before an Immigration Judge.

4 On August 2, 2006, a hearing was scheduled in Immigration Court. Petitioners and their
5 family were unaware of this hearing and, as a result, did not appear. Consequently, an order of
6 removal was issued *in absentia*, meaning that the Immigration Judge ordered removal because
7 the individual did not appear at the scheduled hearing, without the opportunity to present their
8 case or defenses. This removal order remained unknown to Petitioners and their family for
9 many years.

10 Years later, Petitioner Ms. Carreto Yoc De LEon wife was subjected to severe labor
11 exploitation, giving rise to eligibility for protection under the T visa provisions for victims of
12 human trafficking. As Petitioners are legally married, Petitioner De Leon became eligible to
13 seek derivative status. Accordingly, they filed their application for T nonimmigrant status on
14 January 30, 2026.

15 On February 25, 2026, Petitioners were scheduled to attend a biometrics appointment
16 with USCIS. This appointment is a mandatory step in the adjudication process, as it allows
17 USCIS to collect fingerprints and conduct background checks necessary to issue a bona fide
18 determination—a preliminary finding that the T visa application is facially sufficient and
19 establishes eligibility, which can provide interim protections while the application remains
20 pending.

21 However, when Petitioners appeared for their scheduled biometrics appointment in
22 compliance with USCIS requirements, they were apprehended by ICE pursuant to the 2006 in
23 absentia removal order.

24 **Immigration Proceedings and Current Custody**

25 Petitioners have remained in immigration custody since February 25, 2026, and are
26 currently detained at the Washoe County Jail under the custody and control of the Department
27 of Homeland Security, where they are awaiting removal from the United States.

1 Their imminent removal would effectively render their pending T visa application futile.
2 Moreover, removal would subject them to a ten-year bar from reentry to the United States,
3 making them ineligible to return during that period. Such consequences would impose
4 significant hardship on their children and grandchildren, who would be unable to travel to
5 Guatemala to maintain their relationship with them.

6 **III. JURISDICTION**

7 This Court has jurisdiction to review Petitioners' TRO Application.
8 Further, jurisdiction is not stripped by 8 U.S.C. §§ 1252(b)(9) or 1252(g).

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

10 Section 1252(b)(9) provides:

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

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

22 Here, Petitioners do not seek to challenge their prior removal order, nor do they contest
23 the government's authority to initiate or pursue removal proceedings against them. Rather, they
24 challenge the lawfulness of their arrest and continued detention, which arose from their
25 apprehension at a scheduled biometrics appointment while they was complying with a required
26 step in the adjudication of their pending T nonimmigrant application. Their claim presents a
27
28

1 discrete constitutional issue—whether the government may detain them under these
2 circumstances and, in doing so, interfere with their ability to access a mandated immigration
3 process—an issue that is wholly independent of whether they is ultimately removable.

4 As the Supreme Court has recognized, not all claims that arise in the immigration context
5 are barred from review, particularly where the petitioner is not seeking review of a removal order
6 itself. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). Petitioners’ claim falls squarely within
7 that distinction. They do not challenge the validity of their removal order or seek to halt removal
8 proceedings on that basis. Instead, their challenge is directed at the circumstances of their
9 detention—specifically, that they were apprehended while complying with a government-
10 mandated process and is now being detained in a manner that prevents them from completing
11 that process and pursuing their pending application.
12

13
14 Accordingly, Petitioners’ claims arise from the legality of their detention and the
15 constitutional implications of the government’s conduct, not from the initiation or existence of
16 removal proceedings. This case therefore presents an independent question appropriate for
17 review. Therefore, § 1252(b)(9) does not bar this Court from exercising jurisdiction over
18 Petitioners’ TRO Application.
19

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

21 8 U.S.C. § 1252(g) statute states:

