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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

XIAOYONG ZHANG, a.k.a.:
RENZENGDUOJIE, an individual;

Petitioner,

v.

SIXTO MARRERO, Warden of Imperial
Regional Detention Facility; MARCOS
CHARLES, Field Office Director of Imperial
ICE Field Office, U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations; TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;
Pamela BONDI, Attorney General of the United
States; KRISTI NOEM, Secretary of Homeland
Security, in their official capacities,

Respondents.

Case No. **'26CV1524 BJC MSB**

**APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
YUNCHAO SONG; DECLARATION OF
XIAOYONG ZHANG**

Petitioner XIAOYONG ZHANG also known as Renzengduojie ("Mr. Zhang" or "Petitioner") (Alien registration number: ) by and through his counsel, hereby moves this honorable Court for a temporary restraining order that (1) orders Petitioner's immediate release from Respondents' custody, (2) order Respondents to return Petitioner's personal belongings, including his driver's license, Employment Authorization Card, and Chinese identification cards; (3) upon release, prohibit Respondents from imposing conditions of supervision more restrictive than those previously in place, including the imposition of electronic monitoring, absent a hearing

Application for Temporary Restraining Order and Memorandum of Points and Authorities

1 consistent with due process; (4) enjoins Respondents from transferring, re-arresting, or re-detaining
2 Petitioner absent lawful process, including a pre-deprivation hearing before a neutral decisionmaker
3 at which the government establishes by clear and convincing evidence that detention is appropriate
4 to prevent his flight or to protect the public, and (5) requires, Respondents, should they choose to
5 conduct such a hearing, to provide Petitioner with reasonable advance notice of time and place of
6 the hearing.

7 This application is based upon Fed. R. Civ. P. 65, the accompanying Memorandum of Points
8 and Authorities, the Declaration of Counsel, the Declaration of XIAOYONG ZHANG, and any
9 further information presented to the Court in connection with this application.

10
11 Dated: March 9, 2026

Juris Path Law Firm, PC

12
13 /s/Yunchao Song

14 Yunchao Song, Esq.

15 Attorneys for Petitioner XIAOYONG ZHANG
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I. INTRODUCTION

Petitioner XIAOYONG ZHANG is currently in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner seeks the urgent exercise of this Court's equitable power to order his immediate release from the unlawful immigration detention.

On or about November 4, 2025, ICE officers re-detained Petitioner while he was traveling home from Arizona, approximately two years after he entered the United States without inspection and was subsequently released from custody. Following his release, Petitioner complied diligently with all reporting requirements and did not violate any local, state, or federal laws. Nonetheless, ICE re-detained Petitioner without notice that his release had been revoked and without providing him a hearing prior to depriving him of his liberty.

Because Petitioner had previously been released under 8 U.S.C. § 1226, he possesses a protected liberty interest in remaining free from detention absent lawful process. Respondents deprived Petitioner of that liberty without providing the procedural protections required by the Fifth Amendment, including a pre-deprivation hearing before a neutral decisionmaker.

Under these circumstances, Petitioner is likely to prevail on his claims that his detention violates the Due Process Clause. The balance of equities overwhelmingly favors release, and the public interest is served, not harmed, by enforcing constitutional limits on civil detention. Accordingly, Petitioner respectfully but urgently requests that this Court issue a temporary restraining order ordering his immediate release.

II. FACTUAL BACKGROUND ¹

Mr. Zhang, an ethnic Tibetan and a native and citizen of China, entered the United States on or around April 22, 2023, without inspection. After his entry, Petitioner was subsequently apprehended by ICE. Declaration of XIAOYONG ZHANG, ¶ 2.

On or about May 3, 2023, Mr. Zhang was released from ICE custody pursuant to an Order of Release on Recognizance. That same day, the Department of Homeland Security (DHS) issued him a Notice to Appear charging that he was removable pursuant to § 212(a)(6)(A)(i) of the

¹ Petitioner includes this factual background in this application as a summary for the Court. The complete factual background is set forth in his Declaration in Support of the Application for Temporary Restraining Order.

1 Immigration and Nationality Act. *Id.* ¶¶ 3,4.

2 Following his release, Mr. Zhang filed an application for asylum on or about October 23,
3 2023. *Id.* ¶ 5.

4 Since this release, Petitioner has diligently and consistently complied with all reporting
5 requirements, worked to support himself, paid taxes, and regularly attended services at the Buddha
6 Center. He has lived openly and peacefully as a contributing member of his community. Mr. Zhang
7 has no criminal history and has never violated any local, state, or federal laws. *Id.* ¶ 6.

