

HAO LIU
A-Number: [REDACTED]
Imperial Regional Detention Facility
1572 Gateway Road
Calexico, CA 92231

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HAO LIU,

Petitioner,

vs.

SIXTO MARRERO, Warden,
Imperial Regional Detention Facility;
TODD LYONS, Acting Director,
U.S. Immigration and Customs
Enforcement;
PATRICK DIVVER, Field Office
Director,
San Diego Field Office, ICE;
KRISTI NOEM, Secretary,
U.S. Department of Homeland Security,

Repondents.

Case No.: 3:26-cv-01406-BJC-JLB

AMENDED EMERGENCY MOTION
FOR TEMPORARY RESTRAINING
ORDER
AND MEMORANDUM OF POINTS
AND AUTHORITIES

Petitioner respectfully submits this Amended Emergency Motion for Temporary

1 Restraining Order to clarify the factual record and provide additional supporting
2 evidence. This motion supplements and supersedes the previously filed Emergency
3 Motion for Temporary Restraining Order.

4
5 **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**
6 **AND MEMORANDUM OF POINTS AND AUTHORITIES**
7

8 Petitioner Hao Liu respectfully moves this Court pursuant to Federal Rule of Civil
9 Procedure 65(b) for a Temporary Restraining Order (“TRO”) enjoining Respondents from
10 continuing to detain him and ordering his immediate release from immigration detention at the
11 Imperial Regional Detention Facility.

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14 This motion is brought in conjunction with Petitioner’s First Amended Petition for Writ
15 of Habeas Corpus under 28 U.S.C. § 2241, which details the unlawful and unconstitutional
16 nature of his detention.

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18 Petitioner requests that this Court grant the TRO without prior notice to Respondents, as
19 permitted under Rule 65(b)(1), because immediate and irreparable injury—including severe
20 health deterioration and potential death—will occur before Respondents can be heard in
21 opposition.
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23
24 Ex parte relief is necessary because Petitioner is currently detained under rapidly
25 deteriorating medical conditions, and any delay required to provide formal notice to Respondents
26 could result in irreversible harm or death before judicial review can occur. Courts routinely
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28

1 recognize that emergency injunctive relief without notice is appropriate where detainees face
2 imminent medical danger while in government custody.

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4 Supporting evidence is attached as Exhibits A–J.

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7 This motion is based on the attached memorandum of points and authorities, the First
8 Amended Petition for Writ of Habeas Corpus (incorporated herein by reference), the Declaration
9 of Hao Liu, and such further evidence as may be presented to the Court.

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11 Petitioner respectfully requests a telephonic hearing if deemed necessary by the Court.

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14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I. INTRODUCTION**

16
17 Petitioner Hao Liu is a law-abiding asylum seeker with no criminal record who was
18 previously granted humanitarian parole in January 2021 due to life-threatening medical
19 complications during prior immigration detention.

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21
22 Petitioner was hospitalized for seven days at Victor Valley Global Medical Center after
23 contracting COVID-19 during detention, suffering renal involvement, cardiac complications,
24 respiratory distress, and requiring intravenous treatment. (Ex. A). Medical records further
25 confirm Petitioner's history of kidney failure following these complications. (Ex. B).

1 Petitioner also suffers from chronic asthma and depressive disorder, requiring ongoing
2 medical and psychiatric treatment. Medical certifications and prescription records are attached as
3 Exhibit C.

4
5 Following his humanitarian parole release, Petitioner fully complied with all ICE
6 supervision requirements for approximately five years. He maintained lawful employment, filed
7 federal tax returns, and provided financial support for his family. Supporting documentation
8 includes his 2024 federal tax return and January 2026 paystub. (Exs. G-H).

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11 Petitioner is also the primary caregiver for his three-year-old U.S. citizen daughter,
12 whose citizenship documentation is attached as Exhibit I.

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14
15 On January 28, 2026, Petitioner was abruptly re-arrested without warrant, notice, or
16 hearing, in violation of due process and federal regulations.

17
18 His current detention at Imperial Regional Detention Facility has resulted in deliberate
19 indifference to his serious medical needs, including:

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21 abrupt discontinuation of medications

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23 a 45-pound weight loss

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26 hypotension
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gastrointestinal complications

punitive isolation conditions

Petitioner has repeatedly submitted medical requests seeking treatment, including requests for gastric medication and medical attention. These requests are documented in the facility medical request log. (Ex. D).

These conditions significantly worsen his underlying medical conditions, including:

kidney failure history

cardiac complications

asthma

gastrointestinal disorders

Petitioner's rapid weight loss, untreated chronic conditions, and dangerously low blood pressure create an imminent risk of organ failure, cardiac collapse, or other life-threatening complications if detention continues without immediate intervention.

Continued detention serves no legitimate purpose because:

Petitioner's asylum case remains pending

he complied with ICE supervision for five years

there are no new circumstances justifying detention

The government may reference a Chinese INTERPOL Red Notice, but that notice was already known at the time of his prior humanitarian parole release and does not justify detention.

