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7 **UNITED STATES DISTRICT COURT**
8
9 **SOUTHERN DISTRICT OF CALIFORNIA**

11 **MARIA HAYDEE PALACIOS**
12 **RAMOS,**

13 **Petitioner,**

14 **v.**

15 **Christopher LAROSE, Warden of Otay**
16 **Mesa Detention Center; Patrick**
17 **DIVVER, Field Office Director, San**
18 **Diego Field Office; Todd LYONS,**
19 **Acting Director, Immigration and**
20 **Customs Enforcement; Markwayne**
21 **MULLIN, Secretary, U.S. Department**
22 **of Homeland Security; U.S.**
23 **Department of Homeland Security;**
24 **Todd BLANCHE, Acting U.S.**
25 **Attorney General,**

26 **Respondents.**

Case No. 3:26-cv-2730-JO-DEB

PETITIONER'S EX PARTE
APPLICATION FOR
TEMPORARY
RESTRAINING ORDER
AND ORDER TO SHOW
CAUSE

Petitioner's DHS No:



1
2 Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Petitioner
3 respectfully moves this Court for emergency relief in the form of a temporary
4 restraining order directing Respondents to immediately release Petitioner from
5 custody and to refrain from transferring or removing her while this action is
6 pending.
7

8 Petitioner seeks a temporary restraining order that: (1) orders her immediate
9 release from civil immigration detention; and (2) enjoins Respondents from
10 relocating her outside the Southern District of California or removing her from the
11 United States pending final resolution of this case.
12

13 This application is supported by the accompanying Memorandum of Points
14 and Authorities, the exhibits filed concurrently herewith, and any additional
15 evidence or argument the Court may permit.
16
17
18

19 Dated: April 30, 2026

Respectfully Submitted,

20 /s/Gita B. Kapur

21 Gita B. Kapur

22 Attorney for Petitioner
23
24
25
26
27
28

CERTIFICATE OF COUNSEL

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure, I hereby certify that on April 28, 2026, I called the Civil Division of the U.S. Attorney’s Office for Southern District of California and spoke with Ms. Mary Wiggins, Civil Process Clerk. Ms. Wiggins informed me that Senior Assistant United States Attorney, Erin Dimbleby is the attorney responsible for federal habeas petition matters, but I was unable to speak with Ms. Dimbleby at that time.

On April 29, 2026, at approximately at 12:00 PM, I emailed Ms. Dimbleby (Erin.Dimbleby@usdoj.gov) to discuss Petitioner’s case and to advise of our intent to file a Petition for Writ of Habeas Corpus and Application for Temporary Restraining Order. I further requested that Ms. Dimbleby advise by 5:00 PM on April 29, 2026, whether the government intends to oppose the motion. As of the time of this filing, I have not received a response.

Dated: April 30, 2026

Respectfully Submitted
/s/Gita B. Kapur
Gita B. Kapur
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 30, 2026, I served a copy of this Application for TRO and OSC by email to the following individual:

Erin Dimbleby
Senior Assistant United States Attorney, Civil Division
United States Attorney's Office, Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101
Email: Erin.Dimbleby@usdoj.gov

As OPLA prosecutes the underlying removal case against Petitioner, I also served a copy by mail upon:

Immigration and Customs Enforcement
Office of the Principal Legal Advisor (OPLA)
880 Front Street, Suite 2246
San Diego, CA 92101

/s/ Gita B. Kapur

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9 Maria Haydee Palacios Ramos

10 **UNITED STATES DISTRICT COURT**
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24 **of Homeland Security; Todd**
25 **BLANCHE, Acting U.S. Attorney**
26 **General,**

