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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN G.S.,

Petitioner-Plaintiff,

v.

Sergio ALBARRAN, Field Office Director of San Francisco Office of Detention and Removal, U.S. Immigration and Customs Enforcement; U.S. Department of Homeland Security;

Lance SCHROYER, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security;

Markwayne MULLIN, 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. 26-cv-6803-TLT

PETITIONER'S REPLY IN SUPPORT OF MOTION FOR TRO

Challenge to Unlawful Detention Under Color of Immigration Detention Statutes; Request for Declaratory and Injunctive Relief

IMMIGRATION HABEAS CASE

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I. Introduction

Respondents do not argue that there is any individualized reason to put petitioner Juan G.S. in immigration detention. *See generally* Dkt. 10. They do not argue he is a danger, a flight risk, or that his removal is reasonably foreseeable because they have secured his travel and residence in another country and given him notice and an opportunity to seek fear-based protection if he fears harm in that country. *Id.* Rather, Respondents allege that Juan—despite living for most of his life in the United States, working, finding love, winning withholding of removal status, and receiving ongoing life-saving HIV treatment here—does not possess the right to be free from arbitrary and unreasoned civil detention under the Fifth Amendment. This sweeping argument cannot stand. "[O]nce an [noncitizen] enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. at 693 (2001) (collecting cases).

II. Juan Possesses Due Process Interests in Prohibiting His Re-Detention Without Adequate Process

Respondent's argument that Juan lacks a due process interest in his freedom from physical restraint is unavailing. *See* Dkt. 10 at 4-10. Under the Fifth Amendment and existing case law, he has two: a procedural due process liberty interest in his freedom on conditional release, and a substantive due process interest in freedom from civil detention that is excessive relative to a legitimate regulatory purpose.

A. Noncitizens Granted Withholding of Removal Possess a Morrissey Liberty Interest

First, Juan possesses a cognizable procedural due process interest in his freedom from physical restraint despite being subject to 8 U.S.C. § 1231, as he has been on supervised release under 8 U.S.C. § 1231(a)(3) for over twelve years. *See* Dkt. 1-4. 8 U.S.C. § 1231(a)(1) states that

the "removal period" runs 90 days from the date the order is administratively final. *Id.* If the noncitizen is not removed within that 90-day period, he shall be subject to an order of supervision. *See* 8 U.S.C. § 1231(a)(3). In Juan's case, Respondents released him on supervision under § 1231(a)(3) in December 2013. Dkt. 1-4. For the next twelve years, he complied with the terms of his supervised release, which are defined by statute and regulation. *See, e.g.*, 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.5(a); Dkt. 1-5; 1-3 ¶ 30. In May 2022, he was granted withholding of removal under § 1231(b)(3), further cementing his ties to the United States. He built a life for himself in the United States during these 12 years. *See* Dkt. 1-3 ¶¶ 3, 22-29. Juan's interest in his freedom from physical confinement on supervised release is like that of petitioners in *Morrissey v. Brewer*, 408 U.S. 471 (1972) and its progeny. The concerns involved are constitutional ones, because it is a central component of due process that once the individual on supervised release "has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions . . . the liberty is valuable and must be seen as within the protection of the Fourteenth Amendment." *Morrissey*, 408 U.S. at 482; *c.f. Young v. Harper*, 503 U.S. 143, 152-153 (1997).

Many district courts agree, finding individuals on supervised release post-final removal order have a liberty interest. *See, e.g.*, *Enamorado v. Kaiser*, No. 25-cv-4072-NW, 2025 WL 4109736 (N.D. Cal. Nov. 3, 2025); *Ortega v. Kaiser*, No. 25-cv-05259-JST, 2025 WL 2243616 (N.D. Cal. Aug. 6, 2025); *see also* Dkt. 1 at 11-14 (collecting cases). Respondents do not engage at all with this overwhelming authority. *Compare* Dkt. 10 at 6-7; *and* Dkt. 1 at 11-14.