Without immediate release, Petitioner faces irreparable harm, including potential multi-organ failure and severe harm to his U.S. citizen child.

II. FACTUAL BACKGROUND

The facts are fully set forth in the First Amended Petition for Writ of Habeas Corpus and incorporated herein.

Petitioner lawfully entered the United States in 2019 and filed for asylum in May 2020.

He was detained in Adelanto Detention Facility in September 2020 and subsequently contracted COVID-19, leading to severe medical complications requiring hospitalization. (Ex.

1 A).

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3 Medical records further document kidney failure complications resulting from that
4 illness. (Ex. B).

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7 Due to the severity of these medical conditions, ICE granted humanitarian parole in
8 January 2021. Documentation of this release is attached as Exhibit J.

9
10 After release, Petitioner fully complied with all ICE requirements, maintained lawful
11 employment, paid taxes, and supported his family. (Exs. G–H).

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14 Petitioner's child is a U.S. citizen minor. (Ex. I).

15
16 On January 28, 2026, he was re-arrested without warrant or notice, and ICE failed to
17 provide written termination of parole as required under 8 C.F.R. § 212.5(e)(2).

18
19 At Imperial Regional Detention Facility, Petitioner has suffered significant medical
20 decline.

21
22
23 He has repeatedly requested medical treatment, including medication for gastrointestinal
24 symptoms and other medical needs. (Ex. D).

25
26 Despite these requests, his condition has worsened.

Petitioner has also been placed in punitive isolation conditions, including confinement in a cold and damp cell with little sunlight and limited recreation.

These conditions violate constitutional standards established in *Bell v. Wolfish*, 441 U.S. 520 (1979).

These risks are particularly concerning given broader evidence of systemic medical problems at immigration detention facilities.

Recent reports document detainee deaths at Imperial Regional Detention Facility involving serious medical complications. (Ex. F).

A recent federal court preliminary injunction involving California City Detention Facility required enhanced medical monitoring and intervention for detainees with serious medical conditions. (Ex. E).

Without release, Petitioner's health is likely to deteriorate irreversibly.

III. LEGAL STANDARD

A TRO is warranted if the movant shows:

1 likelihood of success on the merits

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3 irreparable harm in the absence of relief

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5 balance of equities tips in their favor

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8 injunction is in the public interest

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10 Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008).

11
12 In the Ninth Circuit, serious questions going to the merits combined with a balance of
13 hardships may suffice.

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16 Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127 (9th Cir. 2011).

17
18 Federal courts have repeatedly granted emergency injunctive relief or habeas-based
19 release where continued immigration detention poses severe medical risks or violates
20 constitutional due process protections.

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23 **IV. ARGUMENT**

24 **A. Petitioner Is Likely to Succeed on the Merits**

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26 Petitioner's detention violates procedural due process under the Fifth Amendment, as he
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1 was deprived of liberty without notice, hearing, or opportunity to be heard.

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3 Mathews v. Eldridge, 424 U.S. 319 (1976).

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5 Under 8 U.S.C. §1226(a), detention is discretionary and requires an individualized bond
6 determination, which has not occurred.
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8
9 Parole revocation requires written notice, which was not provided.

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11 Medical neglect constitutes deliberate indifference.

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13 Estelle v. Gamble, 429 U.S. 97 (1976).

14
15 Punitive detention conditions for civil detainees violate Bell v. Wolfish.

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17 The Red Notice does not justify detention.

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19 Kharis v. Sessions (N.D. Cal. 2018).

20
21 Petitioner is therefore likely to succeed on the merits.

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24 **B. Petitioner Will Suffer Irreparable Harm Absent Relief**

1 Continued detention risks multi-organ failure, cachexia, and death, given Petitioner's
2 rapid medical deterioration.

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4 Separation from his U.S. citizen child also causes severe emotional harm.

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7 These harms are irreparable.

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9 **C. Balance of Equities**

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11 Petitioner faces life-threatening harm.

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13 Respondents face none.

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16 Petitioner successfully complied with supervision for five years.

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18 **D. Public Interest**

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20 Public interest supports:

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22 protecting constitutional rights

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24 preventing unnecessary detention
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1 avoiding medical crises

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3 **E. No Security Required**

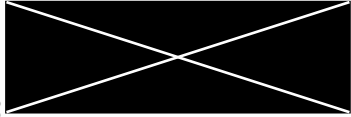
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5 Petitioner is indigent and no bond should be required under Rule 65(c).

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8 **V. CONCLUSION**

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10 For the foregoing reasons, Petitioner respectfully requests that the Court grant this
11 emergency motion and issue a Temporary Restraining Order ordering his immediate release
12 subject to reasonable supervision conditions.

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15 Dated: March 5, 2026

16 Respectfully submitted,

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19 Signature: 

20 HAO LIU

21 Petitioner, Pro Se