



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

'26CV1343 CAB VET

Jorge Antonio Gutierrez-Valtierra

Petitioner,

V.

**INJUNCTIVE RELIEF
TEMPORARY RESTRAINING ORDER**

Pamela Bondi, U.S. Attorney General,
Kristi Noem, Secretary of DHS,
Todd Lyons, Director of ICE,
Brian English, Warden of Miami Correctional Facility

Respondent's

**MOTION FOR TEMPORARY RESTRAINING ORDER,
AND
INJUNCTIVE RELIEF**

TEMPORARY RESTRAINING ORDER

Petitioner-Plaintiff Jorge Antonio Gutierrez-Valtierra moves this court *ex parte* for a Temporary Restraining Order that would, among other things, require his immediate release from his ongoing detention by agents of Immigration and Customs Enforcement (ICE) and prohibit his re-arrest without pre-detention hearing before an “IJ” Immigration judge at which ICE establishes by clear and convincing evidence that his detention is necessary to prevent hi FlightRisk or Protect the Public.

Background:

The evidence before this Court establishes that Jorge Antonio Gutierrez-Valtierra is a 44- year-old from Mexico who came into the United States in 2002 for a better life and future. Petitioner worked in construction since he arrived in the United States to provide for his family. Petitioner applied for a Cancellation of Removal through the Immigration Court but it was denied due to Petitioner having a Class A-Misdemeanor and Tax Evasion from 2016 and for been married with 2 wives. Petitioner first clears the waters in regard to the mistake about the 2 wives. Petitioner had been divorced from his 1st wife by the time he married the 2nd wife. Regarding the Texas Class A-Misdeamenor his wife never pressed charges against him but the State of Texas did. His wife never showed up to court or never wished to harm Petitioner by pressing charges since no harm was ever done by Petitioner towards his wife. Petitioner was also never informed by his counsel of any Immigration Consequences during the active case in Court and it is the reason why he plead guilty to the charges. Petitioner has 3 U.S.C. Children which the youngest is a boy of 9 years of age, then a girl of 18 years of age, then his oldest son of 20 years of age. All of his children study in school for a better future and need there father in there life. My wife is also a

U.S.C. By the name of Lucila Gutierrez and lives in Texas and also needs me in her life for support. Petitioner request that this Court grant the Temporary Restraining Order so Respondent's cannot transfer Petitioner out of the Jurisdiction of the Court or from the Otay Mesa Detention Center until the Habeas Corpus is adjudicated. My health has worsen because I have developed Depression, Anxiety, and Major Stress Disorder because of the period of detention I have spent in custody. I have not receieved any incident reports for misbehavior since I have been detained here at Otay Mesa Detention Center and have remained in good behavior while in ICE custody. I am requesting for this Temporary Restraining Order to be put in place so ICE won't be able to transfer me or deport me before this Habeas Corpus is adjudicated.

CITING CASES LAW; *Jose Anotonio Ambrocio Garcia Case No. 25-cv-03319-BAS-DEB (2025). cARMEN aRACELY pABLO sEQUEN Case No. 25-cv-06487-PCP, and many other cases that are being gathered.*

Jorge Antonio Gutierrez- Valtierra



Otay Mesa Detention Center

P.O. Box 439049

San Diego, CA 92143

Date: 2-21-2026

x Jorge Gutierrez