

1 Magomed Esendirov, Esq. (CA SBN: 363301)
2 Musaev & Associates, PC
3 409 N Camden Dr., Suite 108
4 Beverly Hills, CA 90210
5 esendirov@musaev.com
6 tel: (424) 599-6556
7 EOIR ID: UU789283

8 *Attorney for Petitioner*

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

11 ELENA KASHPIROVA

Case No. '26CV1835 LL DEB

12 FILE NO: 

13 **PETITIONER'S NOTICE OF**
14 **MOTION AND EX PARTE MOTION**
15 **FOR TEMPORARY RESTRAINING**
16 **ORDER**

17 Petitioner,

18 v.

19 CHRISTOPHER J. LAROSE, Warden, Otay
20 Mesa Detention Center; GREGORY J.
21 ARCHAMBEAULT, Field Office Director, San
22 Diego Field Office, U.S. Immigration and
23 Customs Enforcement; TODD M. LYONS,
24 Director, U.S. Immigration and Customs
25 Enforcement; KRISTI NOEM, Secretary, U.S.
26 Department of Homeland Security; PAM
27 BONDI, United States Attorney General

28 Respondents.

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that, as soon as it may be heard in the United States District Court for the Southern District of California, Petitioner Elena Kashpirova will and hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b). Because

1 Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the United
2 States, Petitioner respectfully requests that this Court (1) order Petitioner's immediate release from
3 Respondents' custody pending these proceedings, without requiring bond or electronic monitoring,
4 or, in the alternative, (2) order Petitioner's immediate release from Respondents' custody and,
5 within 14 days, order a pre-deprivation bond hearing before the Immigration Court, where
6 Respondents shall bear the burden of proof to show, by clear and convincing evidence, that
7 Petitioner is a danger or a flight risk. To preserve this Court's jurisdiction, Petitioner further seeks
8 an order enjoining Respondents from transferring Petitioner out of this District or deporting him
9 during the pendency of the underlying proceedings.

10 This motion is based on this Notice of Motion and Motion; the accompanying
11 Memorandum of Points and Authorities; the supporting declarations, the papers, evidence, and
12 records on file in this action; and any other written or oral evidence or argument as may be
13 presented at or before the time this motion is heard by the Court. This motion is also supported by
14 the Petition for Writ of Habeas Corpus (ECF No. 1).

15 Petitioner seeks relief at the earliest possible opportunity. Petitioner is filing this motion on
16 the same day he filed his Petition for Writ of Habeas Corpus.

17 As detailed further in the Declaration of Magomed Esendirov, Counsel for Petitioner
18 emailed a copy of the filed petition to Counsel for Respondents and advised that a Motion for TRO
19 would be forthcoming. Petitioner also emailed Counsel for Respondents a copy of the
20 Memorandum of Points and Authorities shortly before filing it. As of this filing, Respondents have
21 not stipulated to a TRO.

22 Date: March 23, 2026

Respectfully Submitted,

23
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