Respondents' reliance on *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022) is unavailing, as that case specifically analyzed the availability of habeas relief to a noncitizen facing prolonged detention under § 1226(a), who had already received a bond hearing and been denied release by the immigration judge. In holding habeas relief was not appropriate, the Court

noted that the statute permitted the noncitizen to seek another bond hearing, and found this a sufficient safeguard against arbitrary detention. *Id.*, 53 F.4th at 1209-10 ("Nothing would have prevented Rodriguez Diaz from seeking further bond redeterminations based on materially changed circumstances that might arise in the future over the course of his detention."). It did not deal with the due process interest an individual on supervised release accrues, as here. *C.f. Zelaya v. Albarran*, No. 25-cv-8774-VC at *1 (noting the liberty interest in "a case where the agency originally decides to release a noncitizen on the ground that they're not a danger or a flight risk, only to turn around years later and arrest them without any showing of changed circumstances."). And as Respondents note, § 1231 does not afford someone like Juan a bond hearing before a neutral adjudicator—unlike § 1226(a). *See* Dkt. 10 at 4. The Ninth Circuit turned its opinion in *Rodriguez Diaz* on this critical distinction, finding habeas relief unnecessary *because* the statutory scheme itself offered neutral custodial review. *See id.* at 1203-05 (distinguishing Rodriguez Diaz from petitioners with a due process right to a bond hearing because they were subject to mandatory detention). 8 U.S.C. § 1231 has no such safety release to check unlawful detention for petitioners like Juan.

Further, Respondents' reference to *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020), and the entry fiction doctrine line of cases is wholly inapposite. *See* Dkt. 10 at 5-6. The petitioner in *Thuraissigiam* was apprehended twenty-five yards north of the border while trying to enter the United States, and challenged the credible fear process for his entry to the United States. In *Thuraissigiam*, the Court found that the Fifth Amendment did not afford him more process *for entry* than was given by statute. To quote the passage of *Thuraissigiam* Respondents cite at Dkt 10 at 5-6 at greater length:

"[Thuraissigiam] argues that . . . [b]ecause he succeeded in making it 25 yards into U.S. territory before he was caught, he claims the right to be treated more favorably. The Ninth Circuit agreed with this argument. We reject it. It disregards the reason for our century-old rule regarding the due process rights of an alien seeking initial entry. . . For these reasons, an alien in respondent's position has only those rights regarding admission that Congress has provided by statute."

591 U.S. at 139-40 (internal citations omitted) (emphases added).

But Juan does not challenge procedures related to his admission, he challenges his re-detention in the interior of the United States. And as someone who has lived in the United States since 1998 and has deep ties to his community in San Francisco, he is situated very differently to the noncitizen in *Thuraissigiam*.[1] The Supreme Court's narrow holding in *Thuraissigiam* did not disturb the unobjectionable and longstanding principle that noncitizens within the United States have constitutional rights. The Supreme Court has affirmed as much after *Thuraissigiam*. *See, e.g.*, *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) ("'It is well established that the Fifth Amendment entitles aliens to due process of law' in the context of removal proceedings.") (finding the right to judicial review and notice and opportunity to respond for removal under the Alien Enemies Act) (internal citation omitted).

Contrary to Respondents' portrayal of Juan as a person without ties in the United States, he could not be more clearly rooted as a resident of this country. *See* Dkt 10 at 5-6. He has legal

[1] In a distinct but related issue, Respondents have argued that individuals paroled into the United States lack a liberty interest in preventing re-detention because they are subject to mandatory detention under § 1225(b), pointing to the entry fiction cases. Courts have rejected Respondents' arguments on this count. *See, e.g.*, *Jimenez Molina v Albarran*, 25-cv-08427-TLT at *12 (N.D. Cal. Dec. 22, 2025) ("Although merely 'set[ting] foot on U.S. soil' may not be sufficient to 'effect[ ] an entry' and trigger due-process protections if the noncitizen is detained shortly thereafter, *Thuraissigiam*, 591 U.S. at 139–40, if a noncitizen 'gain[s a] foothold in the United States,' [ ] or 'begins to develop ... ties" in this country, 'h[er] constitutional status changes accordingly,' and she 'has a right to due process.'"). (internal citations omitted).

