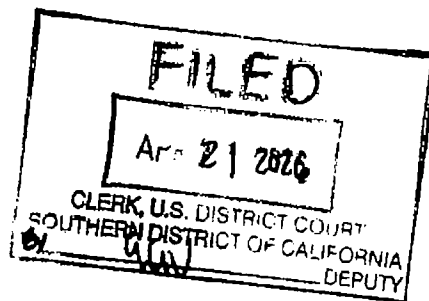


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION



CECILIA ALEJANDRA JACO CASTILLO,  
Petitioner,

v.

WARDEN, OTAY MESA DETENTION CENTER, et al.,  
Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER (TRO)  
AND PROPOSED ORDER**

Petitioner, Cecilia Alejandra Jaco Castillo, respectfully moves this Court for the issuance of an immediate Temporary Restraining Order (TRO) against Respondents, including the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE).

**I. INTRODUCTION**

This case presents urgent and extraordinary circumstances requiring immediate judicial intervention. Petitioner is currently subjected to unlawful detention under conditions that violate the Constitution and faces imminent risk of transfer, removal, or relocation to a third country, which would irreparably harm her and divest this Court of jurisdiction.

**II. LEGAL STANDARD**

A Temporary Restraining Order is warranted where the petitioner demonstrates:

- (1) likelihood of success on the merits;
- (2) irreparable harm in the absence of relief;
- (3) balance of equities in her favor; and
- (4) that an injunction is in the public interest.

See *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008).

**III. ARGUMENT**

#### A. Likelihood of Success on the Merits

Petitioner has demonstrated a strong likelihood of success on her habeas petition. Her detention was effected without a warrant, without probable cause, and based on materially false allegations. Such detention violates the Fifth Amendment's Due Process Clause.

See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

#### B. Irreparable Harm

Petitioner faces immediate and ongoing harm, including:

- Continued unlawful detention;
- Exposure to inhumane and degrading conditions;
- Severe psychological trauma;
- Risk of transfer to another detention facility;
- Risk of removal or expulsion to a third country.

The loss of liberty alone constitutes irreparable harm. See *Elrod v. Burns*, 427 U.S. 347 (1976).

#### C. Threat to Jurisdiction

Absent immediate relief, Respondents may transfer or remove Petitioner, effectively stripping this Court of jurisdiction. Federal courts have consistently acted to preserve jurisdiction in habeas proceedings.

See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

#### D. Balance of Equities and Public Interest

Petitioner poses no danger to the community and is not a flight risk. The government suffers no harm from maintaining the status quo, while Petitioner faces severe constitutional violations.

The public interest strongly favors the protection of constitutional rights and prevention of unlawful detention.

#### IV. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue a Temporary Restraining Order that:

1. IMMEDIATELY PROHIBITS Respondents, including ICE, DHS, and all agents acting in

concert with them, from removing Petitioner from the United States;

2. IMMEDIATELY PROHIBITS any transfer of Petitioner outside the jurisdiction of this Court without prior judicial authorization;

3. IMMEDIATELY PROHIBITS the removal of Petitioner to any third country;

4. REQUIRES Respondents to maintain Petitioner within the Southern District of California;

5. PRESERVES the jurisdiction of this Court over Petitioner;

6. GRANTS any further relief deemed just and proper.

Respectfully submitted,

A black rectangular box with a white 'X' through it, used to redact the signature of Cecilia Alejandra Jaco Castillo.

Cecilia Alejandra Jaco Castillo  
Pro Se Petitioner

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[PROPOSED ORDER]

The Court, having reviewed Petitioner's Emergency Motion for Temporary Restraining Order, finds that Petitioner has demonstrated likelihood of success on the merits, irreparable harm, and that the balance of equities favors relief.

IT IS HEREBY ORDERED:

1. Respondents, including DHS and ICE, are ENJOINED from removing Petitioner from the United States;

2. Respondents are ENJOINED from transferring Petitioner outside the jurisdiction of this Court without prior Court authorization;

3. Respondents are ENJOINED from removing Petitioner to any third country;

4. Respondents SHALL maintain Petitioner within the Southern District of California;

5. This Order shall take effect immediately upon issuance.

DATED: \_\_\_\_\_

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UNITED STATES DISTRICT JUDGE