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

10 **In the Matter of**)

11 **DEYBIS RAFAEL ARIAS-CHACON**)

12 )
13 Petitioner)

14 **Motion for Temporary Restraining**
15 **Order Against Respondents**

16 **Warden of Imperial Regional Detention Facility,**)
17 **Kristi Noem, Secretary of the U.S. Department**)
18 **of Homeland Security**)
19 **Pam Bondi, Attorney General of the United**)
20 **States**)
21 **U.S Immigration Customs Enforcement**)
22 **U.S. Department of Homeland Security**)
23 **In their official capacities**)
24 **Respondents**)



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I. INTRODUCTION

1. Petitioner respectfully moves for a Temporary Restraining Order (“TRO”) pending adjudication of his Petition for a Writ of Habeas Corpus. Petitioner requests the Court to order Respondents to cease any ongoing action and refrain from taking any additional actions toward effectuating Petitioner’s removal from the United States, until the Court has adjudicated his petition and complaint. Absent immediate injunctive relief, Respondents will likely remove or transfer Petitioner, causing irreparable harm. The removal or transfer of Petitioner would permanently deprive Petitioner of access to this Court and violate Due Process protections.
2. Petitioner further faces a substantial risk of persecution and torture if removed to Venezuela, where he has been previously threatened due to his political opposition to the Maduro regime.

II. Statement of Facts

3. Petitioner is currently detained at Imperial Regional Adult Detention Facility in Calexico, California.
4. Petitioner is a citizen and national of Venezuela. He entered the United States on or about May 1, 2021, near Del Rio, Texas, without inspection, fleeing political persecution and fearing for his life due to his opposition to the Venezuelan government. Petitioner sought refuge in the United States for the purpose of requesting asylum and related humanitarian protection.
5. Petitioner has no criminal history, does not pose a danger to the community, and has demonstrated no flight risk. His detention is based solely on his immigration status and not on any individualized finding of dangerousness or risk.



1 6. Petitioner was previously granted Temporary Protected Status (TPS), reflecting the U.S.
2 government's recognition of dangerous country conditions in Venezuela.

3 7. Respondents now seek to remove Petitioner from the United States without affording him
4 the procedural protections guaranteed by the Fifth Amendment, including a full and fair
5 hearing, meaningful consideration of his evidence, and access to judicial review sufficient
6 to test the legality of his detention and removal.
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8 8. Petitioner remains detained while removal is imminent, despite Respondents' failure to
9 provide constitutionally adequate procedures to ensure that his fear-based claims were
10 lawfully and fairly adjudicated.

11 9. These circumstances necessitate emergency injunctive relief.

12 10. Petitioner is currently in active removal proceedings following issuance of a Notice to
13 Appear dated January 19, 2026, and his claims for relief remain pending.
14

15 11. On March 17, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging the
16 legality of his detention.

17 12. Petitioner continues to face an imminent threat of removal.

18 **III. ARGUMENT**

19 13. Where a party requests a TRO that enjoins governmental action, the party must demonstrate
20 that "he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the
21 absence of the preliminary relief, that the balance of equities tip in his favor, and that an
22 injunction is in the public interest." *Winter v. Natural Resources Def. Council, Inc.*, 555
23 U.S. 7, 20 (2008). Here, because Petitioner meets both the irreparable harm and likelihood
24 of success prongs, and because the requested relief is not overly burdensome on
25 Respondents, he merits such relief.
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28 **PETITIONER IS LIKELY TO SUCCEED ON THE MERITS**



1 14. To satisfy that he is likely to succeed on the merits, Petitioner need demonstrate only a
2 reasonable probability or that “serious questions” going to the merits are raised. *Alliance*
3 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011). Petitioner meets
4 this standard.

5
6 15. Petitioner’s habeas petition challenges the legality of his continued detention under 8
7 U.S.C 1226(a) and the Due Process Clause of the Fifth Amendment. He has only a no
8 criminal history with no current charges or custodial sentencing, is seeking asylum, and
9 has demonstrated compliance with all immigration proceedings. These facts support the
10 finding that Petitioner’s continued detention without due process is unlawful.

11 16. Civil immigration detention must be reasonably related to its purpose and accompanied by
12 sufficient procedural protections. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
13 Constitutional due process limits remain fully applicable in such cases.
14

15 17. Here, Petitioner has raised serious constitutional questions regarding prolonged detention
16 without having any criminal record and no flight risk. These claims are sufficient to show
17 that there is a likelihood of success in Petitioner’s claim, or serious questions going to the
18 merits of Petitioner’s claim.

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20 **PETITIONER WILL SUFFER IRREPARABLE HARM IF HE IS REMOVED**

21 18. Under the four-factor test, “a showing of irreparable harm is the single most important
22 prerequisite for the issuance of preliminary injunction. *Faiveley Transport Malmo AB v.*
23 *Wabtec Corp.*, 559 F.3d 110, 118 (2d Cir. 2009). Under this prong, Petitioner must show
24 that “but for the grant of equitable relief, there is a substantial chance that upon final
25 resolution of the action the parties cannot be returned to the position they previously
26 occupied.” *Brenntag Int’l Chems., Inc. v. Bank of India*, 175 F.3d 245, 249 (2d Cir. 1999).
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1 The harm must be “neither remote nor speculative, but actual and imminent.” *Freedom*
2 *Holdings, Inc. v. Spitzer*, 408 F.3d 112, 114 (2d Cir. 2005).

