

Magomed Esendirov, Esq. (CA SBN: 363301)
Musaev & Associates, PC
409 N Camden Dr., Suite 108
Beverly Hills, CA 90210
esendirov@musaev.com
tel: (424) 599-6556

Attorney for Petitioner

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

Eldar Musalov

Petitioner,

v.

Field Office Director, ICE San Diego Field
Office, et al.,

Respondents.

CASE No. 3:26-cv-03360-AGS-BJW

**PETITIONER'S NOTICE OF
MOTION AND EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER**

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that Petitioner Eldar Mursalov hereby applies ex parte for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 83.3(g). 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) order Petitioner's immediate release from Respondents' custody and 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.

PETITIONERS' NOTICE OF MOTION AND EX PARTE MOTION FOR TEMPORARY RESTRAINING
ORDER
CASE NO.

1 This application is based on this Notice of Motion and Motion; the accompanying
2 Memorandum of Points and Authorities; the Petition for Writ of Habeas Corpus; the Declaration
3 of Magomed Esendirov, including the certifications required by Federal Rule of Civil Procedure
4 65(b)(1)(A) and (B); the supporting declarations and exhibits; and the [Proposed] Order; all
5 pleadings, papers, and records on file in this action; and any further evidence or argument
6 the Court may consider.

7 Pursuant to Federal Rule of Civil Procedure 65(b) and Civil Local Rule 83.3(g), Petitioner
8 seeks relief on an expedited basis because the deprivation of liberty challenged in the Petition is
9 causing immediate and irreparable harm. Petitioner is filing this application on the same day as his
10 Petition for Writ of Habeas Corpus.

11 Pursuant to Civil Local Rule 83.3(g)(2), promptly after filing the Petition, counsel for
12 Petitioner notified Respondents of this action and of the relief sought herein.

13
14
15 Date: June 2, 2026

Respectfully Submitted,

16 /s/ Magomed Esendirov

17 Magomed Esendirov, Esq. (CA SBN: 363301)

18 Musaev & Associates, PC
19
20
21
22
23
24
25
26
27