27 **Respondents.**

Case No. 3:26-cv-2730-JO-DEB

MEMORANDUM OF
POINTS AND
AUTHORITIES IN
SUPPORT OF
APPLICATION FOR
TEMPORARY
RESTRAINING ORDER
AND ORDER TO SHOW
CAUSE

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I. INTRODUCTION

Petitioner Maria Haydee Palacios Ramos, a 53-year-old grandmother with twenty-one years of continuous residence in the United States and no criminal history of any kind, was seized at gunpoint by active-duty United States Marines on April 6, 2026 — while a passenger in her own car on a family day trip to Sea World. *See collectively* Ex. A at 1 (Petitioner’s Passport); Ex. B at 2-11 (Declaration of Petitioner) The vehicle had taken a wrong exit leading to the Las Pulgas Gate of Marine Corps Base Camp Pendleton, an error the Marines themselves acknowledged was a common civilian mistake. *See* Ex. B at 2-11 (Declaration of Petitioner). Rather than permit Petitioner and her family to turn around, the Marines conducted a warrantless civil immigration arrest — including interrogating Petitioner through an ICE officer reached on a Marine's personal cell phone, handcuffing her, fingerprinting and photographing her and her lawful B-2 visitor daughter, and drawing a sidearm on her seven-year-old granddaughter — before transferring Petitioner to ICE custody. *Id.* Petitioner has been detained since. *Id.*

Petitioner now seeks a Temporary Restraining Order and Order to Show Cause. She presents four independent grounds for relief: (1) the arrest violated the Posse Comitatus Act, 18 U.S.C. § 1385, and 10 U.S.C. § 275; (2) the arrest violated the Fourth Amendment, 8 U.S.C. § 1357(a), and 8 C.F.R. § 287.8; (3) her classification under 8 U.S.C. § 1225(b) is legally erroneous as applied to a never-

1 encountered twenty-one-year interior resident; and (4) her continuing detention
2 without pre-deprivation process violates the Due Process Clause. She needs to
3
4 succeed on only one. She is likely to succeed on each.

5 Each day of her continued detention inflicts irreparable harm — to her
6
7 liberty, to her health (she suffers from untreated severe hypercholesterolemia,
8 chronic herpes, and hemorrhoids), to her family (including a four-year-old United
9 States citizen granddaughter who lives with her), and to this Court's ability to
10 adjudicate her habeas claims before Respondents moot them through transfer or
11 removal. *See collectively* Ex. B at 2-11 (Declaration of Petitioner); Ex. C at 12-26
12 (Medical Records); Ex. D at 27-31 (Declaration of Support, Ana Raquel Orellana
13 Palacios); Ex. E at 32-35 (Declaration of Support, Ana Rebecca Orellana). The
14
15 balance of equities and the public interest both favor preliminary relief.
16

17
18 This Motion is brought on shortened time. Concurrent with filing, counsel
19 has served Respondents by email through the Civil Division of the United States
20 Attorney's Office. Petitioner requests a hearing on the Order to Show Cause within
21
22 fourteen days, with an expedited briefing schedule. In the meantime, Petitioner
23 requests immediate release.

24 //

25
26 //

II. STATEMENT OF FACTS

A. Petitioner's Twenty-One-Year Residence, Family, and Employment in the United States

Petitioner is a 53-year-old citizen of El Salvador. *See collectively* Ex. A at 1 (Petitioner's Passport); Ex. B at 2-11 (Declaration of Petitioner). She first entered the United States in 2005, making April 2026 her 21st year of continuous residence. *See* Ex. B at 2-11 (Declaration of Petitioner). She has resided for nearly a decade at the same Port Hueneme, California address, located in Ventura County where the residential lease is in her name. *See collectively* Ex. B at 2-11 (Declaration of Petitioner); Ex. F at 36-50 (Residential Lease and Tenant Ledger); *See* Ex. G at 51 (Declaration of Landlord).

Petitioner has worked in food preparation at the [REDACTED] [REDACTED] for nearly twenty years, with only a brief pandemic-era interruption followed by rehire. Palacios Decl. *See* Ex. B at 2-11 (Declaration of Petitioner). She has also worked for more than five years at [REDACTED] California. *Id.* She is an active congregant at Central Evangelical Church. *See collectively* Ex. B at 2-11 (Declaration of Petitioner); Ex. K at 58-60 (Declaration of Support, Church)

Petitioner is the mother of three adult daughters and a grandmother of two children, including a four-year-old United States citizen granddaughter who lives with Petitioner. *See collectively* Ex. B at 2-11 (Declaration of Petitioner); Ex. D at

