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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 DOUGLAS NELSON HERRERA GUILLEN

14 Petitioner,

15 vs.

16 FERETI SEMAIA, WARDEN OF THE GEO
17 GROUP ADELANTO ICE PROCESSING
18 CENTER,

19 DAVID MARIN, DIRECTOR OF LOS
20 ANGELES FIELD OFFICE, U.S.
21 IMMIGRATION AND CUSTOMS
22 ENFORCEMENT;

23 KRISTI NOEM, SECRETARY OF THE U.S.
24 DEPARTMENT OF HOMELAND SECURITY;
25 AND

26 PAM BONDI, ATTORNEY GENERAL OF
27 THE UNITED STATES,

28 IN THEIR OFFICIAL CAPACITIES,

Respondents

PETITIONER'S NOTICE OF MOTION AND
EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION
FOR PRELIMINARY INJUNCTION

POINTS AND AUTHORITIES IN SUPPORT
OF EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION
FOR PRELIMINARY INJUNCTION

Case No. 5:26-cv-01549

PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER AND MOTION FOR PRELIMINARY INJUNCTION

NOTICE OF MOTION

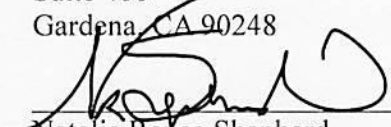
Petitioner Douglas Nelson Herrera Guillen respectfully applies to this Court for an ex parte Temporary Restraining Order enjoining Respondents—the Department of Homeland Security (“DHS”), the Warden of the Adelanto ICE Processing Center, the Los Angeles Field Office Director of ICE Enforcement and Removal Operations, and the Attorney General of the United States—from: (1) Transferring Petitioner out of this District or re-arresting or re-detaining him on the same factual or legal basis underlying his current custody while this action is pending; (2) Continuing to detain Petitioner under 8 U.S.C. § 1225(b), where his custody is governed by 8 U.S.C. § 1226(a); and (3) Ordering Petitioner’s immediate release from custody, or, in the alternative, requiring Respondents to provide an individualized custody hearing under 8 U.S.C. § 1226(a) within seven (7) days, at which the Government must demonstrate by clear and convincing evidence that detention is necessary and that no less restrictive conditions of supervision would reasonably assure appearance and public safety.

DATED: April 6, 2026

Respectfully submitted,



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PETITIONER’S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY
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INTRODUCTION

1
2 1. This case arises from the ongoing unlawful civil detention of a long-time interior
3 resident of the United States under a statutory regime that does not apply to him. Petitioner
4 Douglas Nelson Herrera Guillen has lived and worked in the United States for more than two
5 decades. He was detained in the interior of California after decades of continuous residence in
6 this country—not at the border, not while seeking admission, and not pursuant to any
7 individualized determination that detention was necessary. Nevertheless, the Department of
8 Homeland Security has classified him as an “applicant for admission” and subjected him to
9 mandatory detention under 8 U.S.C. § 1225(b), categorically denying him meaningful access to
10 release on bond.

11 2. That classification is not a technical error. It extinguishes the only statutory
12 mechanism that authorizes release and individualized custody review. Section 1226(a)—the
13 provision Congress designed to govern detention of individuals already present in the United
14 States—preserves discretion precisely to prevent unnecessary confinement. By invoking a no-
15 bond detention framework against a decades-long interior resident, DHS has converted
16 discretionary civil detention into mandatory incarceration without process, in violation of the
17 Immigration and Nationality Act, the Administrative Procedure Act, and the Fifth Amendment.

18 3. The consequences are immediate and irreparable. Mr. Herrera Guillen has no
19 criminal history and has lived peacefully in the United States for approximately twenty-four
20 years. For many years he has worked steadily, supported his family, and remained deeply
21 involved in the lives of his children, grandchildren, and extended family. Each additional day of
22 detention inflicts a continuing deprivation of liberty and escalating harm to a family that has
23 relied on him for stability and support—harm that cannot be remedied retroactively.

24 4. This Court’s intervention is therefore required now. Where the government has no
25 lawful authority to detain and has foreclosed any mechanism to test the necessity of confinement,
26 the detention itself is unconstitutional. Habeas relief exists to stop precisely this kind of

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1 structural liberty violation before it hardens into prolonged, arbitrary incarceration. Douglas
2 Nelson Herrera Guillen is a 49-year-old Salvadoran national who entered the United States
3 without inspection in 2002 and has never left. Since that time, he has resided continuously in this
4 country. For approximately twenty-four years, Mr. Herrera Guillen has built his life here—
5 working steadily, supporting his family, and becoming a longstanding member of his community.

6 **STATEMENT OF FACTS**

7 5. Douglas Nelson Herrera Guillen is a 49-year-old Salvadoran national who has
8 lived and worked in the United States for more than two decades. He entered the United States
9 without inspection in 2002 and has never left. Since that time, he has resided continuously in this
10 country. For approximately twenty-four years, Mr. Herrera Guillen has built his life here—
11 working steadily, supporting his family, and becoming a longstanding member of his community.

12 6. Mr. Herrera Guillen has no criminal history. He has worked steadily in the United
13 States for many years and has been one of the primary financial providers for his household. He
14 remains closely involved in the lives of his children, grandchildren, and extended family.

15 7. Mr. Herrera Guillen has also pursued immigration relief, including an asylum-
16 based fear claim arising from violence in El Salvador. He fled after witnessing the killing of his
17 grandfather and fearing for his life. He did not abandon his life in the United States, nor did he
18 attempt to evade authorities. Instead, he continued to work, support his family, and contribute to
19 his community.

20 8. On or about January 31, 2026, Mr. Herrera Guillen was detained by ICE in
21 Indio/Coachella, California. After leaving a casino, he had fallen asleep in his car at a gas station
22 when officers approached the vehicle and knocked on the window. Startled, Mr. Herrera Guillen
23 initially believed he was being robbed. The officers then called out for Pedro Vazquez, his son-
24 in-law, because the vehicle was registered to both Mr. Herrera Guillen and Mr. Vazquez. Mr.
25 Herrera Guillen did not resist. He called Mr. Vazquez and informed him that he was being
26

1 arrested. According to the family, ICE did not provide Mr. Herrera Guillen with any paperwork
2 at the scene. He has remained in ICE custody since that time.