status to live and work in the U.S. *See* Dkt. 1-2 ¶¶ 17-18; Dkt. 1-3 ¶¶ 23, 31. He has been gainfully employed and paid taxes for decades. Dkt. 1-3 ¶ 23. Most of his immediate family lives in San Francisco, including many U.S. citizens and permanent residents. Dkt. 1-3 ¶ 25. He has spent the majority of his life in the United States—over a quarter of a century. Dkt. 1-3 ¶ 23. Respondents' radical conclusion—that *Thuraissigiam* stands for the principal that noncitizens like Juan's due process rights *regarding any issue, including ones not challenging admission at the border*, are "co-extensive" with the statute, see Dkt. 10 at 6—is not concordant with the Constitution. *C.f. Plyler v. Doe*, 457 U.S. 202, 210 (1982) ("Whatever his status under the immigration laws, an alien is surely a 'person' in any ordinary sense of that term."). The plain language of the Fifth Amendment, and case law on the matter, makes clear this conclusion is untenable.

Nor is Respondents' reference to *Giorges v. Kaiser*, 2025 WL 2898967 (N.D. Cal. Oct. 10, 2025) on point. There, two petitioners subject to mandatory detention due to the severity of their criminal convictions were released under a class action, *Zepeda Rivas v. Jennings*, 445 F.Supp. 3d 36 (N.D. Cal. 2020) due to the COVID-19 pandemic. *Giorges*, 2025 WL 2898967 at *2-*4. Neither had been granted relief from removal, and the court considered this fact relevant for determining that their removal was reasonably foreseeable. ("To the Court, it does not appear there are any procedural hurdles on the horizon [making removal unforeseeable]"). *7. This is a far cry from Juan's circumstances, where Respondents would need to satisfy significant statutory and procedural requirements to lawfully effectuate his removal to a third country. *See* Dkt. 1 at 32-37. Other courts analyzing the position of petitioners in a similar procedural posture to Juan have found that these hurdles sufficient to demonstrate the petitioner's removal was not reasonably foreseeable. *See, e.g.*, *Enamorado v. Kaiser*, 2025 WL 4109736 at *8 ("Currently,

there is no country to which the Government could remove Enamorado without first providing him with an opportunity to present a fear-based claim as to that country. . . There is no significant likelihood of Enamorado's removal in the reasonably foreseeable future, nor would detention be "reasonably necessary to secure" his removal when Enamorado has consistently been considered not to be a flight risk nor a danger to the community."); *Ortega v. Kaiser*, 2025 WL 2243616 at *7 ("The Government argues that Ortega has no basis to assert a procedural due process right for a pre-detention hearing because 'he has a final order or removal, and any detention would be to effectuate his removal to a third country.' [ ] But *Zadvydas* requires that the detention be *no longer* than 'reasonably necessary to secure removal.'") (cleaned up) (emphasis added).

Even on its own terms, "there are serious questions about whether *Giorges* is correct." *Zelaya v. Albarran*, 2025 WL 2952507 at *1 (N.D. Cal. Oct. 15, 2025). Other Courts have found that even noncitizens subject to mandatory detention who were released under *Zepeda Rivas*—unlike Juan, who was released by Respondents pursuant to §1231(a)(3) and then granted relief—have a liberty interest in their supervised release. *Cux Jocop v. Albarran*, No. 25-cv-09059, 2025 WL 3124081 (N.D. Cal. Nov. 7, 2025); *Duong v. Kaiser*, F.Supp. 3d 1030, 2025 WL 2689266 (N.D. Cal. Sep. 19, 2025); *Zelaya v. Albarran*, 2025 WL 2952507 (Oct. 15, 2025); *Qazi v Albarran*, No 25-cv-02791, 2025 WL 3033713 (N.D. Cal. Oct. 10, 2025); *Doe v Albarran*, No. 25-CV-08774-VC, 2025 WL 3141224 (N.D. Cal. Nov. 10, 2025).