1 27-31 (Declaration of Support, Ana Raquel Orellana Palacios); *See* Ex. E at 32-35
2 (Declaration of Support, Ana Rebecca Orellana) Her daughters include Ana
3 Raquel Orellana Palacios (age 27), a naturalized United States Citizen; Ana
4 Rebecca Orellana (Ana Raquel's twin, age 27), a Lawful Permanent Resident; and
5 Vanessa Abigail Orellana (age 32), who was visiting the United States on a valid
6 B-2 visitor visa at the time of the events described below and who has since
7 returned to El Salvador. Palacios Decl. *Id*
8
9

10 Petitioner has never been arrested or charged with any crime, anywhere, in
11 her life. *See* Ex. B at 2-11 (Declaration of Petitioner). Before April 6, 2026, she
12 had never had any contact with any immigration authority. She has never been
13 placed in removal proceedings. She has never received a Notice to Appear. She has
14 never been paroled, processed at a port of entry, supervised, or placed on any
15 alternative-to-detention program. *Id.*
16
17
18

19 **B. The April 6, 2026 Warrantless Seizure by Marine Corps Personnel at**
20 **Camp Pendleton**

21 On April 6, 2026, Petitioner was a passenger in a vehicle traveling
22 southbound on Interstate 5 for a family day trip to Sea World in San Diego. Her
23 daughter Vanessa, was driving. Vanessa's seven-year-old daughter — Petitioner's
24 granddaughter, who was visiting the United States on a valid B-2 visa — was in
25 the back seat. *Id.*
26
27
28

1 Due to confusing signage, Vanessa inadvertently took an exit leading to the
2 Las Pulgas Gate of Marine Corps Base Camp Pendleton. *Id* At least six or seven
3 other civilian vehicles had followed the same wrong exit. *Id*. Vanessa immediately
4 apologized to the Marine gate sentries and asked to turn around. One of the
5 Marines acknowledged, in substance, that wrong-way entry "happens all the time."

6
7 *Id*

8
9 Despite Vanessa producing a valid passport and B-2 visa for herself and her
10 daughter, and despite the Marines' acknowledgment that the wrong-way entry was
11 a common civilian error, the Marines did not permit the vehicle to turn around.
12 Instead, they focused on Petitioner — the passenger — and ordered her out of the
13 vehicle. *Id*

14
15
16 When Petitioner's seven-year-old granddaughter attempted to follow her out
17 of the car, one of the Marines drew his sidearm and shouted at the child to get back
18 in the vehicle. *Id* The child — reaching for her grandmother, visibly frightened,
19 and posing no threat — froze. *Id*.

20
21
22 Petitioner presented her driver's license, but the Marines then asked
23 Petitioner whether she had a "Real ID." *Id* When Petitioner answered that she did
24 not, one of the Marines used his personal mobile phone to call ICE and facilitated a
25 telephonic interrogation of Petitioner by an ICE officer. *Id*. The ICE officer asked
26 Petitioner her full name and date of entry. Petitioner truthfully answered that she
27
28

1 had entered in 2005. *Id* Immediately thereafter, the Marines handcuffed Petitioner
2 behind her back without a warrant — judicial or administrative — and without
3 articulating any basis for the seizure other than her admitted 2005 entry. *Id*
4

5 The Marines then took Petitioner's fingerprints and photograph. *Id* They also
6 took fingerprints and a photograph of Vanessa, a lawful B-2 visitor. *Id* Before
7 transporting Petitioner away, one of the Marines told Vanessa in substance: "If it
8 wasn't for your little girl, we would be taking you too." The same threat was again
9 made at the ICE field office in Old Town San Diego. *Id*
10
11

12 The Marine gate-arrest occurred against the backdrop of a formally
13 announced interagency security initiative announced by Camp Pendleton on May
14 16, 2025. Under that initiative, ICE, Customs and Border Protection, and Naval
15 Criminal Investigative Service personnel have been co-located with Marine gate
16 sentries for purposes of immigration screening. In announcing the initiative, Camp
17 Pendleton officials acknowledged that "most unauthorized access attempts are
18 inadvertent, often caused by civilian motorists unintentionally navigating to base
19 gates due to GPS misdirection." *See collectively* Ex. L at 61-62 (Marine Corps
20 Base Camp Pendleton, Interagency Security Initiative Press Release, May 16,
21 2025; *See* Ex. O at 75-77 (GPS Evidence)
22
23
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25

26 //

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1 **C. Petitioner's Detention and Deteriorating Medical Condition**

2
3 From April 6 through April 7, 2026, Petitioner was held at the ICE field
4 office in Old Town San Diego without a bed, provided only a thin mylar
5 emergency blanket in an excessively cold holding area. *See* Ex. B at 2-11
6
7 (Declaration of Petitioner). She was transferred to Otay Mesa Detention Center on
8 April 8, 2026. *Id* She remains detained as of the filing of this Motion.