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

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

3 Petitioners' claim does not arise from the government's decision to initiate removal
4 proceedings, adjudicate their removability, or execute a removal order. Instead, their claim
5 challenges the government's conduct in arresting and detaining them at a scheduled biometrics
6 appointment while they were complying with a mandatory step in the adjudication of their
7 pending T nonimmigrant application. This presents a distinct procedural and constitutional
8 issue—namely, whether the government may use a required compliance process as the basis to
9 detain an applicant and thereby interfere with their ability to pursue relief.
10

11 As the Supreme Court has cautioned, the phrase “arising from” in the immigration
12 context should not be interpreted so broadly as to encompass every claim that has some
13 connection to removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). The Court
14 rejected an expansive reading that would sweep in all claims tangentially related to removal,
15 particularly where doing so would insulate governmental conduct from judicial review. *Id.*
16 Similarly, the Ninth Circuit has recognized that constitutional challenges to detention and related
17 conduct fall outside the narrow scope of jurisdiction-stripping provisions where they do not
18 directly challenge removal itself. See *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir.
19 2006).
20
21

22 Here, Petitioners do not contest the government's authority to initiate proceedings against
23 them, nor do they seek review of any removal order. Rather, they seek relief from their detention,
24 which arose under circumstances that interfered with their ability to comply with a government-
25 mandated process and pursue their pending application. Their claims therefore arise from the
26 manner in which they were detained, not from the removal process itself.
27
28

1 Accordingly, because Petitioners' application does not challenge the commencement of
2 proceedings, the adjudication of removability, or the execution of a removal order, the
3 jurisdictional limitations set forth in 8 U.S.C. § 1252 do not apply.

4 In sum, this Court retains jurisdiction to hear Petitioners' constitutional claims. They do
5 not seeking to overturn a removal order or impede removal proceedings as such; rather, they
6 seeks urgent judicial relief from detention that is unlawful and constitutionally deficient under
7 the specific circumstances of their case.

9 **IV. LEGAL STANDARD**

10 Pursuant to Federal Rule of Civil Procedure 65, a court may grant preliminary injunctive
11 relief to prevent "immediate and irreparable injury." Fed R. Civ. P. 65(b). A preliminary
12 injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the
13 plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22, 129 S.
14 Ct. 365, 172 L. Ed. 2d 249 (2008). To obtain a preliminary injunction, a plaintiff must establish
15 four elements: "(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer
16 irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in its
17 favor, and (4) that the public interest favors an injunction." *Wells Fargo & Co. v. ABD Ins. &*
18 *Fin. Servs. Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014), as amended (Mar. 11, 2014) (*citing Winter*,
19 555 U.S. at 20).

22 In the Ninth Circuit, a preliminary injunction may also issue under the "serious
23 questions" test. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)
24 (affirming the continued viability of this doctrine post-Winter). According to this test, "serious
25 questions going to the merits and a balance of hardships that tips sharply towards the plaintiff
26 can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a
27
28

1 likelihood of irreparable injury, and that the injunction is in the public interest." *Id.* at 1135.

2 Courts in the Ninth Circuit evaluate "these factors on a sliding scale, such that a stronger
3 showing of one element may offset a weaker showing of another." *Recycle for Change v. City of*
4 *Oakland*, 856 F.3d 666, 669 (9th Cir. 2017).

5 **V. ARGUMENT**

6 **Petitioners warrant a Temporary Restraining Order.**

7
8 A temporary restraining order should be issued if "immediate and irreparable injury, loss,
9 or irreversible damage will result" to the applicant in the absence of an order. Fed. R. Civ. P.
10 65(b). The purpose of a temporary restraining order is to prevent irreparable harm before a
11 preliminary injunction hearing is held. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters &*
12 *Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974). Petitioners is likely
13 to remain in unlawful custody in violation of their due process rights without intervention by this
14 Court. Petitioners will continue to suffer irreparable injury if they continues to be detained without
15 due process.
16

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

18
19 Petitioners are likely to succeed on the merits of their claims because their arrest and
20 continued detention violate both the Fourth Amendment and the Due Process Clause of the Fifth
21 Amendment. Their claims do not challenge the validity of any removal order, but instead arise
22 from the manner in which the government effectuated their seizure and the resulting interference
23 with their ability to comply with a government-mandated immigration process.
24