Nor does *Uc Encarnacion v. Kaiser*, 2022 WL 9496434 (N.D. Cal. Oct. 14, 2022), strengthen Respondents' hand. There, a petitioner who had already been found a danger to the community by the BIA sought additional custodial review, and the district court decided no such additional process was warranted. *Id.* at *2-*3; *see also Zelaya*, 2025 WL 2952507 at *1

(distinguishing *Uc Encarnacion* from cases where "the agency originally decides to release a noncitizen on the ground that they're not a danger or a flight risk, only to turn around years later and arrest them without any showing of changed circumstances."). But Juan has *never* been found to be a flight risk or danger. Pursuant to the terms of §§ 1231(a)(3) and (a)(6), Respondents decided in December 2013 that Juan was neither dangerous nor a flight risk when they released him on supervision. *See* Dkt. 1-4; *see also Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) ("Release reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk."). At each of his check-ins with Respondents, they constructively decided again that his detention would not be warranted. *Id.* This gives rise to a weighty liberty interest that cannot be revoked without additional process.

B. Substantive Due Process and *Zadvydas* Require that Civil Immigration Detention Is Non-Punitive and Serves Some Legitimate Purpose

In addition, civil immigration detention is only justifiable to prevent flight risk and danger. The Supreme Court held more than a century ago that detention related to deportation or exclusion (prior terms for removal proceedings) cannot be punitive. *Wong Wing v. United States*, 163 U.S. 228, 236-38 (1896) ("The order of deportation is not punishment for a crime."). The Court again stated plainly that under the current immigration statutory scheme, civil immigration detention is justified to "assure the [noncitizen's] presence at the moment of removal." *See Zadvydas v. Davis*, 533 U.S. 678, 699 (2001); *see also id.* at 690 ("The proceedings at issue here are civil, not criminal, and we assume that they are nonpunitive in purpose and effect. . . . [The statute] has two regulatory goals: 'ensuring the appearance of aliens at future immigration proceedings' and '[p]reventing danger to the community.'"). In addition, post-removal order detention is warranted under § 1231 only when removal is "reasonably foreseeable." *Zadvydas*,

533 U.S. at 690, 699-700; *see also, e.g.*, *Ortega v. Kaiser*, 2025 WL 2243616 at *7. *Contra* Dkt 10 at 3-4 (stating Juan's detention is authorized by statute and regulation).

Even in cases where, unlike here, the noncitizen petitioner had no defense against removal to their country of origin, courts have found that removal was not reasonably foreseeable simply because the noncitizen had a final removal order and Respondents expressed their desire to remove them. *See, e.g.*, *Hoac v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) ("[t]he fact that Respondents intend to complete a travel document request for Petitioner does not make it significantly likely he will be removed in the foreseeable future"); *Nguyen v. Scott*, 796 F.Supp. 3d 703, 725 (W.D. Wa. 2025) ("Courts in [the Ninth] Circuit have regularly refused to find Respondents' burden [of showing reasonable foreseeability of removal] met where Respondents have offered little more than generalizations regarding the likelihood that removal will occur"); *Nguyen v. Andrews*, No. 1:26-cv-00015-DAD SCR, 2026 WL 263058, at *5-6 (E.D. Cal. Feb. 2, 2026) (removal not reasonably foreseeable despite ICE declaration that Vietnam was "likely" to issue travel documents within the next 3 months); *Pham v. Warden*, No. 1:25-CV-1873 DC AC, 2026 WL 673404, at *5 (E.D. Cal. Mar. 10, 2026) (removal not reasonably foreseeable where ICE averred that it "completed a travel document request and will submit it to the Government of Vietnam soon").

Courts analyzing the posture of petitioners like Juan, who face third country removal because they have been granted protection from removal to their country of origin, have found their removal even *less* foreseeable. *See, e.g.*, *Enamorado v. Kaiser*, No. 25-cv-4072-NW, 2025 WL 4109736 (N.D. Cal. Nov. 3, 2025); *Ortega v. Kaiser*, No. 25-cv-05259-JST, 2025 WL 2243616 (N.D. Cal. Aug. 6, 2025); *Vishal v. Chestnut*, 811 F.Supp. 3d 1179, 1184 (E.D. Cal. Dec. 8, 2025) (finding removal not foreseeable when Respondents submitted a declaration

stating "ERO began the process of trying to obtain confirmation from an alternative third country that would accept Petitioner when he is removed. Those efforts are ongoing.").

