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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOSE PATROCINIO CLAROS NOLASCO, Case No.

Plaintiff/Petitioner,

v.

WARDEN, Mesa Verde Detention Center;
et al.,

Respondents.

**EX PARTE MOTION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION; MEMORANDUM
OF POINTS AND AUTHORITIES**

Petitioner Jose Patrocinio Claros Nolasco respectfully moves for a temporary restraining order and order to show cause why a preliminary injunction should not issue. Petitioner seeks an order requiring Respondents to release him immediately under reasonable conditions of supervision. In the alternative, Petitioner seeks an order requiring Respondents to provide a prompt, constitutionally adequate custody hearing before a neutral decisionmaker, with the government bearing the burden of proving by clear and convincing evidence that continued detention is necessary, and with consideration of alternatives to detention and ability to pay.

Petitioner also requests an order prohibiting Respondents from transferring him outside the Eastern District of California or otherwise frustrating this Court's jurisdiction while this

1 matter remains pending, and prohibiting re-detention absent materially changed circumstances
2 and constitutionally adequate process.

3 This motion is based on the verified Petition for Writ of Habeas Corpus filed
4 concurrently herewith, Petitioner's Exhibits A–I filed concurrently with the Petition, this
5 memorandum, the proposed order, and any further argument or evidence the Court may consider.

6 **I. RULE 65 CERTIFICATION REGARDING NOTICE**

7 Petitioner seeks emergency relief because he remains in civil immigration detention
8 without any meaningful custody determination by a neutral decisionmaker. Petitioner is detained
9 at the Mesa Verde Detention Center while his removal proceedings remain pending. Pet. Exhs.
10 A, C. DHS has served a Notice to Appear, and EOIR has docketed his immigration court case.
11 Pet. Exhs. A, B.

12 Federal Rule of Civil Procedure 65(b)(1)(B) requires counsel to certify in writing any
13 efforts made to give notice and the reasons why notice should not be required. Petitioner does
14 not seek to conceal this filing from Respondents. Rather, Petitioner seeks expedited
15 consideration because each day of detention without meaningful custody review causes
16 continuing irreparable harm.

17 On July 1, 2026, counsel for Petitioner provided notice of this filing by email to the
18 United States Attorney's Office for the Eastern District of California at usacae.ecf2241-
19 imm@usdoj.gov with courtesy copies attached. Because Respondents have not yet appeared in
20 this action, Petitioner is providing notice through the United States Attorney's Office and will
21 promptly serve all filed documents through any method directed by the Court.

1 Petitioner is amenable to the Court setting a short response deadline and ruling on the
2 papers without a hearing. Petitioner does not object to Respondents being heard on an expedited
3 schedule. But Petitioner respectfully requests that the Court not delay emergency consideration
4 until ordinary noticed-motion timing because the injury is ongoing: Petitioner remains physically
5 confined without a meaningful individualized custody determination, separated from his family,
6 unable to work or support his children, and impaired in his ability to participate in his pending
7 immigration case. Pet. Exhs. D–F.

8 Petitioner further requests that the Court waive any bond requirement under Rule 65(c).
9 This case concerns unlawful civil detention and seeks to vindicate statutory and constitutional
10 rights. Respondents will not suffer compensable monetary harm from an order requiring release
11 under reasonable conditions or, alternatively, a prompt lawful custody hearing.

12 **II. INTRODUCTION**

13 Petitioner Jose Patrocinio Claros Nolasco is detained by Immigration and Customs
14 Enforcement (“ICE”) at the Mesa Verde Detention Center while his removal proceedings remain
15 pending. He is not subject to a final order of removal. EOIR’s case information reflects that his
16 case was docketed on June 26, 2026, remains pending, and is scheduled for a master calendar
17 hearing before the Adelanto Immigration Court. Pet. Exh. A. ICE’s detainee locator confirms
18 that he remains in ICE custody at Mesa Verde. Pet. Exh. C.

19 This case presents a narrow custody question. Petitioner is physically present in the
20 United States, has been placed in ordinary removal proceedings, and is detained while the
21 immigration court decides whether he is removable and whether he may pursue protection or
22 other relief. That posture is governed by INA §236(a), 8 U.S.C. §1226(a), the general detention

1 statute for noncitizens detained “pending a decision on whether the alien is to be removed from
2 the United States.” It is not governed by INA §235(b), 8 U.S.C. §1225(b), and the present record
3 does not establish any predicate for mandatory criminal detention under §1226(c) or post-order
4 detention under §1231.

