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

Omar Santos Baltadano )  
 )  
Petitioner, )  
 )  
v. )

Case No. 3:26-CV-02895-TWR-DDL

EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND RELEASE ON  
BOND

CHRISTOPHER J. LAROSE, Warden / )  
Facility Administrator, Otay Mesa Detention )  
Center; GREGORY J. ARCHAMBEAULT, )  
ICE ERO Field Office Director, San Diego Field )  
Office; TODD LYONS, Acting Director, )  
U.S. Immigration and Customs Enforcement; )  
MARKWAYNE MULLIN, Secretary, )  
U.S. Department of Homeland Security; )  
TODD BLANCHE, Attorney General of )  
the United States, in their official capacities, )  
 )  
Respondents. )  
\_\_\_\_\_ )

**I. INTRODUCTION**

Petitioner, Omar Santos Baltadano , Native and Citizen of Mexico is currently detained at Otay Mesa Detention Center pursuant to INA § 235(b). He has been detained since approximately February 20, 2026 . The Immigration Judge denied bond on jurisdictional grounds, finding Petitioner subject to mandatory detention as an applicant for admission under Matter of

Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025). Petitioner is in ongoing removal proceedings. DHS has filed a motion to pretermit his asylum application, and the Immigration Judge granted the motion to pretermit filed by DHS thus issuing a removal order on 5/8/2026. Exhibit A contains order of removal . Petitioner is working on appealing this decision, as a result, Petitioner's detention continues without a definite endpoint and without any mechanism for release. Petitioner respectfully request expediated consideration of this motion due to the imminent risk of removal, transfer, and continued unlawful detention.

## **II. LEGAL STANDARD**

A TRO or emergency bond relief may be granted if the moving party demonstrates: Likelihood of success on the merits, Likelihood of irreparable harm, The balance of equities favors relief, The injunction or release is in the public interest.

## **III. IRREPARABLE HARM**

Petitioner will suffer immediate and irreparable harm if: Removed from the United States; Transferred outside the jurisdiction of the Southern District; or Continued detention at Otay Mesa persists without bond review. Removal or transfer would deprive the Court of jurisdiction over Petitioner's habeas claims. Prolonged detention without bond constitutes a violation of due process under Matter of Yajure Hurtado and Ninth Circuit precedent, and would prevent meaningful relief. *Nken v. Holder*: removal during judicial review can cause irreparable harm. Petitioner's detention at Otay Mesa Detention Center, and pending decision on filed motion to pretermit asylum claim by DHS, creates a substantial risk that removal or transfer would frustrate federal judicial review.

**IV. BALANCE OF EQUITIES**

Granting this motion preserves the status quo and protects constitutional and statutory rights. The minimal risk to the government is outweighed by the irreparable harm to Petitioner from unlawful detention or removal. *Leiva-Perez v. Holder*: maintaining status quo is appropriate where removal interferes with court jurisdiction.

**V. PUBLIC INTEREST**

The public interest is served by ensuring federal court jurisdiction is preserved, constitutional protections are respected, and individuals have meaningful access to judicial review.

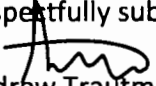
**VI. NOTICE TO RESPONDENTS**

Petitioner has provided notice of this emergency motion through the Court's CM/ECF system. Respondents are represented by the United States Attorney's Office. Petitioner requests expedited consideration due to the imminent risk of removal, transfer, and continued detention.

**VII. CONCLUSION**

For these reasons, Petitioner respectfully requests that this Court issue a Temporary Restraining Order and Prohibit removal from the United States; Prohibit transfer outside the Southern District; and Order temporary release on bond or parole pending review of the habeas petition. Petitioner further requests that the Court give this motion expedited consideration due to the immediate risk to his rights.

Respectfully submitted,

  
Andrew Trautman  
Attorney for petitioner

Dated: 05/07/2026