On the existing record, Respondents' attempt to re-detain Juan appears completely arbitrary. Respondents have not put forward any evidence that Juan constitutes a danger or flight risk. *See generally* Dkt. 10. He has complied with his check-ins and the terms of his supervision for 13 years, and has not had any contact with the criminal system in over a decade. *See* Dkt. 1-3 ¶¶ 19, 30. Respondents cannot establish he is dangerous or a flight risk on the existing record. *See* Dkt. 1 at 22-24. And they have put forward no evidence that his removal is reasonably foreseeable, as Ninth Circuit law requires. *See generally* Dkt. 10. He has a significant interest in freedom from unwarranted detention at this juncture.

C. The *Mathews* Factors Favor Juan

Juan's private interest in remaining free from detention is significant. To correct the record, Juan currently has the legal right to live and work in the United States. See Dkt. 1-2 ¶¶ 17-18; Dkt. 1-3 ¶¶ 21, 31; Dkt. 1-6; 8 U.S.C. § 1231(b)(3)(A); 8 CFR § 208.2(c)(2)(i); 8 CFR § 274a.12. *Contra* Dkt. 10 at 8 (stating Juan "has never been granted any form of lawful status in the United States."). He was also granted Temporary Protected Status from 1998 to 2008. Dkt. 1-2 ¶¶ 5-6; Dkt. 1-3 ¶¶ 3-4. It is a misunderstanding of the immigration statutory scheme to assert otherwise, and Respondents do not cite to law to substantiate their claim. *See* Dkt. 10 at 8. Withholding of removal is a form of immigration relief established by Congress and subject to individual adjudication by an IJ—as here, where Juan was granted this status in 2022. Dkt. 1-6; 8 U.S.C. § 1231(b)(3)(A).

Individuals granted withholding of removal are entitled to work authorization, and "in other legal contexts individuals with withholding are treated similarly to those with asylum. Those with withholding status are eligible to receive welfare, Medicaid, Supplemental Security

Income, and Food Stamps for up to seven years upon receiving their status, just as asylees are. They can also receive certain government housing subsidies and are eligible for Legal Services Corporation-funded legal services." Immigration Equality, Asylum Manual (last visited Jul. 14, 2026), available at https://immigrationequality.org/asylum/asylum-manual/withholding-status/. Notably, undocumented immigrants—unlike Juan—are barred from receiving social services such as LSC services and SSI. *See, e.g.*, Social Security Administration, "Supplemental Security Income (SSI) for Noncitizens," (last visited Jul. 14, 2026), available at https://www.ssa.gov/pubs/EN-05-11051.pdf; Legal Services Corporation, Can LSC Grantees Represent Undocumented Immigrants? (last visited Jul. 14, 2026), available at https://www.lsc.gov/our-impact/publications/other-publications-and-reports/can-lsc-grantees-represent-undocumented.

Juan's prior removal order does not diminish his liberty interest, particularly since an IJ granted him withholding of removal in 2022, affording him the bundle of legal rights described above. *See* Dkt. 1-6. *All* noncitizens in the United States with legal authorization to live and work in the U.S. are theoretically subject to being removed from the U.S., pursuant to statutory and constitutional requirements. *See, e.g.*, 8 C.F.R. § 208.24 (describing termination of asylum status); 22 U.S.C. § 41.122 (describing revocation of nonimmigrant visas like student visas); 8 U.S.C. § 1227 (describing criminal convictions that may render a lawful permanent resident deportable); *contra* Dkt. 10 at 8 (stating Juan's liberty interest is diminished because he could be removed to a third country). This fact does not strip them of statutory and due process interests. The fact that Juan could theoretically be removed to a third country—if Respondents comported with due process and statutory requirements—does not diminish his weighty liberty interest.