3 9. The Department of Homeland Security thereafter issued a Notice to Appear
4 placing Mr. Herrera Guillen in removal proceedings under section 240 of the Immigration and
5 Nationality Act and charging him under INA § 212(a)(6)(A)(i) as an individual present in the
6 United States without being admitted or paroled. The Notice to Appear does not classify him as
7 an arriving alien.

8 10. Mr. Herrera Guillen was not apprehended at a port of entry. He was not charged as
9 an arriving alien. He has lived continuously in the interior of the United States since 2002 and
10 has no criminal history. Nevertheless, when bond proceedings were initiated, the matter was not
11 resolved through an individualized bond determination. Instead, the bond records reflect that the
12 bond requests were withdrawn and, according to Petitioner's family, the Immigration Judge
13 indicated that because he had entered without inspection, he had no right to release on bond.

14 11. The bond records further show that there were two bond hearings, both of which
15 were marked withdrawn rather than denied on the merits. Initially, both Mr. Herrera Guillen and
16 his daughter believed bond had been denied, but review of the record reflects that the hearings
17 were withdrawn instead.

18 12. Mr. Herrera Guillen is not a recent border crosser. He is not charged as an arriving
19 alien. He is a long-term interior resident who has lived in this country for approximately twenty-
20 four years. Yet he remains detained without any meaningful opportunity for an individualized
21 bond determination under a statutory framework that does not reflect his circumstances.

22 23 **LEGAL STANDARD**

24 13. Petitioner Herrera Guillen is entitled to a temporary restraining order if he
25 establishes that he is "likely to succeed on the merits, . . . likely to suffer irreparable harm in the
26 absence of preliminary relief, that the balance of equities tips in [his] favor, and that an

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1 injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008);
2 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting
3 that preliminary injunction and temporary restraining order standards are “substantially
4 identical”).

5 14. Even if Petitioner does not show a likelihood of success on the merits, the Court
6 may still grant a temporary restraining order if he raises “serious questions” as to the merits of
7 his claims, the balance of hardships tips “sharply” in his favor, and the remaining equitable
8 factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

9 15. As set forth below, Petitioner overwhelmingly satisfies these standards.

10 ARGUMENT

11 PETITIONER HERRERA GUILLEN WARRANTS A

12 TEMPORARY RESTRAINING ORDER

13 16. A temporary restraining order should issue if “immediate and irreparable injury,
14 loss, or irreversible damage will result” absent relief. Fed. R. Civ. P. 65(b). The purpose is to
15 prevent irreparable harm before the Court can hold a preliminary-injunction hearing. *Granny*
16 *Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974). Here, without intervention,
17 Mr. Herrera Guillen will remain in unlawful custody—detained under a statutory regime that
18 does not apply to him and without any individualized custody determination by a neutral
19 decisionmaker—in violation of the INA and the Due Process Clause.

20 17. Mr. Herrera Guillen’s detention epitomizes the very constitutional harm the Fifth
21 Amendment forbids: the arbitrary imprisonment of a long-time interior resident who poses no
22 danger, no flight risk, and no reason whatsoever to be jailed. He was detained in the interior of
23 California after decades of peaceful residence in the United States and was abruptly separated
24 from the family that depends on him for daily stability and support. His detention has removed
25 one of the primary financial and emotional anchors of his household and has disrupted the lives
26 of the children and grandchildren who rely on him. These are precisely the human consequences

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1 the Constitution guards against when it requires individualized custody review before liberty is
2 taken away.

3 18. Recent decisions in this District confirm that long-time interior residents may not
4 be detained under § 1225(b) and are instead entitled to individualized custody review under §
5 1226(a). Courts in the Central District of California have repeatedly rejected DHS's attempt to
6 treat interior arrests as "applicants for admission" subject to mandatory detention. See, e.g.,
7 *Garcia Duarte v. Santacruz*, No. 5:25-cv-03319-SPG-KES, 2025 WL 4231640 (C.D. Cal. Dec.
8 23, 2025) (granting TRO and holding that a long-term interior resident arrested within the United
9 States must be detained under § 1226(a) and therefore entitled to a bond hearing); *Araujo-*
10 *Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL 3771429 (C.D. Cal. Dec. 23,
11 2025) (granting TRO and rejecting the government's reliance on § 1225(b) for a noncitizen
12 arrested within the United States after decades of residence); *Diaz Orzuna v. Noem*, No. CV 25-
13 10380-KK-ASx, 2025 WL 3640619 (C.D. Cal. Oct. 31, 2025) (same); *Ruiz Yarleque v. Noem*,
14 No. 5:25-CV-02836-MEMF-SP, 2025 WL 3043936, at *1 (C.D. Cal. Oct. 31, 2025) (granting
15 TRO requiring release or a § 1226(a) bond hearing where DHS detained a long-term resident as a
16 purported § 1225(b) detainee); *Mosqueda v. Noem*, No. 5:25-CV-02304-CAS (BFM), 2025 WL
17 2591530 (C.D. Cal. Sept. 8, 2025) (granting TRO and explaining that § 1225 applies to
18 individuals seeking admission at the border, not to noncitizens arrested within the United States
19 after years of residence). Those holdings apply squarely here, where DHS has detained a
20 decades-long interior resident with no criminal history under § 1225(b) and foreclosed any
21 mechanism for individualized custody review.

22 19. Most recently, in *De Rosas Gutierrez v. Semaia*, Case No. 5:26-cv-01181-HDV-
23 ACCV, 2026 WL 916773 (C.D. Cal. Mar. 27, 2026), the court granted preliminary injunctive
24 relief to a long-term interior resident detained under the same unlawful § 1225 theory. There, the
25 court held that Respondents had "failed to provide Petitioner with a bond hearing, either before
26 or promptly after detention," despite acknowledging that he "appears to be a member of the

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1 Bautista Bond Eligible Class.” *Id.* at *2. The court further held that where Respondents “have not
2 identified a valid statutory basis for detention in the first place, the remedy is not to supply one
3 through further proceedings, but to end the unlawful detention.” *Id.* The same reasoning applies
4 here.

