

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

'26 CV2496 BJC B JW

Yuniell Michell Guerra Fonseca,

Case No. _____

Petitioner,

**EMERGENCY
MOTION FOR
IMMEDIATE RELEASE**

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
PATRICK J. LECHLEITNER, Acting Director of ICE;
FIELD OFFICE DIRECTOR, ERO EL CENTRO;
WARDEN, IMPERIAL REGIONAL DETENTION FACILITY;
and
DOES 1 through 10, inclusive,

Hon.

Respondents.

EMERGENCY MOTION FOR IMMEDIATE RELEASE

I. RELIEF REQUESTED

Petitioner, through his next friend, respectfully moves for an emergency order directing his immediate release from ICE custody while the Court considers the habeas petition, or alternatively directing an immediate individualized custody review on an expedited basis.

II. FACTUAL BASIS FOR EMERGENCY RELIEF

Every additional day of civil detention is an ongoing deprivation of liberty. The harm is immediate and cannot be fully repaired by later relief.

The accompanying petition raises substantial questions about the legality of detention because the documents provided show termination of proceedings by the Immigration Judge, an appeal filed by DHS, and a pending adjustment-related

filing. Those facts call for urgent judicial review of the asserted detention authority.

Petitioner's wife is pregnant and has recently required medical attention. She needs Petitioner's support for transportation, emotional support, household functioning, and family stability. The hardship is concrete, current, and serious.

Petitioner also has strong release equities: family ties, reporting history, an active immigration posture, and no materials in the present record indicating danger to the community.

III. ARGUMENT

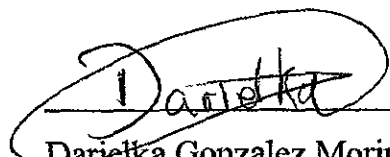
Interim release is warranted where the habeas petition raises serious legal questions and the balance of hardships sharply favors the detainee. Here, continued confinement burdens liberty, family unity, and a pregnant spouse facing medical vulnerability.

The government can protect any legitimate appearance interests by supervision conditions or reporting requirements. By contrast, continued detention imposes irreparable and escalating harm on Petitioner and his family.

At minimum, the Court should order Respondents to show cause immediately and should set an expedited schedule for a response regarding the statutory and constitutional basis for detention.

IV. CONCLUSION

Petitioner respectfully requests immediate release, or alternatively an immediate individualized custody hearing and any interim relief necessary to preserve the effectiveness of habeas review.



Danielka Gonzalez Morinigo

Next Friend for Yuniell Michell Guerra Fonseca