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7 *Attorney for Petitioner*

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

10 SHAMIL MASAKOV

11 Petitioner,

12 v.

13 Christopher J. LaRose, Warden of the Otay
14 Mesa Detention Center in San Diego,
15 California; Todd M. Lyons, Director, U.S.
16 Immigration and Customs Enforcement;
17 Markwayne Mullin, Secretary, Department of
18 Homeland Security; Todd Blanche, Attorney
19 General of the United States; and Field Office
20 Director, ICE San Diego Field Office.

21 Respondents.

22 CASE No. '26CV2824 BAS DEB

23 **PETITIONER'S NOTICE OF**
24 **MOTION AND EX PARTE MOTION**
25 **FOR TEMPORARY RESTRAINING**
26 **ORDER**

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that Petitioner Shamil Masakov hereby applies ex parte for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 7.1 of the United States District Court for the Southern District of California. Because Petitioner's detention violates the Due Process Clause of the Fifth Amendment, Petitioner respectfully requests that this Court: (1) order Petitioner's immediate release from Respondents' custody pending these proceedings, without bond or electronic monitoring; or, in the alternative, (2) require that, within 14 days, a custody hearing be held before the Immigration Court at which Respondents bear the burden of proving, by clear and convincing evidence, that Petitioner is either a danger to the community or a flight risk.

To preserve this Court's jurisdiction, Petitioner further requests an order enjoining Respondents from transferring Petitioner out of this District or removing him from the United States during the pendency of these proceedings.

This motion is based on this Notice of Motion and Motion; the accompanying Memorandum of Points and Authorities; the Petition for Writ of Habeas Corpus; the supporting declarations and exhibits; all pleadings, papers, and records on file in this action; and any further evidence or argument the Court may consider.

Pursuant to Federal Rule of Civil Procedure 65(b), Petitioner seeks relief on an expedited basis because the deprivation of liberty challenged in the Petition is causing immediate and irreparable harm. Petitioner is filing this application on the same day as his Petition for Writ of Habeas Corpus.

As detailed further in the Declaration of Magomed Esendirov, Counsel for Petitioner emailed a copy of the filed petition to Counsel for Respondents and advised that a Motion for TRO would be forthcoming.

Date: May 4, 2026

Respectfully Submitted,
Magomed Esendirov, Esq. (CA SBN: 363301)

Musaev & Associates, PC

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