5 The statutory distinction matters. If Respondents classify Petitioner under §1225(b), the
6 practical consequence is that the immigration court will treat him as categorically ineligible for
7 ordinary bond review. Under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and
8 *Matter of N-A-G-C-*, 29 I&N Dec. 662 (BIA 2026), immigration judges generally treat
9 respondents whom DHS labels subject to §1225(b) as outside custody-redetermination
10 jurisdiction altogether. Pet. Exh. F ¶¶ 4–10. Thus, an immigration-court bond request is not an
11 adequate remedy where the threshold dispute is whether DHS is using the wrong detention
12 statute.

13 Petitioner is likely to succeed on the merits of his statutory and due-process claims.
14 Continued detention inflicts irreparable harm by depriving him of physical liberty, separating
15 him from his family, preventing him from supporting his children, and impairing his ability to
16 participate meaningfully in his pending immigration case. The balance of equities and public
17 interest favor relief because the government has no legitimate interest in detaining Petitioner
18 under the wrong statutory framework or without meaningful custody review.

19 **III. RELEVANT FACTS**

20 Petitioner is a native and citizen of El Salvador. Pet. Exhs. A–C. DHS served him with a
21 Notice to Appear dated June 25, 2026, alleging that he is present in the United States without
22

1 having been admitted or paroled and charging him under INA §212(a)(6)(A)(i). Pet. Exh. B. The
2 NTA initiates ordinary removal proceedings before an immigration judge. Pet. Exh. B.

3 EOIR's Automated Case Information system identifies Petitioner as Jose Patrocinio
4 Claros Nolasco, [REDACTED] with a docket date of June 26, 2026. Pet. Exh. A. EOIR states
5 that his case is pending and that his next master calendar hearing is scheduled for July 8, 2026,
6 before Immigration Judge Brent A. Carr. Pet. Exh. A. EOIR identifies the court contact address
7 as the Adelanto Immigration Court. Pet. Exh. A.

8 ICE's Online Detainee Locator identifies Petitioner as a Salvadoran national, [REDACTED]
9 [REDACTED] in ICE custody in California, with his current detention facility listed as Mesa Verde
10 Detention Center. Pet. Exh. C.

11 Petitioner was arrested on June 25, 2026, when he appeared at the asylum office in San
12 Francisco for a credible fear interview. Pet. Exh. D. Before the interview began, two ICE officers
13 arrested him and transported him to 630 Sansome Street in San Francisco. Pet. Exh. D. He was
14 then transferred the same day to Mesa Verde, where he remains detained. Pet. Exhs. C–D.

15 Petitioner has significant equities relevant to custody. He has filed an asylum claim based
16 on fear of persecution in El Salvador. Pet. Exh. D. He has three U.S. citizen children, a lawful
17 permanent resident mother, and a U.S. citizen sister. Pet. Exhs. D, G. He works as a chef at [REDACTED]
18 [REDACTED] in El Sobrante, California, where he has worked for approximately two years. Pet. Exh.
19 D. He has no criminal record in the United States or El Salvador. Pet. Exh. D. His girlfriend
20 reports that he is the family breadwinner and that his detention has caused financial and
21 emotional hardship. Pet. Exh. E.

1 The current record does not establish that Petitioner is subject to a final order of removal,
2 a reinstated removal order, post-order detention under §1231, or mandatory criminal detention
3 under §1226(c). Pet. Exhs. A–C. The record instead shows a pending immigration court case and
4 present ICE detention while those proceedings remain pending. Pet. Exhs. A–C.

5 IV. LEGAL STANDARD

6 A temporary restraining order is governed by the same standard as a preliminary
7 injunction. A movant must show likelihood of success on the merits, likely irreparable harm, that
8 the balance of equities tips in his favor, and that an injunction is in the public interest. Winter v.
9 Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Under the Ninth Circuit’s sliding-scale
10 approach, serious questions going to the merits may support relief where the balance of
11 hardships tips sharply in the movant’s favor and the remaining Winter factors are satisfied. All
12 for the Wild Rockies v. Peña, 865 F.3d 1211, 1217 (9th Cir. 2017). Where the government is the
13 opposing party, the balance of equities and public interest merge. Nken v. Holder, 556 U.S. 418,
14 435 (2009).

