



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

Efrain Barrios-Perez

'26CV1622 BJC VET

Petitioner,

V.

**INJUNCTIVE RELIEF
TEMPORARY RESTRAINING ORDER**

Pamela Bondi, U.S. Attorney General,
Kristi Noem, Secretary of DHS,
Todd Lyons, Director of ICE,
Christopher LaRose, Warden of Otay Mesa Detention Center

Respondent's

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

TEMPORARY RESTRAINING ORDER

Petitioner-Plaintiff, Efrain Barrios-Perez 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 his Flight Risk or Protect the Public.

Background:

The evidence before this Court establishes that Efrain Barrios-Perez is a 36-year-old from Mexico. Petitioner came into the United States from Mexico for a better life and future in 2006. Petitioner was later in 2008 arrested for a Controlled Substance in the State of Idaho and deported to Mexico. Petitioner came back into the United States in 2010 and remained out of trouble with the law and opened his Construction Company “EBP” Drywall and pays income tax and is registered in the State of Idaho to help his family since he had already had his U.S.C daughter in 2008 and his U.S.C wife who he is legally married to and she filed a I-130 family Petition to Adjust his Status to a Lawful Permanent Resident and is currently pending with the USCIS and most than likely will be approved due to Petitioner not having any extensive criminal history that outright bars him from obtaining his status. Petitioner most recently in late 2024 was charged with an Illegal Re-entry charge by the U.S. Marshall's and was allowed to remain free and show up to all his Court hearings up until July,7,2025 when Federal District Judge David C. Nye sentenced Petitioner to a term of 5 months 7 days in Federal custody. Again Petitioner was allowed to go home to his family until he was informed through a letter in Mail from the Federal

Court that Petitioner had to turn himself into Federal Custody in the San Diego Federal Building in San Diego, California where Petitioner would serve his sentence. Petitioner was always in Court in time never missing any process of the case. Petitioner here shows that he is not a Flight Risk and or a danger to the community since unequivocally Petitioner can show that he abides by the law and follows the instructions given to him by a Federal Court. His Probation Officer Katie Hedrick can contest to the way Petitioner always followed his Probation Conditions and never failed to show up either to Court or to his Probation's Meetings. Petitioner has no other type of Criminal Convictions or arrest that amount to classifying Petitioner as a Danger to the community or a Flight Risk since Petitioner does not have any Failure to Appear, Absconding, or Fleeing from the Law. Here it is unequivocally clear that Respondent's have an interest against Petitioner in having him under detention and ultimately deported. Petitioner's Due Process is unequivocally being violated and deserves to be released under this Habeas Corpus. Petitioner requests 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 worsened because I have developed Depression, Anxiety, and Major Stress Disorder because of the detention I have spent in custody and not being able to be by the side of my immediate family. I have not received any incidents 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 Antonio Ambrocio Garcia Case No. 25-cv-03319-BAS-DEB (2025). Carmen Araceli Pablo Sequen Case No. 25-cv-06487-PCP, and F.T.C v. Dean Foods and many other cases that are being gathered.*

Date: _____

Efrain Barrios-Perez



Otay Mesa Detention Center
P.O. Box 439049
San Diego, CA 92143

Sincerely,
