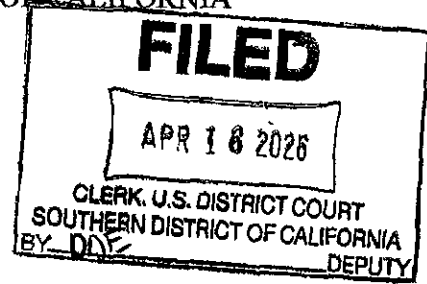


UNITED STATES DISTRICT  
COURT SOUTHERN DISTRICT OF CALIFORNIA



1  
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3  
4 KEVIN DARIO LOPEZ RAMIREZ,  
5 Preceding Pro Se

6 *Petitioner,*

7 v.

8 \_\_\_\_\_, Warden, Otay Mesa Detention Center;  
9 \_\_\_\_\_, Field Office Director, ICE San Diego Field  
10 Office;  
11 TODD M. LYONS, Acting Director, United States  
12 Immigration and Customs Enforcement;  
13 KRISTI NOEM, Secretary of Homeland Security;  
14 MERRICK GARLAND, United States Attorney  
15 General, in their official capacities,

16 *Respondents.*

Case No.: '26CV2419 AGS DDL

**PETITIONER'S *EX PARTE*  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER**

17 NOTICE OF EX PARTE APPLICATION

18 NOTICE IS HEREBY GIVEN that Petitioner KEVIN DARÍO LÓPEZ RAMÍREZ applies ex  
19 parte for a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil  
20 Procedure.

21 Good cause exists to waive the advance notice requirements. The need for ex parte relief is  
22 urgent and compelling. Since his arrest on February 22, 2026, Petitioner has already been  
23 subjected to a pattern of unannounced interstate transfers—first from Texas to the California  
24 City Correctional Center, and now to the Otay Mesa Detention Center in San Diego.

25 This established pattern demonstrates that Respondents are highly likely to transfer Petitioner  
26 again or remove him from the United States before this Court can rule on the merits of his  
27 accompanying Petition for a Writ of Habeas Corpus. Providing notice of this application to  
28 Respondents would likely prompt them to immediately transfer or deport Petitioner, thereby

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rendering his habeas petition moot and depriving this Court of jurisdiction. An emergency order is the only means to preserve the status quo and ensure that Petitioner's fundamental rights are not irrevocably lost.


### I. INTRODUCTION

Petitioner Kevin Darío López Ramírez, a resident of the United States since 2019 with no serious criminal record, has been detained by Immigration and Customs Enforcement (ICE) since February 22, 2026. He is currently held at the Otay Mesa Detention Center.

Critically, his entire detention is premised on removal proceedings initiated by a Notice to Appear (NTA) that is fatally defective under controlling Supreme Court precedent. The NTA fails to include the date and time of his hearing, a defect that divests the Immigration Court of jurisdiction and renders the proceedings, and by extension his detention, void.

Petitioner now seeks an emergency *ex parte* Temporary Restraining Order (TRO) to prevent Respondents from transferring him out of this district or removing him from the United States while his concurrently filed Petition for a Writ of Habeas Corpus is pending. The need for this order is critical. In the short time he has been in custody, Petitioner has already been transferred twice across state lines without notice. Absent an immediate order from this Court, there is an imminent risk that Respondents will once again transfer him or remove him entirely. Such action would irreparably harm him by mooting his meritorious habeas claim and foreclosing his right to challenge the foundational defect in his immigration case. A TRO is necessary to preserve the status quo and ensure this Court can provide meaningful relief.

### II. STATEMENT OF FACTS

1. Petitioner Kevin Darío López Ramírez, A-Number  is a native and citizen of Guatemala who entered the United States in May 2019 and was processed by federal

1 immigration authorities.

- 2 2. On February 22, 2026, he was arrested in Columbia County. His arrest occurred during a  
3 pretextual stop at a gas station while he was working his job as a delivery driver. The  
4 officer initially stated no ticket would be issued but then detained him for ICE.
- 5 3. Petitioner has no serious criminal history. His only prior offense is a minor traffic  
6 violation for driving without a license, which is a closed case.
- 7
- 8 4. He is currently detained at the Otay Mesa Detention Center in San Diego, California.
- 9
- 10 5. Since his arrest, Petitioner has been subjected to a pattern of unannounced interstate  
11 transfers. He was first held in the vicinity of Meridian, Texas, before being transferred to  
12 the California City Correctional Center, and has now been transferred again to his current  
13 location in San Diego.
- 14
- 15 6. Petitioner is a productive member of his community with strong ties, evidenced by  
16 notarized letters of support from his family, church, and community members.
- 17
- 18 7. The Notice to Appear (NTA) that initiated Petitioner's removal proceedings is  
19 jurisdictionally defective because it fails to state the date and time of his hearing, as  
20 required by 8 U.S.C. § 1229(a).
- 21
- 22 8. A Motion to Dismiss based on this fatal defect has been filed with the Immigration Court.
- 23
- 24 9. Given Respondents' demonstrated pattern of transferring Petitioner without warning, he  
25 faces an immediate and credible threat of being transferred out of this jurisdiction or  
26 removed from the country before his habeas petition can be heard.