15 A person detained under color of federal authority may seek habeas relief under 28
16 U.S.C. §2241 where custody violates the Constitution, laws, or treaties of the United States. 28
17 U.S.C. §2241(c)(3). Habeas jurisdiction extends to statutory and constitutional challenges to
18 immigration detention that do not seek review of a removal order. Zadvydas v. Davis, 533 U.S.
19 678, 687 (2001); Nadarajah v. Gonzales, 443 F.3d 1069, 1075–76 (9th Cir. 2006); Flores-Torres
20 v. Mukasey, 548 F.3d 708, 713 (9th Cir. 2008).

21 The INA’s jurisdiction-stripping provisions do not bar this motion or the underlying
22 petition. Petitioner does not ask this Court to review a discretionary custody judgment,

1 adjudicate removability, review an immigration judge’s removal decision, or decide any
2 application for immigration relief. He challenges the statutory and constitutional authority for his
3 detention without meaningful custody review. Section 1226(e) does not bar review of legal and
4 constitutional challenges to the statutory framework governing detention. Jennings v. Rodriguez,
5 583 U.S. 281, 294–96 (2018); Demore v. Kim, 538 U.S. 510, 516–17 (2003).

6 **V. ARGUMENT**

7 **A. Petitioner Is Likely to Succeed Because Section 1226(a), Not Section 1225(b), 8 Governs His Detention**

9 Section 1226(a) applies by its terms. It governs detention “pending a decision on whether
10 the alien is to be removed from the United States.” 8 U.S.C. §1226(a). Petitioner is detained
11 while his removal proceedings remain pending before the immigration court. Pet. Exh. A. He has
12 no final removal order. Pet. Exh. A. He is not detained under §1231. Respondents have identified
13 no §1226(c) predicate.

14 Section 1226(a) also provides the ordinary custody process that accompanies pre-final-
15 order detention. It authorizes detention, release on bond, or release on conditional parole. 8
16 U.S.C. §1226(a)(1)–(2). If DHS denies release or sets an inappropriate bond, the respondent may
17 seek custody redetermination before an immigration judge. 8 C.F.R. §§1003.19, 1236.1(d).

18 Section 1225 is different. It is the inspection-and-admission framework. Jennings, 583
19 U.S. at 287–89. Section 1225(b)(1) governs expedited removal and credible fear procedures.
20 Section 1225(b)(2) applies to certain applicants for admission whom an examining immigration
21 officer determines are not clearly and beyond a doubt entitled to admission. 8 U.S.C.
22 §1225(b)(2)(A). Unlike §1226(a), §1225(b) does not provide ordinary bond process. Jennings,
583 U.S. at 297.

Petitioner is not detained at the border during inspection. He is physically present in the United States, was arrested in San Francisco, was served with an NTA, and is now in ordinary immigration court proceedings. Pet. Exhs. A–D. His detention is therefore detention pending a decision on removal. Section 1226(a) governs.

Respondents may rely on the allegation that Petitioner is an “applicant for admission” because he is charged under INA §212(a)(6)(A)(i). That does not resolve the custody question. The question is not whether DHS may charge Petitioner as inadmissible in removal proceedings. The question is which detention statute governs after DHS arrests and detains a physically present noncitizen while ordinary removal proceedings remain pending.

Section 1226(a) is not limited to admitted noncitizens. It applies to “an alien” detained pending a decision on removal. 8 U.S.C. §1226(a). It does not exclude persons charged under §212(a)(6)(A)(i). Respondents’ contrary reading would collapse §1225 and §1226, making §1226(a)’s bond framework unavailable to a broad class of ordinary removal respondents based only on DHS’s charging theory. That is not how the INA is structured.

B. The Weight of Authority in This District Supports Relief

The government’s recent position has been repeatedly rejected in this District. In Guerrero Lepe v. Andrews, No. 1:25-cv-01163-KES-SKO (HC), 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025), the court held that §1226(a), not §1225(b)(2), governed an interior detainee who had lived in the United States for many years. The court rejected the government’s broad interpretation because it disregarded the relationship between §1225 and §1226, threatened to render portions of §1226 superfluous, and conflicted with the statutory framework and prior practice. *Id.* at *4.