8 On or about November 4, 2025, while Mr. Zhang was traveling home from Arizona with a
9 friend, ICE agents stopped the vehicle at a checkpoint and detained Mr. Zhang without providing
10 any explanation for his re-detention. Mr. Zhang was then transported to the ICE office in Calexico,
11 California, where he has remained detained since that date. *Id.* ¶ 7.

12 When Petitioner was taken into custody, ICE officers confiscated his personal belongings,
13 including his driver's license, Employment Authorization Card, and Chinese identification cards.
14 *Id.* ¶ 8.

15 At no time prior to his re-detention was Petitioner notified that his release had been revoked
16 or that he would be re-detained. Petitioner was not provided with a bond hearing or any opportunity
17 to contest his detention prior to being deprived of his liberty. Additionally, when ICE agents
18 detained Petitioner, they did not present or show him any warrant authorizing my detention.

19 III. NOTICE TO OPPOSING PARTY

20 Petitioner respectfully requests that the Court issue a temporary restraining order without
21 advance notice to the Respondents' counsel because providing such notice would risk immediate
22 and irreparable harm to Petitioner. *See* Declaration of Yunchao Song.

23 Specifically, advance notice could prolong or extend Petitioner's detention. In addition,
24 such notice could create a substantial risk that Respondents could transfer Petitioner to a detention
25 facility outside the jurisdiction of this Court prior to a ruling on this Application. Declaration of
26 Yunchao Song, ¶¶ 2-4.

27 IV. LEGAL ARGUMENT

28 In order to obtain a preliminary injunction, a plaintiff must establish (1) "that he is likely to
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succeed on the merits,” (2) “that he is likely to suffer irreparable harm in the absence of preliminary relief,” (3) “that the balance of equities tips in his favor,” and (4) “that an injunction is in the public interest.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbard Int’l Sales Co v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and temporary restraining orders are “substantially identical”).

“[I]f a plaintiff can only show that there are ‘serious questions going to the merits’—a lesser showing than likelihood of success on the merits—then a preliminary injunction may still issue if the ‘balance of hardships tips sharply in the plaintiff’s favor and the other two *Winter* factors are satisfied.” *All. for the Wild Rockies v. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)). “Where, as here, the party opposing injunctive relief is a government entity, the third and fourth factors—the balance of equities and the public interest—merge.” *Hubbard v. City of San Diego*, 139 F.4th 843, 854 (9th Cir. 2025).

Although the substantive standards for both motions are similar, the timeframe for a temporary restraining order is different. While a preliminary injunction remains in effect pending final resolution of the litigation, “a TRO ‘should be restricted to ... preserving the status quo and preventing irreparable harm just so long as is necessary to hold a [preliminary injunction] hearing and no longer.’” *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018) (quoting *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974)).

Federal Rule of Civil Procedure 65(b)(1) allows a temporary restraining order to be issued without notice to the opposing party—i.e., *ex parte*—only if “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition” and “the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.”

Mr. Zhang satisfied all of these requirements. Accordingly, this Court should use its equitable power to order his immediate release.

A. Petitioner is likely to succeed on the merits.

Petitioner is likely to succeed on the merits of his claim that the Due Process Clause entitles him to a hearing before he may be re-detained.

Procedural Due Process

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The government cannot deprive any person of “life, liberty, or property, without due process of law[.]” U.S. Const. Amend. V. Due process extends to “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

1. Petitioner possesses a protected liberty interest.

A protected liberty interest may arise from a conditional release from physical restraint. *Young v. Harper*, 520 U.S. 143, 147–49 (1997). Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *See id.* (Due Process requires hearing before revocation of preparole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context).

To determine whether a specific conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted); *see also Clene C.D. v. Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2026 WL 84302 (E.D. Cal. Jan. 12, 2026).

In *Morrissey*, the Supreme Court explained that parole “enables [the parolee] to do a wide range of things open to persons” who have never been in custody or convicted of any crime, including to live at home, work, and “be with family and friends and to form the other enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482. “Though the [government] properly subjects [the parolee] to many restrictions not applicable to other citizens, his condition is very different from that of confinement in a prison.” *Id.* “The parolee has relied on at least an implicit

promise that parole will be revoked only if he fails to live up to the parole conditions.” *Id.* The revocation of parole undoubtedly “inflicts a grievous loss on the parolee.” *Id.* (quotations omitted). Therefore, a parolee possesses a protected interest in his “continued liberty.” *Id.* at 481–84.