9
10 Petitioner suffers from three chronic medical conditions: (1) severe
11 hypercholesterolemia; (2) chronic herpes requiring prescription antiviral
12 medication; and (3) hemorrhoids. *See collectively* Ex. B at 2-11 (Declaration of
13 Petitioner); *See* Ex. C at 12-26 (Medical Records). Before detention, her treating
14 physician had prescribed dietary modification and scheduled a three-month follow-
15 up for reassessment and likely initiation of lipid-lowering therapy. *Id* Petitioner has
16 been unable to keep that appointment. She has been assigned to an upper bunk
17
18 despite her age and medical conditions. *Id*

19
20
21 **D. Pervasive Denial of Language Access**

22 Petitioner's primary language is Spanish. Since her detention, every
23 document served upon her has been in English only. *See* Ex. B at 2-11 (Declaration
24 of Petitioner). No one has read the documents to her in Spanish or explained them
25
26 to her meaningfully. *Id*. As a result, she does not fully understand the charges, her
27 legal rights, or the deadlines in her removal proceedings. *Id*.

1 **E. Immigration Court Proceedings**

2 Petitioner appeared at a Master Calendar hearing on April 14, 2026, where
3 her case was continued to May 6, 2026, to enable her to seek counsel. She has
4 retained undersigned counsel only for this habeas action; she has not been able to
5 retain counsel for her removal proceedings. *Id.*

7
8 **III. LEGAL STANDARD**

9 The requirements for a temporary restraining order are "substantially
10 identical" to those for a preliminary injunction. *Stuhlbarg Int'l Sales Co. v. John D.*
11 *Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A movant must show: (1)
12 likelihood of success on the merits; (2) likelihood of irreparable harm absent
13 preliminary relief; (3) that the balance of equities tips in her favor; and (4) that an
14 injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20
15 (2008).

16 Under the Ninth Circuit's sliding-scale framework, injunctive relief is
17 appropriate where a movant demonstrates "serious questions going to the merits"
18 and a balance of hardships tipping sharply in her favor, along with likelihood of
19 irreparable injury and public interest. *All. for the Wild Rockies v. Cottrell*, 632 F.3d
20 1127, 1135 (9th Cir. 2011); *Flathead-Lolo-Bitterroot Citizen Task Force v.*
21 *Montana*, 98 F.4th 1180, 1190 (9th Cir. 2024). Each factor is met here.

1 **IV. ARGUMENT**

2 **A. Petitioner Is Likely to Succeed on the Merits**

3 Petitioner advances four independent grounds for habeas relief. She need
4 succeed on only one; she is likely to succeed on each.
5

6 ***1. Petitioner's Arrest by Marines Violated the Posse Comitatus Act and 10***
7 ***U.S.C. § 275***

8 The Posse Comitatus Act ("PCA") prohibits using any part of the Army,
9 Navy, Marine Corps, Air Force, or Space Force "to execute the laws" except where
10 expressly authorized by the Constitution or Act of Congress. 18 U.S.C. § 1385.
11 Congress added the Marine Corps to the PCA's direct statutory coverage in 2021.
12 See Pub. L. No. 117-81, § 1045(a), 135 Stat. 1904. Under 10 U.S.C. § 275, the
13 Secretary of Defense must ensure that "direct participation" by military personnel
14 "in a search, seizure, arrest, or other similar activity" is prohibited absent
15 independent statutory authority. The Ninth Circuit, en banc, has held that "direct
16 participation" by military personnel in civilian law enforcement violates these
17 restrictions. *United States v. Dreyer*, 804 F.3d 1266, 1273–78 (9th Cir. 2015) (en
18 banc).
19
20
21