3 **A. Removal Would Permanently Deprive Petitioner of Meaningful Habeas Review**
4

5 Petitioner’s removal from the United States would effectively moot this Court’s
6 jurisdiction over the pending habeas petition. Courts have recognized that removal or transfer
7 during the pendency of a habeas action constitutes irreparable harm where it would prevent
8 meaningful judicial review. See *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011).
9 If Petitioner is removed from the United States by Respondents, Petitioner’s ability to obtain
10 habeas relief would be irreparably impaired, if not entirely extinguished. Once removed,
11 Petitioner’s ability to obtain habeas relief will be terminated.

12
13 Removal prior to adjudication of his appeal would unlawfully deprive him of the
14 opportunity to obtain meaningful appellate review.

15 Petitioner is currently in active removal proceedings following issuance of a Notice to
16 Appear dated January 19, 2026.

17 **B. Ongoing Detention Despite No Criminal History Constitutes Irreparable Liberty**
18 **Harm**
19

20 Petitioner is suffering irreparable harm through continued detention despite having no
21 criminal record and no current criminal charges or custodial sentence. He does not pose a
22 danger to the community nor a risk of flight. The loss of physical liberty, even for brief
23 periods, constitutes irreparable harm. *Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir.
24 2013). The deprivation of constitutional rights itself constitutes irreparable injury for purposes
25 of preliminary injunction analysis. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).
26

27 Petitioner’s detention is civil, not punitive, yet it continues to deprive him of liberty
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1 without adequate procedural safeguards. Where a noncitizen with no criminal history is
2 subjected to prolonged civil detention while pursuing relief such as asylum, the resulting
3 deprivation of liberty constitutes irreparable harm.

4 **C. Constitutional Violation Independently Establish Irreparable Harm**

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6 Petitioner's habeas petition raises serious constitutional claims, including violations of his
7 Fifth Amendment right to Due Process. Alleged violation of constitutional rights, by itself,
8 constitutes irreparable harm. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

9 **THE BALANCE OF EQUITIES FAVOR PETITIONER**

10 19. The balance of equities weights in favor of the Petitioner. The Petitioner seeks narrowly
11 tailored relief to ensure meaningful judicial review. The Petitioner seeks protection
12 against removal or transfer that would undermine this Court's jurisdiction.

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14 20. Respondent's face little to no burden in temporarily refraining from removing or
15 transferring the Petitioner. Maintaining the Petitioner's current custodial status while the
16 decision of his Petition for a Writ of Habeas Corpus is pending imposes no undue
17 hardship on the government and does not interfere with their duties.

18
19 21. Where the Petitioner faces loss of liberty and permanent deprivation of statutory and
20 constitutional rights, while the government faces only administrative inconvenience, the
21 equities favor injunctive relief. *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017).

22 **THE PUBLIC INTEREST FAVORS PRESERVING JUDICIAL REVIEW**

23 22. The public interest favors ensuring that detention complies with constitutional and
24 statutory limitations and requirements. Courts have recognized that it is always in the
25 public interest to prevent the violation of a party's constitutional rights. *Melendres v.*
26 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). The public has a compelling interest in
27



1 ensuring that asylum seekers are afforded vital access to the legal process Congress
2 established. The public also has an interest in courts retraining the ability to review
3 executive actions. Preserving judicial review and oversight promotes the public's
4 confidence in the rule of law, as well as the integrity of the governmental agencies
5 involved in the immigration system. Granting this TRO would advance the public interest
6 by ensuring that Petitioner's claims are adjudicated fairly and lawfully.
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9 **IV. CONCLUSION**

10 23. Petitioner satisfies all four factors required for emergency injunctive relief. First, he faces
11 irreparable harm absent relief. Removal or transfer would moot his habeas claims,
12 terminate his pending asylum application, and result in ongoing deprivation of liberty
13 without meaningful process, harms that cannot be undone after the fact.
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15 24. Petitioner has demonstrated a likelihood of success on the merits, or at minimum, serious
16 questions going to the merits. His detention raises substantial constitutional concerns
17 under the Fifth Amendment, particularly given his lack of criminal history, pending
18 asylum claim, and the absence of individualized findings of dangerousness or flight risk.
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20 25. Third, the balance of equities weighs heavily in Petitioner's favor, he seeks only narrow
21 relief to preserve jurisdiction and maintain existing custodial conditions. By contrast,
22 Respondents face minimal burden in temporarily refraining from removal or transfer.

23 26. Finally, the public interest favors ensuring that asylum seekers receive meaningful access
24 to the judicial process, and that executive detention complies with constitutional and
25 statutory requirements and limitations.
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27 27. For those reasons, Petitioner respectfully requests that the Court:
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- a. Issue a Temporary Restraining Order prohibiting Respondent from removing Petitioner from the United States or transferring him outside the Southern District of California.
- b. Order Respondents to maintain Petitioner’s current custodial status pending further order of the Court;
- c. Issue an Order to Show Cause why a preliminary injunction should not issue; and
- d. Grant any relief the Court deems just and proper.

Respectfully Submitted,

Dated this 31st day of March, 2026.



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Attorney for Petitioner