Immigration officials’ release of Petitioner pursuant to 8 U.S.C. § 1226(a) was similar. Among other things, it allowed him to live in the United States and seek relief in his removal proceedings. *See Clene C.D. v. Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2026 WL 84302 (E.D. Cal. Jan. 12, 2026); *see also Pinchi v. Noem*, No. 25-cv-05632, 2025 WL 1853763 (N.D. Cal. July 4, 2025).

A noncitizen released from custody pending removal proceedings therefore has a protected liberty interest in remaining out of custody. *See Faizyan v. Casey* No. 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025); *Perez v. LaRose*, No. 3:25-cv-02620-RBM-JLB, 2025 WL 3171742, at *2 (S.D. Cal. Nov. 13, 2025); *Meza v. Bonnar*, 2018 WL 2554572 (N. D. Cal. June 4, 2018).

Accordingly, Petitioner has a substantial liberty interest in not being detained. He has been living in the United States for more than two years, has been working and supporting himself, and has developed extensive community ties.

2. Petitioner’s Liberty Interest Mandated a Hearing Before any Re-detention

“Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the state must provide to satisfy due process.” *Haygood v. Younger*, 769 F.2d 1350, 1352 (9th Cir. 1985). The court must “balances [Petitioner’s] liberty interest against the [government’s] interest in the efficient administration of” its immigrations laws in order to determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of liberty. *Id.* at 1357.

The three-factor *Mathews* test (adopted by the Court of Appeals for the Ninth Circuit, *see Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206-07 (9th Cir. 2022)), helps the Court assess adequate safeguards: “[F]irst, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative

1 value, if any, of additional or substitute procedural safeguards; and finally the government's interest,
2 including the function involved and the fiscal and administrative burdens that the additional or
3 substitute procedural requirements would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

4 The Due Process Clause typically requires a hearing of some sort before the government
5 may deprive a person of liberty. *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (*see also United*
6 *States v. Raya-Vaca*, 771 F.3d 1195, 1204 (9th Cir. 2014) ("Due process always requires, at a
7 minimum, notice and an opportunity to respond."). Courts typically require evidence of urgent
8 concerns or an especially strong government interest to justify a post-deprivation hearing. *See*
9 *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021, 1036 (N.D. Cal. 2025); *United States v. James*
10 *Daniel Good Real Prop.*, 510 U.S. 43, 53, 59–61 (1993) ("We tolerate some exceptions to the
11 general rule requiring pre-deprivation notice and hearing, but only in extraordinary situations where
12 some valid governmental interest is at stake that justifies postponing the hearing until after the
13 event[,] such as "executive urgency." (internal quotations omitted)).

14 The first *Mathews* factor, Petitioner has a significant private interest in remaining free from
15 detention. "Freedom from imprisonment—from government custody, detention, or other forms of
16 physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*
17 *v. Davis*, 533 U.S. 678, 690 (2001). Federal district courts in California, including this Court, have
18 repeatedly found that noncitizens, like Petitioner, who were previously detained, placed in removal
19 proceedings, found to be neither a flight risk nor a danger to the community, and released on their
20 own recognizance, "therefore maintain a 'protected liberty interest in remaining out of custody.'" *Zhibin Xie v. Larose*, No. 3:25-cv-03649-RBM-MSB, 2026 WL 92066, at *5 (S.D. Cal. Jan. 13,
21 2026) (citing *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032–33 (N.D. Cal. 2025)). The longer the
22 individual has been released, the more important his liberty interest grows. *Morrissey v. Brewer*,
23 408 U.S. 471, 482 (1972).

24
25 There is a "significant risk that the government will erroneously deprive [Petitioner] of [his]
26 liberty interest if it does not provide [him] with a pre-detention hearing, where, as here, 'the
27 [Petitioner] has not received any bond or custody...hearing.'" *Pinchi v. Noem*, 792 F. Supp. 3d
28 1025, 1032–33 (N.D. Cal. 2025) (citing *Singh v. Andrews*, No. 1:25-CV-00801, 2025 U.S. Dist.

1 LEXIS 132500, 2025 WL 1918679 (E.D. Cal. July 11, 2025)).

2 Civil immigration detention must be “nonpunitive in purpose” and bear a “reasonable
3 relation” to the authorized statutory purposes of preventing flight and danger to the community.
4 *Zadvydas*, 533 U.S. at 690 (citation omitted). However, the government has offered no evidence
5 that Petitioner’s detention would serve either purpose.