5 **I. PETITIONER HERRERA GUILLEN IS LIKELY TO SUCCEED ON HIS**
6 **STATUTORY CLAIM: § 1226(A) GOVERNS; § 1225(B) DOES NOT**

7 20. Mr. Herrera’s detention is unlawful because it is governed by 8 U.S.C. § 1226(a),
8 not § 1225(b). He was arrested in the interior of the United States after living in this country for
9 more than two decades. Mr. Herrera Guillen first entered the United States in 2002 and has lived
10 and worked here ever since, building deep family and community ties in Southern California. His
11 detention under the “arriving alien” provision of § 1225(b) contradicts both the text and structure
12 of the Immigration and Nationality Act and the growing body of decisions rejecting the
13 government’s attempt to apply § 1225 to long-settled interior residents.

14 21. The Supreme Court has already made clear which statute governs detention of
15 long-time residents like Mr. Herrera Guillen. In *Jennings v. Rodriguez*, 583 U.S. 281 (2018), the
16 Court explained that § 1226(a) and (c) “authorize[] the Government to detain certain
17 [noncitizens] already in the country pending the outcome of removal proceedings,” while §
18 1225(b)(1) and (b)(2) “apply primarily to [noncitizens] seeking entry into the United States.” *Id.*
19 at 289, 297 (emphasis added). Despite this clear statutory distinction, DHS has attempted to
20 stretch § 1225(b) to reach individuals long settled in the interior, converting discretionary civil
21 detention into mandatory incarceration by bureaucratic relabeling. Courts across the country—
22 and repeatedly in this District—have rejected that interpretation.

23 22. Recent decisions in the Central District of California have consistently reaffirmed
24 that § 1226(a)—not § 1225(b)—governs detention of individuals arrested within the United
25 States after years of residence. In *Garcia Duarte v. Santacruz*, No. 5:25-cv-03319-SPG-KES,
26 2025 WL 4231640 (C.D. Cal. Dec. 23, 2025), the court granted a TRO requiring a bond hearing

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1 after concluding that a noncitizen arrested in the interior could not be treated as a § 1225(b)
2 detainee. The same result followed in *Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-
3 MBK, 2025 WL 3771429 (C.D. Cal. Dec. 23, 2025), where the court rejected the government's
4 attempt to apply § 1225 to a long-time interior resident and ordered relief under § 1226(a).
5 Similarly, in *Diaz Orzuna v. Noem*, No. CV 25-10380-KK-ASx, 2025 WL 3640619 (C.D. Cal.
6 Oct. 31, 2025), the court held that DHS may not transform an interior arrest into mandatory
7 detention under § 1225(b). And in *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836-MEMF-SP, 2025
8 WL 3043936, at *7–8 (C.D. Cal. Oct. 31, 2025), the court reaffirmed that the statutory
9 distinction recognized in *Jennings v. Rodriguez* must be respected and declined to “look past”
10 Congress's decision to treat interior detention under § 1226(a). Confronted with materially
11 identical facts, courts in this District—including nearly every judge to consider the issue—have
12 reached the same conclusion: § 1225(b) does not govern detention of individuals arrested in the
13 interior of the United States after years of residence. See, e.g., *Benitez v. Noem*, No. 5:25-cv-
14 02190-RGK-AS, ECF No. 11 (C.D. Cal. Aug. 26, 2025) (Klausner, J.); *Ding v. Janecka*, No.
15 5:25-CV-03184-DOC-JDE, 2025 WL 3453957 (C.D. Cal. Nov. 28, 2025) (Carter, J.); *Portillo v.*
16 *Noem*, No. 5:25-cv-02892-JFW-PVC, ECF No. 8 (C.D. Cal. Oct. 31, 2025) (Walter, J.); *Helal v.*
17 *Janecka*, No. 5:25-CV-02650-HDV-JC, 2025 WL 3190132 (C.D. Cal. Oct. 24, 2025) (Vera, J.);
18 *Zecua v. Lyons*, No. 2:25-CV-09794-PDX, 2025 WL 3150680 (C.D. Cal. Oct. 17, 2025)
19 (Valenzuela, J.); *Sandoval Hernandez v. Noem*, No. 5:25-CV-02563-FMO (AGR) (C.D. Cal.
20 Oct. 9, 2025) (Olguin, J.); *Pop v. Noem*, No. 5:25-CV-02589-SSS-SSC, 2025 WL 3050095 (C.D.
21 Cal. Oct. 3, 2025) (Sykes, J.); *Arrazola-Gonzalez v. Noem*, No. 5:25-CV-01789-ODW-DFM,
22 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025) (Wright, J.); *Zavala v. Noem*, No. SA CV 25-2686-
23 PA (DFMx), 2025 WL 3514086 (C.D. Cal. Dec. 4, 2025) (Anderson, J.); cf. *Altamirano Ramos*
24 *v. Lyons*, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025) (Wilson,
25 J.). The same principle was articulated even earlier in *Mosqueda v. Noem*, No. 5:25-CV-02304-
26 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025), where the court granted a TRO

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1 requiring release or § 1226(a) bond hearings and held unequivocally that mandatory detention
2 under § 1225(b) does not apply to interior arrests.

3 23. In *Lazaro Maldonado Bautista et al. v. Santacruz*, the Central District of
4 California certified a Rule 23(b)(2) class of noncitizens subjected to this exact detention
5 regime—individuals apprehended in the interior, deemed “applicants for admission,” and
6 categorically denied bond eligibility based on DHS’s interpretation of § 1225(b)(2)(A). The
7 court recognized that DHS’s classification practice operates uniformly, binds immigration
8 judges, and systematically deprives noncitizens of the custody determinations Congress
9 preserved in § 1226(a). This Court therefore confronts not an isolated misapplication of the
10 statute, but an entrenched agency policy already adjudicated as suitable for classwide relief. *See*
11 *Order Granting Motion for Class Certification at 1–2, Lazaro Maldonado Bautista et al. v.*
12 *Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 25, 2025) (certifying a Rule 23(b)(2)
13 “Bond Eligible Class” of noncitizens apprehended in the interior and denied bond eligibility
14 under § 1225(b)(2)(A) pursuant to DHS policy).