25 With respect to the Fourth Amendment, Petitioners were apprehended by immigration
26 authorities at a scheduled biometrics appointment with U.S. Citizenship and Immigration
27 Services—a required step in the adjudication of their pending T nonimmigrant application. They
28

1 appeared voluntarily, at the time and place designated by the government, for the purpose of
2 complying with lawful procedures. Under these circumstances, the seizure was unreasonable. The
3 Fourth Amendment protects against unreasonable seizures, and courts must evaluate
4 reasonableness based on the totality of the circumstances.

5 Here, Petitioners were not evading authorities or engaging in unlawful conduct; rather,
6 they were complying with a mandatory process. The government's decision to use that
7 compliance as the basis for their arrest renders the seizure constitutionally suspect and
8 disproportionate to any legitimate enforcement interest.

9
10 Petitioners are also likely to succeed on their Fifth Amendment claim. The Due Process
11 Clause guarantees that no person shall be deprived of liberty without due process of law, and this
12 protection extends to all persons within the United States. See *Zadvydas v. Davis*, 533 U.S. 678,
13 690 (2001). At a minimum, due process requires that individuals be afforded a meaningful
14 opportunity to pursue relief and to comply with procedures established by the government.

15
16 Here, Petitioners had a pending T nonimmigrant application and were required to attend
17 a biometrics appointment as part of that process. This step was necessary for USCIS to verify
18 their identity, conduct background checks, and issue a bona fide determination. By detaining them
19 at the moment they appeared for this appointment, the government prevented them from
20 completing a mandatory component of the adjudication process. As a result, their ability to pursue
21 their application has been effectively obstructed.

22
23 The Supreme Court has cautioned against interpretations of immigration statutes that
24 would insulate such conduct from judicial review, particularly where constitutional concerns are
25 implicated. See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018). Petitioners' claim presents
26 precisely such a concern. The government created a process requiring compliance with specific
27
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1 procedural steps, yet used that compliance as the mechanism to detain them and block their access
2 to that process. This conduct undermines fundamental fairness and results in the deprivation of
3 liberty in a manner that is arbitrary and unjust.

4 Petitioners' continued detention further exacerbates these violations. They remain in
5 custody without the ability to complete biometrics and faces the imminent risk of removal, which
6 would effectively terminate their ability to pursue their pending application. Their detention
7 therefore operates not only as a restriction on their liberty, but also as a barrier to accessing the
8 immigration process itself.

9
10 Accordingly, because Petitioners have demonstrated that their seizure was unreasonable
11 under the Fourth Amendment and that their detention interferes with their due process rights under
12 the Fifth Amendment, they has established a strong likelihood of success on the merits.

14 **B. Irreparable Harm**

15 Petitioners will suffer irreparable harm in the absence of immediate relief. To obtain a
16 temporary restraining order, a petitioner must demonstrate that irreparable injury is likely without
17 such relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). That standard is met
18 here.

19
20 First, the loss of constitutional rights, even for a short period of time, constitutes
21 irreparable harm. See *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Petitioners'
22 continued detention stems from an unreasonable seizure and interferes with their due process
23 rights, as they was apprehended while complying with a government-mandated process and
24 remains detained in a manner that prevents them from completing that process. Each day that they
25 remain in custody, they continue to suffer an ongoing deprivation of their Fourth and Fifth
26 Amendment rights.
27
28

1 Second, Petitioners faces the imminent risk of removal from the United States before they
2 are able to complete the biometrics process required for adjudication of their pending T
3 nonimmigrant application. If removed, their ability to pursue that application will be effectively
4 extinguished. This constitutes irreparable harm, as the loss of an opportunity to seek immigration
5 relief cannot be remedied after the fact.

