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Attorney for Petitioner-Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Santa Jeronimo de Ramos and [redacted]

Petitioners-Plaintiffs,

v.

Sergio ALBARRAN, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office

Todd M. LYONS, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

Markwayne MULLINS, in his Official Capacity, Secretary, U.S. Department of Homeland Security; and

Todd BLANCHE, in his Official Capacity, Attorney General of the United States;

Respondents-Defendants.

Case No.

PETITIONER'S REPLY TO RESPONDENT'S OPPOSITION TO PETITIONER'S NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER

Challenge to Unlawful Incarceration; Request for Declaratory and Injunctive Relief

Notwithstanding the fact that the Ninth Circuit Court of Appeals denied Petitioners' Motion for Stay of Removal on October 31, 2025, they continue to have a vested liberty interest under the due process clause of the Fifth Amendment of the United States Constitution. Petitioners are not asking the court to adjudicate the legality of their underlying removal order, but rather prevent their re-detention without notice and opportunity to respond in a pre-deprivation hearing which the government bears the responsibility to justify their re-detention, however allegedly brief.

Furthermore, as per the ERO declaration attached to Respondent's response to Petitioner's Motion for Ex-Parte Temporary Restraining order, it is now clear that ICE intends on detaining petitioners on May 15, 2026. Petitioners do not seek to employ the Great Writ to evade imminent deportation, but rather challenge the constitutionality of their re-detention given that DHS released them into the country on June 26, 2023 and they have complied with all conditions for release and are therefore not a danger nor a flight risk during the pendency of remaining proceedings before the Ninth Circuit Court of Appeals.

Several courts have declined to follow or distinguished from *Rauda*, including courts in our circuit. *See Zhang v. Genalo,* 814 F.Supp.3d 307, E.D.N.Y.. DVD v. DHS, 778 F.Supp.3d 355, D.Mass.; *Alonso-Juarez v. Garland*, 80 F.4th 1039, 9th Cir (2023); *Sheikh-Elmi v. Northwest ICE Processing Center*, 2025 WL 1360299, W.D.Wash; *Garcia v. Andrews*, 2025 WL 1927596, E.D.Cal; *Ibarra-Perez v. United States*, 154 F.4th 989, 9th Cir.(Ariz.); *Aguilar-Garcia v. Kaiser*, 2025 WL 2998169, N.D.Cal; *Escobar-Mejia v. DHS*, 811 F.Supp.3d 1, D.D.C.; *Gaitan-Coreas v. Mullin,* 2026 WL 1121974, D.Nev..

Furthermore, undersigned counsel currently represents two individuals with administratively final orders of removal who were detained at their ICE check-ins while their removal orders were under agency review and transferred to the private California City detention center where they currently languish or have languished in deplorable conditions for months prior to being released pursuant to the filing of a temporary restraining order and habeas corpus petition. *See* 1:26-cv-00129-DAD-SCR (HC) *Esquivel Ochoa v. Albarran* (subject to an *in absentia* order of removal under review at the Board of Immigration Appeals) and "*Waiting for Him to Die: ICE Detainee's Sister Raises Alarm About Medical Neglect at California Facility*", by Ko Lyn Cheang, San Francisco Chronicle, April 15, 2026, available at https://www.sfchronicle.com/california/article/ice-california-city-medical-crisis-22203807.php (last visited May 14, 2026). In the latter case, my client was detained while his removal order pursuant to the denial of his asylum application was under agency review at the Board of Immigration Appeals.

Lastly, the Department is currently subject to litigation based on length and conditions of confinement at 630 Sansome, and has reportedly not been complying with the preliminary injunction in the *Pablo-Sequen v. Albarran* case currently before this court. *See* "*Attorneys Claim Conditions at San Francisco ICE Facility Remain Inhumane*", available at *https://www.courthousenews.com/attorneys-claim-conditions-at-san-francisco-ice-facility-remain-inhumane/* (last visited May 14, 2026). This gives rise to Petitioner's concerns that they too may be held overnight in dire conditions at 630 Sansome and/or sent to remote detention facility in Central California should ERO so choose based on their internal operational decisions.

This would greatly prejudice petitioners, a mother a child, both of whom have documented medical issues including PTSD, migraines, and ganglia (a painful nerve condition).

For these reasons, Petitioner's respectfully request that the Motion for Ex-Parte TRO be granted in light of the above.

Dated: May 14, 2026

Respectfully submitted,

/s/ Aiya Karmali
Aliya Karmali
Attorney for Petitioner-Plaintiff
Santa Jeronimo de Ramos and
Dailyn Maria Ramos Jeronimo