### 27 III. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

28 A temporary restraining order is an extraordinary remedy intended to preserve the status quo  
and prevent irreparable harm. To obtain a TRO, a petitioner must show: (1) a likelihood of  
success on the merits; (2) a likelihood of suffering irreparable harm in the absence of

1 preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is  
2 in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

3 A. Petitioner Is Likely to Succeed on the Merits.

4 Petitioner has a strong likelihood of succeeding on the merits of his habeas petition. His  
5 detention is based on removal proceedings that lack a jurisdictional foundation. The Supreme  
6 Court has held that a document that fails to state the time and place of a removal proceeding is  
7 not a valid “notice to appear” under 8 U.S.C. § 1229(a). See *Pereira v. Sessions*, 138 S. Ct.  
8 2105 (2018); *Niz-Chavez v. Garland*, 141 S. Ct. 1474 (2021). Because Petitioner’s NTA is  
9 defective, the Immigration Court never acquired jurisdiction over his case. As such, his  
10 detention, which is predicated on these void proceedings, is unlawful. He is not subject to  
11 mandatory detention under § 1226(c) due to his lack of a disqualifying criminal conviction.  
12 Therefore, his detention without a valid underlying case is a clear violation of the INA and the  
13 Due Process Clause.  
14

15 B. Petitioner Will Suffer Irreparable Harm Absent a TRO.

16 Petitioner will suffer immediate and irreparable harm if a TRO is not issued. First, the  
17 deprivation of constitutional rights—specifically, the fundamental right to liberty—  
18 “unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th  
19 Cir. 2012). Every additional day of unlawful detention based on a void NTA is a continuing  
20 irreparable harm. Second, without a TRO, Respondents are free to transfer or remove  
21 Petitioner at any moment, as demonstrated by their established pattern of conduct. A transfer  
22 would disrupt his ability to litigate his habeas claim, while removal would permanently  
23 extinguish his claim and his right to due process. See *La Union del Pueblo Entero v.*  
24 *McAleenan*, 440 F. Supp. 3d 1073, 1092 (N.D. Cal. 2019) (finding removal from the country  
25 is irreparable harm).  
26  
27

28 C. The Balance of Equities and the Public Interest Favor Granting the TRO.

1 The balance of equities tips sharply in Petitioner’s favor. The harm to Petitioner from  
2 continued unlawful detention and the potential for transfer or removal is immense. In contrast,  
3 the burden on the Government from a TRO is minimal—it merely requires maintaining the  
4 status quo by keeping Petitioner in his current location pending a judicial hearing on a serious  
5 jurisdictional challenge. When the Government is a party, the balance of equities and the  
6 public interest merge. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014).  
7  
8 The public has a profound interest in ensuring that the government does not deprive  
9 individuals of their liberty based on a legally void process and that federal courts can provide  
10 meaningful review of such government action.

11  
12 IV. ARGUMENT

13 Petitioner meets all the requirements for an ex parte TRO under Federal Rule of Civil  
14 Procedure 65(b) and *Winter*. As established above, his claim that he is being unlawfully  
15 detained based on a jurisdictionally defective NTA is strong and highly likely to succeed. The  
16 harm he faces—continued unconstitutional confinement and the imminent threat of transfer or  
17 permanent removal from the country—is severe and irreparable. The balance of hardships and  
18 the public interest weigh decisively in favor of preserving this Court’s jurisdiction and ability  
19 to adjudicate his habeas petition.  
20

21 The ex parte nature of this request is justified by Respondents’ past conduct. Having already  
22 subjected Petitioner to multiple unannounced transfers, there is every reason to believe that  
23 providing notice would prompt them to take immediate action to moot this case. An  
24 emergency order is the only way to ensure Petitioner’s rights are not irrevocably lost.  
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1 V. CONCLUSION

2 For the foregoing reasons, Petitioner respectfully requests that this Court grant this ex parte  
3 application and issue a Temporary Restraining Order.

4 WHEREFORE, Petitioner respectfully requests that this Court:

- 5 1. Issue an immediate Temporary Restraining Order enjoining Respondents, their agents,  
6 and their employees from: a. Transferring Petitioner Kevin Darío López Ramírez, A-  
7 Number 221-489-638, from his current place of detention at the Otay Mesa Detention  
8 Center; b. Removing or deporting Petitioner from the United States; and c. Taking any  
9 other action to facilitate his transfer or removal pending a hearing on this matter.  
10  
11 2. Order Respondents to show cause why a preliminary injunction should not issue.  
12  
13 3. Set a hearing on the concurrently filed Petition for a Writ of Habeas Corpus within five  
14 (5) days, as required by 28 U.S.C. § 2243.  
15  
16 4. Grant such other and further relief as this Court deems just and proper.

17 VERIFICATION

18 I, Kevin Darío López Ramírez, being the petitioner, hereby certify under penalty of perjury  
19 that the statements set forth herein are true and correct to the best of my knowledge and  
20 belief.

21 Date: April 11, 2026

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23  
24 /s/ Kevin Darío López Ramírez  
Kevin dario lopez ramirez  
25 Petitioner, Pro Se  
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