6
7 Third, Petitioners' detention is directly preventing them from complying with a mandatory
8 step in the adjudication of their application. Because they were detained at their biometrics
9 appointment and remain in custody without a clear mechanism to complete that requirement, their
10 application has been effectively stalled. This places them in an untenable position: they is required
11 to complete biometrics to proceed yet is prevented from doing so because of their detention. The
12 resulting harm—loss of access to the process itself—is immediate and irreparable.

13
14 Finally, Petitioners continue to suffer the inherent harms associated with detention,
15 including the loss of liberty and separation from their family. They have deep and longstanding
16 ties to the United States, including their wife, children, and grandchildren, all of whom depend
17 on them. Their continued detention disrupts these relationships and imposes significant hardship
18 that cannot be undone through later relief.

19
20 Accordingly, because Petitioners face ongoing constitutional violations, the imminent risk
21 of removal, and the loss of their ability to pursue their pending application, they has demonstrated
22 that irreparable harm is not only likely, but certain in the absence of immediate injunctive relief.

23 24 **C. Balance of the Equities and Public Interest**

25 The balance of equities and the public interest strongly favor Petitioners. When the
26 government is the opposing party, these factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).
27 In this case, both weigh decisively in favor of granting relief.
28

1 Petitioners face a profound and ongoing deprivation of liberty. They were detained while
2 complying with a government-mandated biometrics appointment and remains in custody in a
3 manner that prevents them from completing a required step in the adjudication of their pending T
4 nonimmigrant application. Absent relief, they face the imminent risk of removal before they are
5 afforded a meaningful opportunity to complete that process. The harm to Petitioners is therefore
6 immediate, concrete, and substantial.
7

8 By contrast, the burden on the government is minimal. Granting temporary relief would
9 not invalidate any removal order or prevent the government from pursuing removal proceedings
10 through lawful means. It would simply ensure that Petitioners is not detained in a manner that
11 interferes with their ability to comply with a required process and pursue relief available under
12 the law. Any administrative inconvenience, such as rescheduling biometrics or adjusting
13 enforcement timing, is slight when weighed against the significant constitutional and liberty
14 interests at stake.
15

16 The public interest also strongly supports relief. The public has a compelling interest in
17 ensuring that the government acts in accordance with the Constitution and does not deprive
18 individuals of liberty through unreasonable seizures or fundamentally unfair procedures. See
19 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). It is also in the public interest to
20 maintain the integrity of the immigration system by ensuring that individuals who comply with
21 required procedures are not penalized for doing so. Allowing the government to use mandatory
22 appointments as opportunities for detention undermines confidence in the system and discourages
23 lawful participation.
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1 In these circumstances, the equities weigh heavily in Petitioners' favor. They seek only
2 the opportunity to be free from unlawful detention and to complete the process required for their
3 pending application. The Constitution and the public interest both supports granting that relief.

4 **VI. CONCLUSION**

5 For the foregoing reasons, Petitioners have demonstrated that they are entitled to
6 emergency relief. They have shown a strong likelihood of success on the merits of their claims
7 that their arrest and continued detention violate the Fourth and Fifth Amendments, that they will
8 suffer immediate and irreparable harm absent relief, and that the balance of equities and public
9 interest weigh decisively in their favor.
10

11
12 Petitioners were detained while complying with a government-mandated biometrics
13 appointment necessary to pursue their pending T nonimmigrant application, and their continued
14 detention prevents them from completing that required process while exposing them to imminent
15 removal. Under these circumstances, the Constitution does not permit the government to use
16 compliance with its own procedures as the basis to deprive them of their liberty and obstruct
17 their access to relief.

18 Accordingly, Petitioners respectfully request that this Court grant their Application for a
19 Temporary Restraining Order, order their immediate release from custody, enjoin Respondents
20 from removing or transferring them outside the District of Nevada, and grant such further relief
21 as the Court deems just and proper.

22 Dated this 27th day of February 2026

23 Respectfully submitted,

24 *Karen Monrreal*

25 _____
26 Karen S. Monrreal, Esq.
27 Attorney for Petitioners
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