15 24. That unanimity extends beyond this Circuit. Courts across the country—applying
16 basic principles of statutory construction—have consistently held that § 1225(b)(2)(A) applies
17 only to those “seeking admission” in the active, border-inspection sense, not to individuals
18 arrested years after entry. *See, e.g., Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-
19 MBK, 2025 WL 3771429, at *3 (C.D. Cal. Dec. 23, 2025); *Estrada v. Lyons*, No. CV 25-11002-
20 KK-KSX, 2025 WL 3438562, at *4 (C.D. Cal. Nov. 26, 2025); *Martinez v. Hyde*, No. 1:25-cv-
21 11613-BEM, 2025 WL 2084238, at 6 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No.
22 25-Civ-5937, 2025 WL 2371588, at 5–7 (S.D.N.Y. Aug. 13, 2025); *Oliveros v. Kaiser*, No. 25-
23 cv-07117-BLF, 2025 WL 2677125, at 4 (N.D. Cal. Sept. 18, 2025); *Maldonado Vazquez*, 2025
24 WL 2676082, at 15–16. That conclusion has been echoed by nearly every district to consider the
25 issue, including *Gomes v. Hyde*, No. 1:25-cv-11571-JEK, 2025 WL 1869299, at 8 (D. Mass. July
26 7, 2025); *Vasquez Garcia v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Lopez-Campos*

1 *v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Kostak v.*
2 *Trump*, No. 3:25-cv-01093-JE, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Benitez v. Noem*,
3 No. 5:25-cv-02190 (C.D. Cal. Aug. 26, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-
4 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025
5 WL 2403827 (D. Mass. Aug. 19, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW,
6 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Aguilar Maldonado v. Olson*, No. 25-cv-3142,
7 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK,
8 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Rocha Rosado v. Figueroa*, No. CV 25-02157,
9 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted, 2025 WL
10 2349133 (D. Ariz. Aug. 13, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-
11 BFM, at 13 (C.D. Cal. July 28, 2025); and *Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO
12 (HC), 2025 WL 2716910, at 4 (E.D. Cal. Sept. 23, 2025). As the Western District of Washington
13 summarized, “Every district court to address this question has concluded that the government’s
14 position belies the statutory text of the INA, canons of statutory interpretation, legislative history,
15 and longstanding agency practice.” *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL
16 2782499, at 9 (W.D. Wash. Sept. 30, 2025). Not one court has endorsed DHS’s expansive §
17 1225 theory.

18 25. That consistent line of authority applies squarely here. Mr. Herrera Guillen was
19 arrested in the interior of the United States after living here since 2002—approximately twenty-
20 four years ago. He has spent the vast majority of his adult life in this country, working steadily
21 and building a stable life in his community. Nothing about his arrest or immigration posture
22 resembles the border-inspection context Congress addressed in § 1225(b). Applying that statute
23 to a decades-long resident like Mr. Herrera Guillen erases the statutory distinction Congress
24 deliberately drew between individuals seeking admission at the border and those already living
25 within the United States. The INA does not authorize such detention, and the government’s
26

1 contrary interpretation cannot be reconciled with the statutory text, Supreme Court precedent, or
2 the uniform decisions of courts in this District.

3 **II. PETITIONER HERRERA GUILLEN IS LIKELY TO SUCCEED ON HIS**
4 **INDEPENDENT DUE PROCESS CLAIM**

5 26. The Due Process Clause protects all “persons” within the United States,
6 regardless of status, from arbitrary deprivation of liberty. *Zadvydas v. Davis*, 533 U.S. 678, 693
7 (2001). The Supreme Court has long recognized that conditional liberty—even when
8 revocable—carries a protected interest that cannot be withdrawn without adequate process.
9 *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82
10 (1973).

11 27. In the immigration context, the Ninth Circuit has emphasized that “freedom from
12 bodily restraint has always been at the core of the liberty protected by the Due Process Clause.”
13 *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011). That fundamental liberty interest is now
14 being denied to Mr. Herrera Guillen—an individual who has lived and worked in the United
15 States since 2002—without any individualized determination that detention is necessary.

16 28. Recent decisions within the Central District of California reaffirm that detention
17 of long-settled interior residents under § 1225(b), without access to an individualized custody
18 determination, raises serious due process concerns and supports immediate injunctive relief. See
19 *Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL 3771429, at *1–3
20 (C.D. Cal. Dec. 23, 2025) (finding likelihood of success—or at minimum “serious questions”—
21 where long-term interior resident was detained under § 1225(b) rather than § 1226(a)); *Estrada*
22 *v. Lyons*, No. CV 25-11002-KK-KSX, 2025 WL 3438562, at *3–4 (C.D. Cal. Nov. 26, 2025)
23 (reaffirming that § 1226(a), not § 1225(b), governs detention of noncitizens arrested in the
24 interior and finding likelihood of success on the merits); *Eloy Marin Saucedo v. Noem*, No. 2:25-
25 CV-11051-ODW (RAOx), 2025 WL 4056010, at *2–3 (C.D. Cal. Nov. 20, 2025) (granting TRO
26 where agency policy treated a long-term resident as an “applicant for admission” under §

1 1225(b)). See also *Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at
2 *8 (C.D. Cal. Oct. 31, 2025) (“Petitioner’s continued detention under § 1225(b)(2) without a
3 bond hearing constitutes an ongoing deprivation of liberty that due process does not tolerate.”);
4 *Garcia Duarte v. Santacruz*, 2025 WL 4231640 (C.D. Cal. Dec. 23, 2025) (granting TRO where
5 DHS detained interior arrestee as § 1225 detainee); *Diaz Orzuna v. Noem*, 2025 WL 3640619
6 (C.D. Cal. Oct. 31, 2025) (same). Courts outside this District have reached the same conclusion.
7 See *Arce-Cervera v. Noem*, No. 2:25-cv-01895-RFB-NJK, 2025 WL 3017866, at *6 (D. Nev.
8 Oct. 28, 2025) (ordering bond hearing within seven days or immediate release).