Other Eastern District decisions have followed the same reasoning. See Martinez Casas v. Noem, No. 1:25-cv-01487-CDB (HC), 2026 WL 119325, at *3 (E.D. Cal. Jan. 8, 2026); J.S. v. Wofford, No. 1:25-cv-02016-DC-SCR, 2026 WL 125258, at *3–5 (E.D. Cal. Jan. 16, 2026), findings and recommendations adopted, 2026 WL 297304 (E.D. Cal. Feb. 4, 2026); Avalos Garcia v. Albarran, No. 1:26-cv-01933-DAD-SCR, 2026 WL 747133, at *4–6 (E.D. Cal. Apr. 17, 2026).

Other courts in this District have granted relief in closely related detention cases where DHS sought to detain noncitizens without meaningful custody process. See Ayala Cajina v. Wofford, No. 1:25-cv-01566-DAD-AC (HC), 2025 WL 3251083 (E.D. Cal. Nov. 21, 2025); O.A.C.S. v. Wofford, No. 1:25-cv-01652-DAD-CSK (HC), 2025 WL 3485221 (E.D. Cal. Dec. 4, 2025); Rangel v. Noem, No. 1:26-cv-00084-DAD-CSK, 2026 WL 73996 (E.D. Cal. Jan. 9, 2026); Singh v. Bondi, No. 1:26-cv-00789-DAD-CKD, 2026 WL 320449 (E.D. Cal. Feb. 6, 2026).

Petitioner recognizes that there is an active circuit split. Several circuits have rejected the government’s broad §1225(b)(2) theory. See Barbosa da Cunha v. Freden, No. 25-3141-pr, 2026 WL 1146044 (2d Cir. Apr. 28, 2026); Lopez-Campos v. Raycraft, Nos. 25-1965/1969/1978/1982, 2026 WL 1283891 (6th Cir. May 11, 2026); Castañon-Nava v. U.S. Dep’t of Homeland Sec., 161 F.4th 1048 (7th Cir. 2025); Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami, Nos. 25-14065/14075, 2026 WL 1243395 (11th Cir. May 6, 2026). The Fifth and Eighth Circuits have accepted the government’s position. See Buenrostro-Mendez v. Bondi, 166 F.4th 494 (5th Cir. 2026); Avila v. Bondi, 170 F.4th 1128 (8th Cir. 2026).

1 The Ninth Circuit has not adopted the Fifth or Eighth Circuit's view. Those decisions are
2 not binding here. Until the Ninth Circuit holds otherwise, this Court should follow the better
3 reading of the statute and the substantial weight of authority in this District.

4 **C. Administrative Custody Review Is Futile and Inadequate**

5 Section 2241 contains no statutory exhaustion requirement. To the extent prudential
6 exhaustion principles apply, they are excused where administrative remedies are unavailable,
7 inadequate, or futile. See Laing v. Ashcroft, 370 F.3d 994, 997–1000 (9th Cir. 2004).

8 Exhaustion is excused here because Respondents' own detention position obstructs the
9 administrative remedy they would presumably require Petitioner to pursue. Upon information
10 and belief, Respondents have classified Petitioner as detained under §1225(b), not §1226(a).
11 Under Matter of Yajure Hurtado and Matter of N-A-G-C-, immigration judges generally treat
12 respondents whom DHS classifies under §1225(b) as categorically outside bond jurisdiction. Pet.
13 Exh. F ¶¶ 4–10.

14 That means a bond request would not provide a meaningful opportunity for release. The
15 problem is not simply that the immigration judge may deny bond after weighing evidence. The
16 problem is that the immigration judge will generally conclude that the immigration court lacks
17 jurisdiction to consider bond at all. Pet. Exh. F ¶¶ 5, 8.

18 Requiring Petitioner to seek administrative custody review under a framework DHS says
19 does not apply would elevate form over substance. Petitioner seeks a threshold ruling that DHS
20 is using the wrong detention statute and unlawfully denying him access to §1226(a) custody
21 process. An immigration judge cannot declare precedential BIA decisions invalid, cannot bind
22

1 DHS to treat Petitioner as detained under §1226(a), and cannot provide the full habeas remedy
2 sought here.

3 Exhaustion is also inadequate because Petitioner seeks release from allegedly unlawful
4 custody. Delay itself is part of the injury. Petitioner remains detained while his removal
5 proceedings are pending and while no neutral decisionmaker has made a meaningful
6 individualized custody determination. Pet. Exhs. A, C. Exhaustion should therefore be excused.