6 Petitioner was released on his own recognizance after his initial detention at the border. By
7 releasing Petitioner, immigration officers necessarily determined that he is neither flight risks nor
8 dangers to the community. *See Zapata v. Kaiser*, 801 F. Supp. 3d 919, 938 (N.D. Cal. 2025).

9 Under these circumstances, the risk of erroneous deprivation is high given the possibility
10 that Petitioners’ re-detention will not be pursuant to a valid state interest.

11 Further, any argument that noncitizens can request a custody determination hearing once
12 re-detained goes against the due process safeguards envisioned in the Constitution, because such
13 hearing happens after the fact and cannot prevent an erroneous deprivation of liberty. *Domingo v.*
14 *Kaiser*, No. 25-cv-05893 (RFL), 2025 WL 1940179, at *3 (D. Cal. July 14, 2025) (“Even if
15 Petitioner-Plaintiff received a prompt post-detention bond hearing under 8 U.S.C. § 1226(a) and
16 was released at that point, he will have already suffered the harm that is the subject of his motion:
17 that is, his potentially erroneous detention.”).

18 As to the third factor, the government’s interest in re-detaining Petitioner without a pre-
19 detention hearing is low “because ICE previously made the determination to release [him], and
20 there is no evidence in the record of any changed circumstances that might cause ICE to reconsider
21 its parole determination.” *Aviles-Mena v. Kaiser*, No. 25-cv-06783-RFL, 2025 WL 2578215, at *16
22 (N.D. Cal. Sep. 5, 2025); *Ortega v. Bonmar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

23 Further, additional procedural safeguards, including a hearing before a neutral decision-
24 maker, are “one of the most basic due process protections” and would place a “de minimis . . .
25 burden on the government,” especially in light of the potential costs to the public by keeping
26 Petitioner detained. *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other*
27 *grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006).

28 Taken together, the *Mathews* factors show that Petitioner is entitled to a bond hearing, which

1 should have been provided before Petitioner was detained.

2 **Substantial Due Process**

3 In addition, Petitioner's re-detention without a pre-deprivation also violated the
4 Constitution substantively.

5 Freedom from government custody "lies at the heart of the liberty" protected by the Due
6 Process Clause. *Zadvydas*, 533 U.S. at 690. For that reason, nonpunitive government detention
7 violates the Due Process Clause unless the detention is ordered "in certain special and narrow . . .
8 circumstances, where a special justification . . . outweighs the individual's constitutionally protected
9 interest in avoiding physical restraint." *Id.* (citations omitted).

10 In the context of civil immigration detention, the two "regulatory goals" of the Immigration
11 and Nationality Act provisions governing such detention, "ensuring the appearance of aliens at
12 future immigration proceedings" and "preventing danger to the community," can provide such
13 "special justification." *Id.* (citations omitted); *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032-
14 33 (N.D. Cal. 2025).

15 Although "[t]he government has legitimate interests in protecting the public and in ensuring
16 that noncitizens in removal proceedings appear for hearings," "the government has no legitimate
17 interest in detaining individuals who have been determined not to be a danger to the community
18 and whose appearance at future immigration proceedings can be reasonably ensured by a lesser
19 bond or alternative conditions." *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).

20 Due process requires that "the nature and duration" of detention "bear some reasonable
21 relation to the purpose for which the individual is" detained. *Jackson v. Indiana*, 406 U.S. 715, 738
22 (1972).

23 Petitioner was released on his own recognizance after a finding that he was neither a flight
24 risk nor a danger to the community. In other words, the justifications for civil immigration detention
25 were not present in his case. Following his release in 2023, Petitioner diligently complied with the
26 reporting requirements and has no criminal record. There is no evidence suggesting that Petitioner
27 poses a danger to the community or a flight risk. Accordingly, Petitioner's detention lacks a valid
28 basis and violates Petitioner's right to be free from impermissible government custody. *See*

1 *Zadvydas*, 533 U.S. at 690.

2 **B. The risk of irreparable harm is undeniable.**

3 The Ninth Circuit recognizes “irreparable harms imposed on anyone subject to immigration
4 detention,” including “the economic burdens imposed on detainees and their families as a result of
5 detention[.]” *Hernandez v. Sessions*, 872 F.3d at 995(9th Cir. 2017). Such harm is present here. As
6 a result of Mr. Zhang’s detention, he was not able to earn income or manage his personal and
7 financial affairs, causing ongoing economic and familial harm that cannot be remedied after the
8 fact.