Regardless, undocumented immigrants *also* possess a *Morrissey* liberty interest in their supervised release, as courts have found time and again. *See, e.g.*, *Pinchi v. Noem*, 792 F.Supp. 3d 1025, 1032-33 (N.D. Cal. 2025). Noncitizens who are here with the knowledge of the U.S. government and are complying with the terms of their conditional release by the U.S. government accrue an interest in liberty on conditional release, regardless of their immigration status. *Id.*

Juan's legal status highlights his deep roots in the United States. He has lived in the United States for 27 years. *See* Dkt. 1-3 ¶ 23. He fled Honduras to the United States due to the severe violence he suffered there as a gay man. *Id.* ¶¶ 7-16. The majority of his siblings and his nieces and nephews live in San Francisco. *Id.* ¶¶ 1, 25. He receives life-saving HIV treatment here, which must not be interrupted. *Id.* ¶ 26; *see also* Exh. F (San Francisco Gen. Hospital Letter). He has worked in restaurants around the city for decades, and pays taxes. *See* Dkt. 1 ¶ 23. In his life in San Francisco, he possesses and stands to lose "all that makes life worth living." *Bridges v. Wixon*, 326 U.S. 135, 147 (1945).

Respondents' other arguments on the *Mathews* factors are also misplaced. Respondents make the conclusory statement that "because 8 U.S.C. § 1231(a)(6) controls, there is no risk of an erroneous deprivation of liberty," Dkt. 10 at 9, but do not engage with the overwhelming number of courts that have found noncitizens in the same procedural posture as Juan were unlawfully detained. *See, e.g.*, Dkt. 1 at 11-14, 26 (collecting cases). The bulk of authority shows that Respondents have been unable to demonstrate that similarly situated petitioners' removal was reasonably foreseeable, or that they were dangers to the public or flight risks, as *Zadvydas* and the Constitution require. *See, e.g.*, Dkt. 1 at 11-14, 26. Requiring Respondents to establish before a neutral adjudicator that re-detaining Juan is warranted because he is a flight risk, danger,

and his removal is reasonably foreseeable would be a minimal and appropriate intervention to prevent an unlawful detention.

Similarly, Respondents make no specific showing that they have a strong interest in detaining Juan specifically. Contrary to the argument that he might be a flight risk because he has a prior removal order, Juan has been regularly appearing for his ICE check-ins for over 12 years. *Compare* Dkt. 10 at 9; *and* Dkt. 1-3 ¶ 30. He appeared for immigration court for many years until he was granted immigration relief, in 2022. Dkt. 1-3 ¶¶ 20-21; Dkt. 1-6. Here, Respondents have not alleged specific facts suggesting there is a reason *now* to detain Juan. They do not allege he violated the terms of his OSUP or has had contact with the criminal system, because he hasn't. *See generally* Dkt. 10. They do not allege that they have obtained travel documents for Juan to a third country. *Id.* They have not demonstrated any material change of circumstances at all that makes detention today more appropriate than a year ago, or a year from now.

Nor is it remotely plausible, as Respondents claim, that Respondents face irreparable harm from being prohibited from detaining Juan now, while Juan suffers "no cognizable harm" from detention. *See* Dkt. 10 at 10. The Ninth Circuit has found that immigration detention *itself* is an irreparable harm; the inadequate conditions and medical care noncitizens face in immigration detention are an irreparable harm; and that separation from one's friends and family can constitute irreparable harm. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Those harms would apply here, as Juan has many close and longstanding ties in his community in San Francisco, is gainfully employed, and currently receives HIV treatment that he may struggle to receive in immigration detention. *See, e.g.*, Cal. Dep't of Justice, "'Cruel, Inhumane, and Unacceptable:' Attorney General Bonta Releases Fifth Report on Conditions at Immigration

Detention Facilities in California," (May 15, 2026), available at https://oag.ca.gov/news/press-releases/%E2%80%9Ccruel-inhumane-and-unacceptable%E2%80%9D-attorney-general-bonta-releases-fifth-report (describing inadequate medical care and poor conditions). *See also* Exh. F (stating "[i]nterruptions in HIV care or medication access can have serious and lasting medical consequences. In my medical opinion, it is essential that Juan maintain continuous access to comprehensive HIV medical care and treatment. Any disruption in this care would place the patient's health at substantial risk."). In total, the balance of factors tips sharply in Juan's favor.

III. Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court grant his motion for TRO.

Dated: July 15, 2026

Respectfully submitted,

/s/ Sean Lai McMahon
Sean Lai McMahon

Pro Bono Attorney for Juan G.S.