22 The Marines' conduct falls squarely within the prohibited category. They (i)
23 seized Petitioner, a civilian passenger; (ii) interrogated her regarding her
24 immigration status; (iii) facilitated a telephonic ICE interrogation using a Marine's
25 personal phone; (iv) handcuffed her; (v) fingerprinted and photographed her; and
26
27
28 (vi) transferred her to ICE custody without any warrant. This is paradigmatic

1 "direct participation" in civilian law enforcement. No statute authorizes Marines to
2 effect civil immigration arrests of civilians in the interior of the United States. No
3 recognized exception — Insurrection Act, counterdrug authority, WMD
4 emergency — applies.
5

6
7 The "military purpose" doctrine does not rescue this conduct. Any legitimate
8 base-security concern was resolved the moment Vanessa produced valid
9 identification for herself and the child, apologized, and asked to turn around. The
10 Marines' own statements acknowledged the wrong-way entry was a common
11 civilian error. Everything after that — the order that Petitioner exit, the "Real ID"
12 inquiry, the call to ICE, the handcuffing, the fingerprinting — had every hallmark
13 of civilian immigration enforcement. Published Camp Pendleton announcements
14 confirm the interagency initiative under which Petitioner was arrested is designed
15 for immigration screening. *See Ex. L at 61-62 (Marine Corps Base Camp*
16 *Pendleton, Interagency Security Initiative Press Release, May 16, 2025)*
17
18

19
20 Because Petitioner's current detention is the direct and sole fruit of an arrest
21 effected in violation of 18 U.S.C. § 1385 and 10 U.S.C. § 275, habeas relief is
22 warranted. *See Boumediene v. Bush*, 553 U.S. 723, 779 (2008).
23

24
25 ***2. Petitioner's Warrantless Seizure Violated the Fourth Amendment, 8***
U.S.C. § 1357(a), and 8 C.F.R. § 287.8

26 The Fourth Amendment forbids unreasonable seizures, and civil
27 immigration arrests are seizures subject to Fourth Amendment scrutiny. *Gonzalez*
28

1 v. *ICE*, 975 F.3d 788, 817 (9th Cir. 2020). A warrantless civil immigration arrest
2 must be supported by probable cause that the person is removable and is "likely to
3 escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2); 8 C.F.R. §
4 287.8(c)(2)(ii).
5

6
7 Petitioner's arrest satisfied none of these requirements. There was no
8 warrant. Whatever probable cause purported to exist regarding removability was
9 generated entirely by the Marines' unlawful telephonic ICE interrogation — a fruit
10 of the poisonous tree. There was no probable cause of escape: Petitioner was a 53-
11 year-old grandmother on a family outing with a 21-year interior residence, two
12 decades of stable employment at a single employer, three adult children in the
13 United States (including a USC citizen daughter with whom she resides), and no
14 criminal record. No officer applying the *Castañon Nava* Broadcast Policy's
15 totality-of-circumstances test — identity, prior escapes, attempts to flee,
16 community ties — could lawfully have concluded Petitioner posed a flight risk.
17
18
19

20 The Ninth Circuit has recognized an "egregious violation" exception to the
21 general rule that the exclusionary rule does not apply in civil immigration
22 proceedings. *Lopez-Rodriguez v. Mukasey*, 536 F.3d 1012, 1018 (9th Cir. 2008).
23 The conduct here falls within that exception: a uniformed, armed Marine drew his
24 sidearm on a seven-year-old child to accomplish the warrantless civil immigration
25 arrest of her grandmother. That conduct shocks the conscience and supports
26 suppression and habeas relief.
27
28

1 **3. Section 1225(b) Does Not Reach a Never-Encountered Twenty-One-Year**
2 **Interior Resident**

3 DHS detains Petitioner under 8 U.S.C. § 1225(b) as an "applicant for
4 admission," relying on the BIA's decision in *Matter of Yajure Hurtado*, 29 I. & N.
5 Dec. 216 (BIA 2025). That classification is legally erroneous.

6
7 Section 1225 is titled "Inspection by immigration officers; expedited
8 removal of inadmissible arriving aliens." Its structure, context, and text confirm §
9 1225(b) is reserved for those encountered at or near the border or processed at a
10 port of entry. *Jennings v. Rodriguez*, 583 U.S. 281, 297–300 (2018). Petitioner
11 does not fit. She was never "arriving." She was never at a port of entry. She was a
12 twenty-one-year interior resident, seized on a family outing on a California
13 interstate, who had never had any contact with immigration authorities.