9 29. These rulings reflect the same constitutional principle articulated by the Supreme
10 Court: the Due Process Clause forbids detention that is arbitrary or purposeless when less
11 restrictive means would suffice. *Zadvydas*, 533 U.S. at 690. Civil immigration detention is
12 permissible only to serve legitimate governmental interests—namely preventing danger to the
13 community or ensuring appearance at proceedings. When detention is imposed without any
14 individualized determination that those interests are implicated, it becomes constitutionally
15 suspect.

16 30. Applying *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), the balance decisively
17 favors pre-deprivation process here:

18 **The Profound Liberty and Community Interests at Stake**

19 31. The private liberty interests at stake here are extraordinary. Mr. Herrera Guillen
20 has lived in the United States since 2002—more than two decades ago. He entered this country
21 as a young man and has spent essentially his entire adult life here, building his family, his career,
22 and his community in Southern California. Over that time, he has worked steadily, supported his
23 household, and contributed to his family and community.

24 32. His decades of residence have allowed him to form the kinds of ties that courts
25 repeatedly recognize as placing an individual’s liberty interest at the highest end of the
26 constitutional scale. *Hernandez v. Sessions*, 872 F.3d 976, 993 (9th Cir. 2017). Mr. Herrera

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1 Guillen is not a recent entrant or someone passing through the United States; he is a long-time
2 member of the community whose entire adult life is rooted here.

3 33. Mr. Herrera Guillen's family describes him as a devoted father, grandfather, and
4 provider who has long been a stabilizing presence in their household. They describe him as
5 hardworking, peaceful, and deeply committed to supporting his family. Over many years, he has
6 built substantial ties in the United States through his family relationships, steady work, and
7 continuous residence in the community.

8 34. These accounts reflect a consistent picture: Mr. Herrera Guillen is a man whose
9 identity in this country has been defined by steady work, mentorship, and devotion to his family.
10 Over decades, he has become precisely the type of community member whose liberty interests
11 the Constitution most strongly protects.

12 35. Courts confronting materially similar circumstances have repeatedly recognized
13 the gravity of those interests. See *Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025
14 WL 3043936, at *8 (C.D. Cal. Oct. 31, 2025) ("Petitioner's continued detention under §
15 1225(b)(2) without a bond hearing constitutes an ongoing deprivation of liberty that due process
16 does not tolerate."); *Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL
17 3771429, at *3 (C.D. Cal. Dec. 23, 2025) (finding likelihood of success where long-term resident
18 arrested in the interior was detained under § 1225 rather than § 1226(a)); *Estrada v. Lyons*, No.
19 CV 25-11002-KK-KSX, 2025 WL 3438562, at *4 (C.D. Cal. Nov. 26, 2025) (same).

20 36. When an individual who has lived in the United States for more than three
21 decades is abruptly taken into civil detention without any individualized determination of
22 necessity, the deprivation extends far beyond physical confinement. The Supreme Court has
23 repeatedly recognized that both freedom from physical restraint and the preservation of family
24 and community relationships are among the "oldest and most fundamental" liberty interests
25 protected by the Constitution. *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Stanley v. Illinois*,
26 405 U.S. 645, 651 (1972).

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Risk of Erroneous Deprivation

37. The risk of erroneous deprivation is equally severe here. Mr. Herrera Guillen was not attempting to enter the United States, presenting himself for inspection, or seeking admission at a port of entry. He was arrested in the interior of the United States after more than two decades of residence in this country. Yet DHS classified him as an “applicant for admission” under § 1225(b)(2)(A)—a designation historically reserved for individuals encountered at or near the border. That determination was not based on statutory text, congressional intent, or any individualized finding that Mr. Herrera Guillen poses a danger or flight risk. Courts have repeatedly identified this mechanical misclassification as creating a systemic risk of erroneous deprivation. *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01208 (E.D. Cal. Oct. 17, 2025); *Garcia v. Noem*, No. 5:25-CV-02771-ODW, 2025 WL 2986672, at *5–6 (C.D. Cal. Oct. 22, 2025).

38. Courts throughout this Circuit have emphasized that misclassification under § 1225(b)(2)(A)—without access to a bond hearing—poses an unacceptably high risk of unconstitutional detention. See *Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL 3771429, at *3 (C.D. Cal. Dec. 23, 2025); *Eloy Marin Saucedo v. Noem*, No. 2:25-CV-11051-ODW (RAOx), 2025 WL 4056010, at *3 (C.D. Cal. Nov. 20, 2025); *Estrada v. Lyons*, No. CV 25-11002-KK-KSX, 2025 WL 3438562, at *4 (C.D. Cal. Nov. 26, 2025); *Cordero Pelico v. Kaiser*, No. 25-CV-07286-EMC, 2025 WL 2822876, at *6 (N.D. Cal. Oct. 3, 2025); *Naser Noori v. Larose*, No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *10 (S.D. Cal. Oct. 1, 2025); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *3 (E.D. Cal. Aug. 21, 2025); *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110, at *4 (N.D. Cal. Sept. 3, 2025).

39. A § 1226(a) bond hearing is the minimum process Congress contemplated for discretionary detention, but it does not cure the constitutional violation already occurring here. Mr. Herrera Guillen is currently confined under a detention statute that does not apply to him and without any neutral adjudication of whether detention is necessary. Courts have recognized that

1 while a bond hearing has significant value in ordinary § 1226(a) cases, it cannot legitimize
2 ongoing custody that is unauthorized from the outset or restore liberty wrongfully taken. That is
3 especially so where, as here, Respondents have not identified a valid statutory basis for detention
4 in the first place. In *De Rosas Gutierrez*, the court held that under those circumstances, “the
5 remedy is not to supply one through further proceedings, but to end the unlawful detention.”
6 2026 WL 916773, at *2. See *Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022); *Oliveros*
7 *v. Kaiser*, 2025 WL 2677125, at *7; *Pinchi v. Kaiser*, No. 25-CV-05687, 2025 WL 2084921
8 (N.D. Cal. July 24, 2025). Where detention rests on an unlawful statutory classification and
9 categorical denial of process, release—not merely a belated hearing—is the appropriate remedy.
10 See *De Rosas Gutierrez*, 2026 WL 916773, at *2.