9 Even if this was not sufficient to establish irreparable harm, “[t]he loss or threatened
10 infringement upon [constitutional] rights for even minimal periods of time unquestionably constitutes
11 irreparable injury.” *Cuviello v. City of Vallejo*, 944 F.3d 816, 832 (9th Cir. 2019). “When an alleged
12 deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable
13 injury is necessary.” *Baird v. Bonta*, 81 F.4th 1036, 1042 (9th Cir. 2023).

14 Here, Mr. Zhang has been deprived of his fundamental liberty interest in remaining free
15 from physical restraint without due process. Thus, each additional day of unlawful detention
16 compounds that constitutional injury.

17 **C. The balance of equities and the public interest tip in Petitioner’s favor.**

18 The final two *Winter* factors, the balance of the equities and the public interest, are merged
19 because the government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Because Mr.
20 Zhang’s ongoing detention without a bond hearing “is inconsistent with federal law . . . the balance of
21 hardships and public interest factors weigh in favor” of granting the temporary restraining order.
22 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019). “Because public interest
23 concerns are implicated when a constitutional right has been violated, all citizens have a stake in
24 upholding the Constitution, meaning it is always in the public interest to prevent the violation of a
25 party’s constitutional rights.” *Baird*, 81 F.4th at 1042.

26 Where Mr. Zhang is suffering irreparable harm in detention, the potential harm to the
27 government—at worst, a short delay in detaining Mr. Zhang until it makes the requisite showing of
28 necessity before a neutral decisionmaker—is minimal. *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL

1676854, at *3 (N.D. Cal. June 14, 2025).

D. Petitioner’s immediate release is required to return his to the status quo.

The “status quo” refers to the state of the parties’ relationship “before the action challenged in the complaint occurred.” *Youth 71Five Ministries v. Williams*, No. 24-101, F.4th, 2025 WL 2385151, at *5 (Aug. 18, 2025). Here, that is the moment prior to ICE’s likely illegal detention. *See Pablo Sequen*, F. Supp. 3d, 2025 WL 2650637, at *4 n.2; *Kuzmenko v. Phillips*, No. 25-CV-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025) (granting a temporary restraining order requiring immediate release of the petitioner back to home confinement from custody, as a restoration of the status quo.)

E. The Court should waive the required security.

Although Federal Rule of Civil Procedure 65(c) can require security for a temporary restraining order, a district court “has discretion as to the amount of security required, if any.” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). No security is appropriate where, as here, there is no quantifiable harm to the restrained party and where the order is in the public interest. *Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126 (9th Cir. 2005); *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009).

Courts regularly waive security in cases like this one. *See Diaz v. Brewer*, 656 F.3d 1008, 1015 (9th Cir. 2011). As discussed above, Respondents face no cognizable or quantifiable harm from complying with a court order requiring Mr. Zhang’s release or prohibiting further detention absent due process. By contrast, the requested relief is squarely in the public interest, as it prevents the ongoing violation of Mr. Zhang’s constitutional rights.

Accordingly, the Court should waive the security requirement.

V. CONCLUSION

For the foregoing reasons, Mr. Zhang has satisfied all requirements for temporary injunctive relief, and such relief is necessary to preserve the *status quo* and prevent irreparable harm. Petitioner respectfully and urgently requests that this Court grant his application for a Temporary Restraining Order, order his immediate release from custody, order Respondents to return all of his personal belongings, including his driver’s license, Employment Authorization Card, and Chinese

1 identification cards, prohibit Respondents from imposing conditions of supervision more restrictive
2 than those previously in place, including the imposition of electronic monitoring, absent a hearing
3 consistent with due process, enjoin Respondents from continuing to detain his absent compliance
4 with applicable statutory and constitutional requirements, waive the security requirement, and grant
5 such other and further relief as the Court deems just and proper.

6
7 Dated: March 9, 2026

Juris Path Law Firm, PC

8
9 /s/Yunchao Song

Yunchao Song, Esq.

10 Attorneys for Petitioner XIAOYONG ZHANG,
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DECLARATION OF YUNCHAO SONG

I, Yunchao Song, declare:

1. I am an attorney with Juris Path Law Firm, PC. I am licensed to practice law in the State of California, and I am admitted to practice in this Court. I represent Petitioner XIAOYONG ZHANG, a.k.a.: RENZENGDUOJIE in this matter.

2. This Application is submitted on an *ex parte* basis because providing advance notice to Respondents would create a substantial risk of immediate and irreparable harm to Petitioner.