14
15
16 Numerous district courts have rejected the extension of § 1225(b) to long-
17 term interior residents, holding that § 1226(a) — not § 1225(b) — governs. *See*,
18 *e.g.*, *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025);
19 *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D.
20 Cal. Aug. 15, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025
21 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-
22 CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025). The Central
23 District of California also certified a nationwide class and vacated the contrary
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1 agency policy in *Maldonado Bautista v. Santacruz Jr.*, No. 5:25-cv-01873-SSS-
2 BFM (C.D. Cal. Dec. 18, 2025).

3
4 On March 6, 2026, the Ninth Circuit entered a limited administrative stay of
5 the district court's nationwide declaratory judgment and its order vacating *Matter*
6 *of Yajure Hurtado*, pending appeal, in *Maldonado Bautista v. U.S. Dep't of*
7 *Homeland Sec.*, No. 26-1044. That order does not resolve the merits and does not
8 foreclose the distinct PCA and Fourth Amendment theories that independently
9 entitle Petitioner to release. Recently, the Second Circuit has likewise affirmed
10 habeas relief on this ground, holding that a long-term resident who entered without
11 inspection over twenty years ago is detained under § 1226(a), not § 1225(b)(2)(A).
12 *Cunha v. Freden*, No. 25-3141-pr (2d Cir. Apr. 28, 2026)

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16 ***4. Petitioner's Sudden Seizure and Indefinite Confinement Violate the Due***
17 ***Process Clause***

18 The Due Process Clause protects all persons within the United States from
19 arbitrary deprivations of liberty. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
20 Long-term residents acquire a protected liberty interest in continued conditional
21 freedom. *Landon v. Plasencia*, 459 U.S. 21, 32–34 (1982). Under *Mathews v.*
22 *Eldridge*, 424 U.S. 319, 333–35 (1976), procedural due process requires notice and
23 a meaningful opportunity to be heard before a significant liberty deprivation.
24

25
26 Petitioner received none of this. She was seized by armed Marines with no
27 warrant, no prior notice, and no probable cause of flight. She has been confined for
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1 22 days without a pre-deprivation hearing. The documents served on her are in
2 English only, and she has been denied meaningful translation. Her medical
3 conditions are going untreated. The *Mathews* balance — strong private interest,
4 high risk of erroneous deprivation, minimal government interest given her
5 undisputed ties — tips decisively in her favor.
6

7
8 Substantive due process separately protects against government conduct that
9 "shocks the conscience." *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).
10 A Marine drawing a firearm on a seven-year-old child to effect a civil immigration
11 arrest of her grandmother is such conduct.
12

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14 **B. Petitioner Faces Irreparable Harm Absent a TRO**

15 ***1. Continuing Unlawful Detention Is Itself Irreparable Harm***

16 Every day Petitioner remains in custody under an unlawful arrest and
17 detention regime inflicts harm that cannot be remedied after the fact. *Zadvydas*,
18 533 U.S. at 690–92. Courts have repeatedly treated ongoing unconstitutional
19 detention as paradigmatic irreparable injury.
20

21 ***2. Petitioner Faces Acute and Escalating Medical Harm***

22 Petitioner's untreated hypercholesterolemia presents significant
23 cardiovascular risk that grows with every day of inadequate care. Her chronic
24 herpes is inadequately managed in custody. Her missed three-month follow-up
25 appointment to reassess. *See Ex. B at 2-11 (Declaration of Petitioner)*. Medical
26 harm of this nature is quintessentially irreparable.
27
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1 **3. Risk of Transfer Mooting Habeas Review**

2 Nothing prevents ICE from transferring Petitioner out of this District or
3 removing her while her habeas is pending. Either action would effectively nullify
4 this Court's ability to adjudicate the Great Writ. Transfer away from counsel and
5 from this District, or removal abroad, is the kind of irreparable harm that justifies
6 preliminary relief.
7