7 **D. Continued Detention Without Meaningful Individualized Custody Review**
8 **Violates Due Process**

9 The Fifth Amendment protects all persons within the United States from deprivation of
10 liberty without due process of law. Civil immigration detention is nonpunitive and may be
11 justified only by legitimate regulatory purposes, including ensuring appearance and protecting
12 the community. Zadvydas, 533 U.S. at 690; Foucha v. Louisiana, 504 U.S. 71, 80 (1992).

13 Petitioner has a substantial liberty interest in freedom from physical confinement. He
14 remains detained without a meaningful individualized custody determination by a neutral
15 decisionmaker. Pet. Exhs. A, C. Respondents have not shown, and no neutral decisionmaker has
16 found under constitutionally adequate procedures, that Petitioner is a danger or flight risk.

17 The available record instead shows substantial custody equities. Petitioner has no
18 criminal record in the United States or El Salvador. Pet. Exh. D. He has three U.S. citizen
19 children, a lawful permanent resident mother, a U.S. citizen sister, and stable employment as a
20 chef. Pet. Exhs. D, G. His continued detention separates him from his family, impairs his ability
21 to support them, and interferes with his ability to participate meaningfully in his pending
22 immigration case. Pet. Exhs. D–E.

1 Due process requires meaningful process, not a categorical assertion of detention
2 authority. The risk of erroneous deprivation is especially high where DHS's §1225(b) position
3 deprives Petitioner of any immigration-court custody forum. Pet. Exh. F ¶¶ 4–10. ICE parole is
4 not an adequate substitute for neutral custody review because it is discretionary, controlled by
5 the detaining agency, and does not provide the same neutral forum or enforceable standards. Pet.
6 Exh. F ¶ 10.

7 The due-process concern is heightened because Petitioner was arrested when he appeared
8 for a scheduled asylum-office credible-fear interview, despite his family ties, employment, lack
9 of criminal record, and ongoing effort to pursue protection through the immigration process. Pet.
10 Exhs. D–G. But Petitioner does not need the Court to hold that every initial ICE arrest requires a
11 pre-deprivation hearing; the narrower and sufficient claim is that continued detention after arrest,
12 under a no-bond §1225(b) theory, is unlawful without meaningful neutral custody review.

13 At minimum, if the Court orders a custody hearing rather than immediate release, the
14 hearing must be prompt and meaningful. The government should bear the burden of proof by
15 clear and convincing evidence; the decisionmaker must consider alternatives to detention; and
16 any monetary bond must account for ability to pay. See Singh v. Holder, 638 F.3d 1196, 1203–
17 05 (9th Cir. 2011); Hernandez v. Sessions, 872 F.3d 976, 990–91 (9th Cir. 2017).

18 Those safeguards are particularly important here. Mr. Todd explains that bare bond-
19 hearing orders may not provide meaningful relief in the current detention environment unless the
20 order specifies the governing procedural safeguards. Pet. Exh. F ¶¶ 11–15. Recent national bond
21 data also show that ICE discretionary release has become rare, bond hearings have become
22 increasingly difficult to access, bond grant rates have declined, and DHS appeals and higher

1 bond amounts may prevent release even after bond is set. Pet. Exh. H. The Adelanto-specific
2 Salazar declaration shows that, after November 10, 2025, Adelanto bond denials increased and
3 recorded bond amounts rose substantially, with the median positive bond increasing from \$7,500
4 to \$10,000 and the share of bonds above \$15,000 more than doubling. Pet. Exh. I ¶¶ 3, 12–17,
5 28–31.

6 That evidence supports immediate release. At minimum, it supports a specific and
7 enforceable custody-hearing order.

8 **E. Petitioner Will Suffer Irreparable Harm Absent Emergency Relief**

9 Unlawful detention constitutes irreparable harm. Petitioner is physically confined by ICE
10 while his removal proceedings remain pending and without meaningful custody review. Pet.
11 Exhs. A, C. Each additional day of unlawful detention deprives him of physical liberty, separates
12 him from his family, prevents him from supporting his children, and interferes with his ability to
13 communicate with counsel, gather records, obtain declarations, and participate in his
14 immigration case. Pet. Exhs. D–F.