11 **Government’s Interest and Administrative Burden**

12 40. The government’s interest in detaining Mr. Herrera Guillen without an
13 individualized process is negligible. Immigration detention is civil and “nonpunitive in purpose
14 and effect,” and is constitutionally justified only where confinement is necessary to prevent flight
15 or protect the public. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Neither rationale applies
16 here. Mr. Herrera Guillen is not detained pursuant to any individualized determination that he
17 poses a danger or would fail to appear; he is confined solely because the government has
18 categorically asserted that no adjudicator has authority to consider his release at all. Where
19 detention is untethered from any legitimate regulatory purpose, the government’s interest
20 collapses.

21 41. Mr. Herrera Guillen is a forty-nine-year-old longtime resident who has lived in
22 the United States since 2002. For many years he has worked steadily, supported his household,
23 and built substantial ties to his family and community.

24 42. He was not arrested at the border, did not present himself for inspection, and was
25 not transferred from criminal custody. Rather, he was taken into ICE custody in the interior of
26 California after decades of residence in this country. The record reflects no individualized

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1 finding of dangerousness, and no evidence suggesting that detention is necessary to secure his
2 appearance. When detention serves no individualized purpose, the government’s interest “carries
3 little weight.” *Maldonado Vazquez v. Feeley*, 2025 WL 2676082, at *21; *Lopez Benitez v.*
4 *Francis*, No. 25-CV-5937 (DEH), 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025). The
5 Ninth Circuit likewise recognizes that “when the government detains individuals it cannot justify
6 as dangerous or likely to flee, it acts in excess of its lawful authority.” *Hernandez v. Sessions*,
7 872 F.3d 976, 996 (9th Cir. 2017).

8 43. Nor can the government plausibly invoke administrative burden. Immigration
9 courts routinely conduct § 1226(a) custody determinations, and courts have repeatedly rejected
10 the notion that administrative convenience can justify ongoing constitutional violations. See
11 *Cordero Pelico*, 2025 WL 2822876, at *6; *Baird v. Garland*, 81 F.4th 95, 104 (9th Cir. 2024)
12 (“Courts cannot allow constitutional violations to persist merely because a remedy would intrude
13 on agency administration.”). The government has no cognizable interest in avoiding procedures
14 that ensure compliance with the Constitution.

15 44. In short, the government gains nothing—legally, constitutionally, or practically—
16 from continuing to detain Mr. Herrera Guillen without lawful authority or process. The *Mathews*
17 balance decisively favors him: his liberty and community interests are profound; the risk of
18 erroneous deprivation under the government’s categorical detention theory is substantial; and the
19 government’s countervailing interest is vanishingly small. Due process does not permit civil
20 detention imposed without authority and without any opportunity to contest its necessity. Where,
21 as here, detention is structurally unlawful from the outset, immediate release is the appropriate
22 remedy.

23 45. Courts confronting materially indistinguishable circumstances have reached the
24 same conclusion and ordered release or narrowly cabined alternative relief. In *Roman v. Noem*,
25 2025 WL 2710211 (D. Nev. Sept. 23, 2025), the court held that detention of a long-time interior
26 resident under § 1225(b)(2)(A) violated due process and ordered immediate release absent

1 prompt corrective action. See also *Maldonado Vazquez v. Feeley*, No. 2:25-cv-01542-RFB-EJY
2 (D. Nev. Sept. 17, 2025) (ordering immediate release); *Hernandez v. Wofford*, No. 1:25-CV-
3 00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025) (granting TRO and
4 ordering release where petitioner was unlawfully detained without authority); *E.C. v. Noem*, No.
5 2:25-cv-01789-RFB-BNW (D. Nev. Oct. 14, 2025); *Carlos v. Noem*, No. 2:25-cv-01900-RFB-
6 EJY (D. Nev. Oct. 10, 2025). As the court in *Roman* observed, district courts nationwide have
7 consistently ordered release or prompt corrective relief where detention rests on the same
8 unlawful § 1225 misclassification theory. See also *Lopez-Campos v. Raycraft*, No. 2:25-cv-
9 12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Salazar v. Dedos*, No. 1:25-cv-00835-
10 DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Kostak v. Trump*, No. 3:25-cv-01093,
11 2025 WL 2472136 (W.D. La. Aug. 27, 2025).

12 46. The same relief is warranted here. In *De Rosas Gutierrez*, the court ordered
13 immediate release where Respondents detained a long-term interior resident under the wrong
14 statutory framework and failed to provide a lawful bond hearing. 2026 WL 916773, at *1–2.
15 Because Mr. Herrera Guillen’s detention is likewise unauthorized and constitutionally infirm,
16 this Court should order his immediate release. At a minimum, the Court should require a prompt
17 § 1226(a) custody hearing at which the government bears the burden of proving, by clear and
18 convincing evidence, that continued detention is necessary.

19 **III. PETITIONER HERRERA GUILLEN WILL SUFFER IRREPARABLE HARM**
20 **ABSENT A TRO**

21 47. Petitioner Herrera Guillen will suffer irreparable harm if he remains detained after
22 being deprived of his liberty and subjected to unlawful incarceration by immigration authorities
23 without the constitutionally adequate process that this motion for a temporary restraining order
24 seeks.

25 48. It is well settled that “the deprivation of constitutional rights unquestionably
26 constitutes irreparable injury,” and that “deprivation of physical liberty by detention constitutes

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1 irreparable harm.” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (quoting *Melendres*
2 *v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)); *Arevalo v. Hennessy*, 882 F.3d 763, 767 (9th Cir.
3 2018). As the Ninth Circuit has recognized in concrete terms, immigration detention inflicts
4 “subpar medical and psychiatric care ... economic burdens ... and collateral harms to children of
5 detainees whose parents are detained.” *Hernandez*, 872 F.3d at 995.

6 49. Such confinement occurs in “prison-like conditions.” *Preap v. Johnson*, 831 F.3d
7 1193, 1195 (9th Cir. 2016). And as the Supreme Court has long observed, time spent in jail “has
8 a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it
9 enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972); accord *Nat’l Ctr. for*
10 *Immigrants Rights, Inc. v. INS*, 743 F.2d 1365, 1369 (9th Cir. 1984).

