

1 Emily Abraham (SBN 285019)
2 **Gautam Jagannath (SBN 285020)**
3 Social Justice Collaborative
4 1832 Second Street
5 Berkeley, CA 94710
6 Tel: (510) 992-3964
7 gautam@socialjusticecollaborative.org
8

9 UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 Elian XOL VALLE,

12 Petitioner-Plaintiff,

13 v.

14 Christopher J. LAROSE, Senior Warden,
15 Otay Mesa Detention Center;

16 Sergio Albarran, Field Office Director of San
17 Francisco Office of Detention and Removal,
18 U.S. Immigrations and Customs Enforcement;
19 U.S. Department of Homeland Security;

20 David J. VENTURELLA, Senior Official
21 Performing the Duties of the Director,
22 Immigration and Customs Enforcement, U.S.
23 Department of Homeland Security; and

24 Markwayne MULLIN, Secretary, U.S.
25 Department of Homeland Security,

26 Respondents-Defendants.
27
28

Case No: **'26CV3437 RBM JAC**

**EX PARTE
MOTION FOR
TEMPORARY
RESTRAINING
ORDER**

Challenge to Unlawful
Incarceration; Request for
Declaratory and Injunctive
Relief

NOTICE OF MOTION

Pursuant to Rules 65(a) and 65(b) of the Federal Rules of Civil Procedure, Petitioner hereby moves this Court for a temporary restraining order and/or preliminary injunction: (1) directing Petitioner's immediate release from immigration custody; (2) in the alternative, enjoining Respondents from transferring Petitioner outside the State of California pending resolution of his Petition for Writ of Habeas Corpus; and (3) in the further alternative, directing Respondents to provide Petitioner with a constitutionally adequate bond hearing before a neutral adjudicator at which the government bears the burden of justifying continued detention by clear and convincing evidence.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Points and Authorities. This Motion is based on the attached Accompanying Exhibits in Support of Ex-Parte Motion for Temporary Restraining Order. As set forth in the Points and Authorities in support of this Motion, Petitioner raises that he warrants a temporary restraining order and/or preliminary injunction due to his weighty liberty interest under the Due Process Clause of the Fifth Amendment in preventing his unlawful transfer absent adequate procedural protections and his right to a fair hearing before a neutral adjudicator.

WHEREFORE, Petitioner prays that this Court grant his request for a

1 temporary restraining order and/or preliminary injunction (1) directing Petitioner's
2 immediate release from immigration custody; (2) in the alternative, enjoining
3 Respondents from transferring Petitioner outside the State of California pending
4 resolution of his Petition for Writ of Habeas Corpus; and (3) in the further
5 alternative, directing Respondents to provide Petitioner with a constitutionally
6 adequate bond hearing before a neutral adjudicator at which the government bears
7 the burden of justifying continued detention by clear and convincing evidence.
8
9
10

11
12 Dated: June 5, 2026

Respectfully Submitted

13 /s/ Gautam Jagannath

14 Gautam Jagannath

15 Attorney for Elian Xol Valle
16
17
18
19
20
21
22
23
24
25
26
27
28