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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE OSCAR ORDAZ GOMEZ,

Petitioner,

v.

SERGIO ALBARRAN, in his official capacity, Acting San Francisco Field Office Director, U.S. Immigration and Customs Enforcement;

DAVID J. VENTURELLA, in his official capacity, Acting Director, U.S. Immigration and Customs Enforcement;

MARKWAYNE MULLIN, in his official Capacity, Secretary of the U.S. Department of Homeland Security; and

TODD BLANCHE, in his official capacity, Acting Attorney General of the United States,

Respondents.

Case No:

MOTION FOR TEMPORARY RESTRAINING ORDER

NOTICE OF MOTION

Pursuant to Local Civil Rules 7-1 and 7-10, Petitioner hereby moves this Court for a temporary restraining order to be issued *ex parte*. Because Petitioner's ongoing immigration detention in Respondents' custody violates the binding order in *Garro Pinchi v. Noem*, No. 25-CV-05632-PCP, --- F. Supp. 3d ---, 2025 WL 3691938, at *12 (N.D. Cal. Dec. 19, 2025), and the

Due Process Clause of the Fifth Amendment to the United States Constitution, Petitioner respectfully requests that this Court (1) immediately release Petitioner from Respondents' custody and enjoin Respondents from re-detaining Petitioner absent further order of this Court; (2) in the alternative, immediately release Petitioner from Respondents' custody and enjoin Respondents from re-detaining Petitioner unless Respondents demonstrate at a pre-deprivation bond hearing, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community such that Petitioner's physical custody is required; and (3) require Respondents to return to Petitioner all property confiscated from Petitioner during Petitioner's arrest, processing, and/or detention, including but not limited to any personal identification, employment authorization document, medical insurance card, money, legal documents, and other personal effects. To preserve this Court's jurisdiction, Petitioner further seeks an order to (4) prohibit the government from transferring Petitioner out of this District and/or removing Petitioner from the country until these habeas proceedings have concluded.

This motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the supporting declaration of Heliodoro Moreno, Jr., and the Proposed Order, filed herewith; the papers evidence, and records on file in this action; and any other written or oral evidence or argument as may be presented at or before the time this motion is heard by the Court. This motion is also supported by the Petition for Writ of Habeas Corpus.

Pursuant to Civil Local Rule 65-1(a)(5), and as detailed further in the supporting declaration of Heliodoro Moreno, Jr., counsel for Petitioner provided counsel for Respondents with notice of this motion and advised Respondents of the emergency reasons requiring Petitioner to seek an *ex parte* application for a temporary restraining order. Counsel for Petitioner and counsel for Respondents corresponded by email to discuss the relief sought, basis for the relief, and whether Respondents would stipulate to a TRO, which Respondents declined to do.

Dated: June 30, 2026

Respectfully submitted,

s/Heliodoro Moreno, Jr.
Heliodoro Moreno, Jr.

Attorneys for Petitioner