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9 **4. Family Hardship**

10 Petitioner is the lease-holder and household head for her four-year-old
11 United States citizen granddaughter and her USC daughter, Ana Raquel. *See*
12 *collectively* Ex. B at 2-11 (Declaration of Petitioner); *See* Ex. F at 36-50
13 (Residential Lease and Tenant Ledger; *See* Ex. D at 27-31 (Declaration of Support,
14 Ana Raquel Orellana Palacios). Her sudden, unexplained absence has caused
15 substantial emotional distress, particularly to her young granddaughter. *See* Ex. D at
16 27-31 (Declaration of Support, Ana Raquel Orellana Palacios). The loss of a
17 primary caregiver is not compensable by money damages. *Id* To withdraw money
18 from Petitioner's bank account for rent and essential living expenses, her daughter
19 must submit a notarized statement or form. *Id* Since the detention facility lacks
20 regular notary services, Petitioner is unable to provide the necessary authorization,
21 and the family cannot access these essential funds. *Id*
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1 **C. The Balance of Equities Tips Sharply in Petitioner's Favor**

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3 When the government is a party, the balance of hardships and public interest
4 factors often merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Petitioner faces
5 continuing unlawful detention, deteriorating health, and threatened removal.

6

7 Respondents' only cognizable "harm" from a TRO is the temporary obligation to
8 release Petitioner and refrain from transfer or removal. The government has no
9 legitimate interest in perpetuating detention initiated by military personnel acting
10 outside their statutory authority, effected without a warrant or probable cause of
11 escape, and maintained under a statutory classification Congress never authorized
12 for never-encountered interior residents.

13

14
15 Petitioner's release will not endanger the community. Her 21-year clean
16 record, stable home, two-decade employment history, and deep family and
17 community ties all favor release.

18

19 **D. The Public Interest Strongly Supports the Requested Relief**

20

21 The public interest is served when the government complies with the
22 Constitution, federal statutes, and binding precedent. The Posse Comitatus Act
23 embodies one of the nation's oldest civil-military principles: active-duty military
24 personnel may not be deployed against the civilian population to enforce civilian
25 laws. Enforcing the PCA — and § 275's specific prohibition on direct military
26 participation in civilian arrests — is a matter of the highest public interest.

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1 The Camp Pendleton interagency initiative raises structural civil-military
2 concerns that extend beyond any individual case. Using the predictable stream of
3 civilian navigation errors as a pipeline for Marines to interrogate, seize, and arrest
4 civilians on immigration grounds — then deliver them to ICE — is exactly what
5 the PCA forbids. A TRO ensures judicial scrutiny in a concrete case.
6

7
8 Preserving habeas review so federal courts may review the legality of
9 Executive detention is fully consistent with the Suspension Clause. *INS v. St. Cyr*,
10 533 U.S. 289, 301 (2001). A TRO simply ensures this Court can decide whether
11 Petitioner's detention is lawful before Respondents take irretrievable steps.
12

13 14 **V. NO BOND OR SECURITY SHOULD BE REQUIRED**

15 Under Federal Rule of Civil Procedure 65(c), the Court has discretion to
16 require a bond or security. That requirement is routinely waived in habeas and
17 immigration cases, particularly where the movant seeks to vindicate constitutional
18 rights and faces severe financial hardship. *See Jorgensen v. Cassiday*, 320 F.3d
19 906, 919 (9th Cir. 2003). Petitioner is a detained noncitizen who cannot fulfill her
20 outside employment obligations. Bond is inappropriate and should be waived.
21
22

23 **VI. CONCLUSION**

24 For the foregoing reasons, Petitioner respectfully requests that this Court: (1)
25 enter a Temporary Restraining Order ordering her immediate release, prohibiting
26 transfer outside this District or removal from the United States during this
27
28

1 litigation, and prohibiting re-detention absent written notice and a pre-detention
2 hearing; (2) issue an Order to Show Cause why a Preliminary Injunction should not
3 issue on the same terms, with an expedited briefing schedule and hearing within
4 fourteen (14) days; and (3) waive the bond requirement under Federal Rule of Civil
5 Procedure 65(c).
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10 DATED: April 30, 2026

Respectfully submitted,

11
12 /s/ Gita B. Kapur

13 Gita B. Kapur, Esq.

14 Attorney for Petitioner
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