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6 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
7

8 Jose Luis CRUZ GAZCA

Case No. '26CV2118 RSH DEB

9 Petitioner,

10 v.

PETITIONER'S MOTION FOR
A TEMPORARY RESTRAINING
ORDER

11 MARKWAYNE MULLIN, Secretary,
U.S. Department of Homeland Security;
12 TODD BLANCHE, U.S. Attorney
General; PATRICK DIVVER, Director,
13 San Diego Field Office, Immigration and
Customs Enforcement, Enforcement and
14 Removal Operations; S. MORRERO,
15 Warden of Imperial Reginal Adult
Detention Facility; U.S. Department of
16 Homeland Security; U.S. Department of
17 Justice,

PETITIONER'S DHS No.:



18 Respondents.
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2 1. Jose Luis CRUZ GAZCA, by and through his undersigned counsel, hereby
3 files this motion for a temporary restraining order pursuant to Fed. R. Civ. P. 65(d).
4 Petitioner seeks an order to preserve the status quo prior to his unlawful detention –
5 namely, his release on an order of his own recognizance (OREC).

6 2. The TRO sought by Petitioner is an order: (1) requiring Respondents to
7 immediately release him on his OREC and enjoining them from re-detaining his
8 absent further order of this Court; (2) in the alternative, ordering Petitioner’s
9 immediate release from Respondents’ custody and enjoining Respondents from
10 re-detaining him unless they demonstrate at a pre-deprivation bond hearing, by clear
11 and convincing evidence, that he is a flight risk or danger to the community, such that
12 his physical custody is required. Petitioner also requests the Court schedule oral
13 argument as soon as the Court’s calendar allows and the parties are available, should
14 it be necessary to resolve this motion.

15 3. WHEREFORE, for the reasons set forth in the accompanying memorandum
16 of points and authorities, Petitioner respectfully requests this Court to grant the
17 Temporary Restraining Order and set the case for further briefing. RESPECTFULLY
18 SUBMITTED, this 3rd of April.

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20 **/s/ Samuel Baumer**
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