15 The harm is concrete and ongoing. Petitioner has three U.S. citizen children. Pet. Exhs.
16 D, G. His girlfriend reports that Petitioner is the family breadwinner and that his detention has
17 caused financial hardship and emotional distress. Pet. Exh. E. Petitioner also reports medical
18 concerns while detained. Pet. Exh. E. No later remedy can fully restore the liberty, family
19 support, and litigation-preparation time lost during unlawful detention.

20 **F. The Balance of Equities and Public Interest Favor Relief**

21 The balance of equities favors Petitioner. He has no criminal record in the United States
22 or El Salvador, has three U.S. citizen children, has close family ties, has worked as a chef for

1 approximately two years, and has a pending immigration case in which he seeks protection from
2 harm in El Salvador. Pet. Exhs. A, D, G.

3 Respondents have no legitimate interest in detaining Petitioner under the wrong statutory
4 framework or without meaningful custody review. Nor does the public interest support
5 unnecessary civil detention. The public interest is served when the government follows the law,
6 respects constitutional limits, and uses detention only where justified by individualized facts.

7 Reasonable conditions of supervision can address any legitimate government concern. At
8 minimum, a prompt custody hearing with the government bearing the burden by clear and
9 convincing evidence, and with consideration of alternatives to detention and ability to pay,
10 would protect both Petitioner's liberty interest and the government's regulatory interests.

11 **G. The Proper Emergency Remedy Is Immediate Release or a Prompt Custody**
12 **Hearing With Enforceable Safeguards**

13 A habeas court may "dispose of the matter as law and justice require." 28 U.S.C. §2243.
14 Because Petitioner is detained under the wrong statutory framework and has been denied
15 meaningful custody review, immediate release under reasonable conditions is the most direct
16 remedy.

17 In the alternative, the Court should declare that §1226(a) governs Petitioner's detention
18 and order a prompt custody hearing before a neutral decisionmaker with authority to order
19 release. To ensure that the remedy is meaningful, the order should require Respondents to justify
20 continued detention by clear and convincing evidence, require consideration of alternatives to
21 detention, require consideration of ability to pay before any monetary bond is imposed, and
22 require release unless the government satisfies its burden.

1 The Court should also prohibit transfer outside the Eastern District of California or re-
2 detention absent materially changed circumstances and constitutionally adequate process. Those
3 protections are necessary to preserve the Court's jurisdiction and prevent the requested relief
4 from being frustrated.

5 **VI. CONCLUSION**

6 For the foregoing reasons, the Court should grant Petitioner's motion for temporary
7 restraining order and order Respondents to release him immediately under reasonable conditions
8 of supervision. In the alternative, the Court should order a prompt, meaningful custody hearing
9 under 8 U.S.C. §1226(a), with the government bearing the burden of proof by clear and
10 convincing evidence, and with consideration of alternatives to detention and ability to pay.

11
12 Dated: July 1, 2026

Respectfully submitted,
By: /s/ Ann Barhoum
ANN BARHOUM
Attorney for Petitioner

CERTIFICATE OF SERVICE AND RULE 65 NOTICE CERTIFICATION

I, Ann Barhoum, certify as follows:

1. I am counsel for Petitioner Jose Patrocinio Claros Nolasco.
2. On July 1, 2026, I electronically filed the foregoing Ex Parte Motion for Temporary Restraining Order and Order to Show Cause Re Preliminary Injunction; Memorandum of Points and Authorities with the Clerk of the Court for the United States District Court for the Eastern District of California using CM/ECF.
3. Because Respondents have not yet appeared, I provided notice of this emergency filing to the United States Attorney's Office for the Eastern District of California by email at usacae.ecf2241-imm@usdoj.gov on July 1, 2026.
4. I attached copies of the Petition, exhibits, TRO motion, proposed order, and TRO checklist.
5. Petitioner does not seek emergency relief without notice in order to prevent Respondents from being heard. Petitioner seeks expedited consideration because Petitioner remains physically detained by ICE without a meaningful individualized custody determination, and ordinary noticed-motion timing would prolong the alleged unlawful detention and the accompanying irreparable harm.
6. Petitioner is amenable to the Court setting a short response deadline and deciding the motion on the papers.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 1, 2026, in San Jose, California.

By: /s/ Ann Barhoum
ANN BARHOUM