3. First, advance notice to Respondents could prolong or extend Petitioner's detention before the Court has an opportunity to review the legality of that detention. Petitioner is currently in immigration custody, and each additional day of detention causes ongoing and irreparable harm.

4. Second, and critically, providing advance notice creates a risk that Respondents could transfer Petitioner to another detention facility outside the jurisdiction of this Court before the Court rules on this Application. Such a transfer would impair Petitioner's access to counsel, disrupt these proceedings, and potentially deprive this Court of effective jurisdiction to adjudicate Petitioner's claims.

5. For these reasons, immediate relief without prior notice is necessary to prevent irreparable harm, and ensure that this Court's review is not rendered ineffective by unilateral executive action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 9, 2026, at City of Industry, California.

/s/Yunchao Song
Yunchao Song, Esq.

Yunchao Song (SBN 323484)
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City of Industry, CA 91748
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Attorneys for Petitioner Xiaoyong Zhang a.k.a.: Renzengduojie

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

XIAOYONG ZHANG, a.k.a.:
RENZENGDUOJIE, an individual;

Petitioner,

v.

SIXTO MARRERO, Warden of Imperial
Regional Detention Facility; MARCOS
CHARLES, Field Office Director of Imperial
ICE Field Office, U.S. Immigration and Customs
Enforcement, Enforcement and Removal
Operations; TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;
Pamela BONDI, Attorney General of the United
States; KRISTI NOEM, Secretary of Homeland
Security, in their official capacities,

Respondents.

Case No.

**DECLARATION OF XIAOYONG ZHANG
IN SUPPORT OF PETITIONER'S
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

I, Xiaoyong Zhang, also known as Renzenduojie, declare as follows:

1. I am the Petitioner in this action. I have personal knowledge of the facts stated herein, except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called as a witness, I could and would testify competently thereto.

2. I am an ethnic Tibetan, a native and citizen of the People's Republic of China. I entered the United States in or around April 22, 2023, without inspection and was apprehended by Immigration and Customs Enforcement ("ICE"). I have resided in the United States since that time.

3. On or about April 29, 2023, the Department of Homeland Security (DHS) issued me

DECLARATION IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

1 a Notice to Appear, alleging that I was subject to removal from the United States. *A true and correct*
2 *copy of my Notice to Appear is attached hereto as Exhibit A.*

3 4. On or about May 3, 2023, I was released from ICE custody pursuant to a Notice of
4 Custody Determination and an Order of Release on Recognizance. *A true and correct copy of the*
5 *Notice of Custody Determination and Order of Release on Recognizance is attached hereto as*
6 *Exhibit B.*

7 5. On or about October 23, 2023, I filed my Form I-589 application for asylum. *A true*
8 *and correct copy of the I-589 Application for Asylum with declaration is attached hereto as Exhibit*
9 *C.*

10 6. I have established a stable and productive life in the United States. I have
11 consistently worked to support myself, paid taxes, regularly attended services at the Buddha Center,
12 and diligently studied English to improve my language skills. I have lived openly and peacefully
13 as a contributing member of my community. I have no criminal history and have never violated
14 any local, state, or federal laws.

15 7. On or about November 4, 2025, while I was traveling home from Arizona as a
16 passenger in a vehicle driven by a friend, ICE agents stopped the vehicle at a checkpoint and
17 detained me without providing any explanation for my re-detention at that time. I was then
18 transported to the ICE office in Calexico, California, where I remain detained.

19 8. When I was taken into custody, my personal belongings, including my driver's
20 license, Employment Authorization Card, Chinese identification cards bearing both my passport
21 name and Tibetan name, Apple phone, and wallet, were taken from me.

22 9. At no time prior to my re-detention was I notified that my release had been revoked
23 or that I would be re-detained. I was not provided with a bond hearing or any opportunity to contest
24 prior to my detention. Additionally, when ICE agents detained me, they did not present or show me
25 any warrant authorizing my detention.

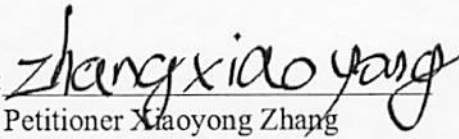
26 10. Since my detention, I have been unable to work or manage my personal affairs. I
27 have lost income and have been separated from my community and daily life. Each additional day
28 of detention causes me ongoing hardship that cannot be remedied later.

DECLARATION IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: March 9, 2026

By: 
Petitioner Xiaoyong Zhang