11 50. Recent Central District decisions reinforce this conclusion in nearly identical
12 circumstances. See *Araujo-Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL
13 3771429, at *3 (C.D. Cal. Dec. 23, 2025) (finding irreparable harm from “continued deprivation
14 of liberty without due process” where petitioner detained under § 1225(b) rather than § 1226(a));
15 *Estrada v. Lyons*, No. CV 25-11002-KK-KSX, 2025 WL 3438562, at *4–5 (C.D. Cal. Nov. 26,
16 2025) (holding that continued detention without lawful authority or a bond hearing constitutes
17 immediate and irreparable injury); *Eloy Marin Saucedo v. Noem*, No. 2:25-CV-11051-ODW
18 (RAOx), 2025 WL 4056010, at *3 (C.D. Cal. Nov. 20, 2025) (same).

19 51. The conditions of confinement further compound this harm. Mr. Herrera Guillen
20 is currently detained at the Adelanto ICE Processing Center, where courts within this Circuit
21 have repeatedly recognized that detainees face immediate and irreparable injury when unlawfully
22 confined. See *Monica Adriana Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL
23 3043936, at *8 (C.D. Cal. Oct. 31, 2025) (“Deprivation of physical liberty by detention
24 constitutes irreparable harm.”); *Jose Enrique Arce-Cervera v. Noem*, No. 2:25-cv-01895-RFB-
25 NJK, 2025 WL 3017866, at *6 (D. Nev. Oct. 28, 2025) (same). See also *Hernandez v. Wofford*,
26 No. 1:25-cv-00986, 2025 WL 2420390, at *2 (E.D. Cal. Aug. 21, 2025) (petitioner detained at

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1 Adelanto “faces irreparable harm absent a temporary restraining order”); *Mosqueda v. Noem*,
2 No. 5:25-cv-02304-CAS (BFM), 2025 WL 2591530, at *6 (C.D. Cal. Sept. 8, 2025) (petitioners
3 “immediately and irreparably harmed” by continued deprivation of liberty without § 1226(a)
4 bond hearings).

5 52. These judicial findings are consistent with extensive public reporting and recent
6 litigation documenting deteriorating conditions at the Adelanto ICE Processing Center. A June
7 2025 *Los Angeles Times* investigation described the facility as “unsanitary, overcrowded, and
8 inhumane,” reporting that detainee populations surged rapidly while staffing and medical
9 resources lagged behind, leaving individuals without adequate medical care, clothing, or basic
10 necessities. Congressional visitors and detention staff warned that detainees were forced to sleep
11 on floors in common areas and wait days for clean clothing as overcrowding intensified.

12 53. Advocacy organizations have similarly documented systemic deficiencies in the
13 facility’s operations. Disability Rights California’s investigative report, *Inside the Adelanto ICE*
14 *Processing Center*, identified widespread failures in medical and mental health treatment,
15 unsanitary living conditions, and excessive use of segregation, concluding that detainees face
16 serious and ongoing health risks. These concerns have also been echoed in recent litigation: a
17 coalition of immigrant rights organizations filed a federal lawsuit alleging that detainees at
18 Adelanto have been subjected to inadequate medical care, insufficient food and water, and
19 unsanitary conditions in an overcrowded facility holding nearly 2,000 individuals.¹

20 54. Public reporting further reflects mounting concerns about detainee safety at
21 Adelanto. Investigations and news reports have documented deaths of individuals held in ICE
22 custody after medical issues allegedly went untreated or inadequately addressed, prompting calls
23 for investigation and reform. In light of these documented conditions—including overcrowding,
24

25
26 ¹ <https://www.disabilityrightsca.org/drc-advocacy/investigations/inside-the-adelanto-ice-processing-center>

1 medical neglect, and recent deaths connected to the facility—courts evaluating requests for
2 emergency relief have recognized that continued detention at Adelanto may expose detainees to
3 serious and irreparable harm.²

4 55. Mr. Herrera Guillen also faces a serious and imminent risk of transfer to a distant
5 facility, which ICE may execute at any moment and without notice. Such a transfer would inflict
6 distinct and irreparable harm by frustrating this Court’s jurisdiction, severing counsel’s access,
7 impeding factual development, and further destabilizing his family and community ties. Courts
8 nationwide have recognized that the threat of transfer during the pendency of a habeas petition
9 itself constitutes irreparable harm. See *Lopez Benitez v. Francis*, 2025 WL 2371588, at *4–5
10 (S.D.N.Y. Aug. 13, 2025) (issuing TRO solely to prevent transfer because relocation would
11 hinder meaningful judicial review); *Arostegui-Maldonado v. Baltazar*, 2025 WL 2280357, at *3
12 (D. Colo. Aug. 8, 2025); *Escalante v. Bondi*, No. 25-cv-1013, 2025 WL 2212104, at *6 (D.
13 Minn. June 31, 2025).

14 56. Within this Circuit, courts confronting identical § 1225(b) misclassification cases
15 have repeatedly enjoined transfer as necessary to preserve judicial authority. See *Mosqueda*,
16 2025 WL 2591530, at *5–6 (granting TRO barring transfer because relocation would “severely
17 impede counsel’s access and frustrate the Court’s ability to resolve the merits”); *Ruiz Yarleque*,
18 2025 WL 3043936, at *7 (same).

19 57. Because Mr. Herrera Guillen’s continued detention—and the looming risk of
20 transfer—impose ongoing injuries that no later order could repair, he will suffer irreparable harm

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22
23 ² [https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-](https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center)
24 [about-conditions-in-adelanto-detention-center](https://abc7.com/post/federal-lawsuit-alleges-poor-conditions-adelanto-ice-processing-center/18480494/)
<https://abc7.com/post/federal-lawsuit-alleges-poor-conditions-adelanto-ice-processing-center/18480494/>
25 [https://abc7.com/post/alberto-gutierrez-reyes-westlake-dies-ice-custody-adelanto-facility-according-la-](https://abc7.com/post/alberto-gutierrez-reyes-westlake-dies-ice-custody-adelanto-facility-according-la-councilmember-eunisses-hernandez/18672280/)
26 [councilmember-eunisses-hernandez/18672280/](https://www.dailynews.com/2026/03/11/second-reported-death-connected-to-ice-detention-facility-in-adelanto-in-last-2-weeks/)
[https://www.dailynews.com/2026/03/11/second-reported-death-connected-to-ice-detention-facility-in-adelanto-in-](https://www.dailynews.com/2026/03/11/second-reported-death-connected-to-ice-detention-facility-in-adelanto-in-last-2-weeks/)
27 [last-2-weeks/](https://calmatters.org/justice/2026/03/san-diego-otay-mesa-lawsuit/)
<https://calmatters.org/justice/2026/03/san-diego-otay-mesa-lawsuit/>

absent immediate injunctive relief. This factor therefore weighs overwhelmingly in favor of a temporary restraining order requiring his release and barring transfer pending resolution of this Court's review.

IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR GRANTING A TRO

58. The final *Winter* factors—the balance of equities and the public interest—merge when the Government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Although the Government has a general interest in enforcing the immigration laws, that interest “is not furthered by allowing violations of federal law to continue.” *Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013); accord *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022) (recognizing that neither equity nor the public interest is served by unlawful agency action).

59. Here, those considerations decisively favor granting a temporary restraining order. Courts within this Circuit have repeatedly held that “the public interest is best served by ensuring that government agencies act within the bounds of the law.” *Ruiz Yarleque v. Noem*, No. 5:25-cv-02836-MEMF-SP, 2025 WL 3043936, at *8 (C.D. Cal. Oct. 31, 2025). Where the government's detention authority is lacking, enjoining unlawful confinement vindicates—not undermines—the integrity of the immigration system. See also *Arce-Cervera v. Noem*, No. 2:25-cv-01895-RFB-NJK, 2025 WL 3017866, at *7 (D. Nev. Oct. 28, 2025) (“Equitable relief is warranted where continued detention contravenes statutory and constitutional guarantees.”).

60. Mr. Herrera Guillen's continued detention advances no legitimate governmental interest. He is a forty-nine-year-old man who has lived in the United States since 2002 and built his adult life in this country. For many years he has worked steadily, supported his family, and contributed to his community. He was apprehended in the interior of the United States after decades of residence, not at the border, and the government has made no individualized finding that he poses a danger to the community or would fail to appear for immigration proceedings. Preventing the government from continuing to detain such an individual under an inapplicable

1 no-bond detention framework therefore advances—rather than frustrates—lawful immigration
2 enforcement.

3 61. Recent Central District decisions confirm that conclusion in materially
4 indistinguishable circumstances. See *Garcia Duarte v. Santacruz*, No. 5:25-cv-03319-SPG-KES,
5 2025 WL 4231640, at *5 (C.D. Cal. Dec. 23, 2025) (granting TRO and emphasizing that
6 continued detention under § 1225 for an interior arrestee lacked statutory authority); *Araujo-*
7 *Contreras v. Janecka*, No. EDCV 25-03442-KK-MBK, 2025 WL 3771429, at *3–4 (C.D. Cal.
8 Dec. 23, 2025) (holding balance of equities and public interest favored TRO where petitioner
9 was unlawfully detained under § 1225(b) rather than § 1226(a)); *Estrada v. Lyons*, No. CV 25-
10 11002-KK-KSX, 2025 WL 3438562, at *5 (C.D. Cal. Nov. 26, 2025) (same; emphasizing that
11 the government has no equitable interest in continuing detention it lacks statutory authority to
12 impose); *Eloy Marin Saucedo v. Noem*, No. 2:25-CV-11051-ODW (RAOx), 2025 WL 4056010,
13 at *3 (C.D. Cal. Nov. 20, 2025) (finding equities favored petitioner because “[t]here is no public
14 interest in the continued enforcement of an unlawful detention scheme”); *Mosqueda v. Noem*,
15 No. 5:25-cv-02304-CAS (BFM), 2025 WL 2591530, at *6 (C.D. Cal. Sept. 8, 2025) (granting
16 TRO and emphasizing that the public interest favors halting detention imposed without statutory
17 authority).

18 62. Releasing Mr. Herrera Guillen—or, at minimum, halting detention shown to be
19 unauthorized—promotes public confidence that immigration enforcement operates within
20 constitutional and statutory bounds. Each day of confinement imposes an irretrievable human
21 cost on Mr. Herrera Guillen, while the burden on the government of correcting its legal error is
22 negligible. Our system does not permit agencies to act unlawfully even in pursuit of desirable
23 ends. *Ala. Ass’n of Realtors v. Dep’t of Health & Hum. Servs.*, 594 U.S. 758, 766 (2021).
24 Upholding the rule of law is itself a matter of profound public interest, and that interest is best
25 served by halting an unlawful detention that should never have occurred.

26 CONCLUSION

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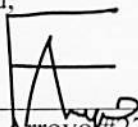
63. For the reasons set forth above, Petitioner respectfully requests that this Court grant his Ex Parte Application for a Temporary Restraining Order. Mr. Herrera Guillen's continued detention violates the Immigration and Nationality Act and the Fifth Amendment's Due Process Clause, inflicting ongoing and irreparable harm that no later remedy could undo. Immediate relief is necessary to prevent further unlawful confinement imposed without statutory authority or constitutionally adequate process.

64. Petitioner therefore asks that the Court: (1) enjoin Respondents from transferring Petitioner out of this District, removing him from the United States, or re-arresting or re-detaining him on the same factual or legal basis while this action is pending; (2) enjoin Respondents from continuing to detain him under 8 U.S.C. § 1225(b); and (3) order his immediate release. Such relief is consistent with *De Rosas Gutierrez v. Semaia*, 2026 WL 916773, at *5, where this District ordered release forthwith after concluding that continued detention under the wrong statutory framework was unlawful. In the alternative, should the Court decline to order immediate release, Petitioner requests an individualized custody determination under § 1226(a) within seven (7) days, at which the Government bears the burden of proving by clear and convincing evidence that detention is necessary and that no less restrictive conditions of supervision—such as release on bond, parole, or electronic monitoring—would reasonably assure appearance and public safety.

65. Granting this narrowly tailored relief would vindicate fundamental constitutional guarantees, preserve this Court's jurisdiction, and ensure that immigration enforcement proceeds within the statutory limits Congress imposed and the constitutional protections the Fifth Amendment guarantees.

DATED: April 7, 2026

Respectfully Submitted,



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PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY
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