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Attorneys for Petitioner

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**Karan KARAN**  
Petitioner,

v.

**Sergio Albarran**, Field Office Director of  
Enforcement and Removal Operations, **ERO**  
San Francisco Field Office, Immigration and  
Customs Enforcement; **Markwayne Mullin**,  
Secretary, U.S. Department of Homeland  
Security; **Todd M. Lyons**, Acting Director of  
the United States Immigration and Customs  
Enforcement; **Todd Blanche**, U.S. Attorney  
General; Executive Office for Immigration  
Review; **Warden of the Mesa Verde**  
**Detention Center**

Respondents

Case No.

**PETITION FOR TEMPORARY  
RESTRAINING ORDER**

Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Petitioner hereby moves the Court for emergency relief in the form of a temporary restraining order directing Respondents to release Petitioner from his custody with no additional conditions of release that were not imposed prior to his detention on June 11, 2026 or to provide Petitioner with individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a).

1       Petitioner also seeks a temporary restraining order enjoining the Respondents from  
2 relocating Petitioner outside of the Eastern District of California pending final resolution of this  
3 case. Transfer outside this District would impede the Court's jurisdiction over the habeas  
4 petition, frustrate Petitioner's access to counsel, and risk mooted the requested relief. The  
5 Eastern District of California is the district of confinement, and habeas jurisdiction attaches to  
6 the immediate custodian. Any transfer during pendency of this action would defeat the Court's  
7 ability to provide effective relief. Courts in this District routinely prohibit such transfers in  
8 immigration habeas matters.  
9

10                               **Local Rule 231(b)**

11       Indeed, emergency relief is appropriate in this case according to local rule 231(b) since  
12 Petitioner was just recently detained on June 11 2026. After reviewing Petitioner's case facts,  
13 this request for Temporary Restraining Order is filed mere days after detention and is necessary  
14 since Petitioner faces the likely prospects of detention without any meaningful opportunity to be  
15 given a fair and neutral bond hearing. Furthermore emergency relief to file this TRO, rather than  
16 a preliminary injunction, is necessary since Petitioner is at risk of being ordered removed or  
17 transfer out of the State.

18       Finally, since the Immigration Judges are still following the Board of Immigration  
19 Appeals decisions in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and *Matter of Q.*  
20 *Li*, 29 I. & N. Dec. 66 (BIA 2025), it would be futile for Petitioner to seek a bond hearing from  
21 the Immigration Court as they are directed from EOIR leadership to ignore this Court's findings  
22 in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM and find that short of visa  
23 entry or lawful residency, no Petitioner in removal proceedings are entitled to a bond hearing.  
24  
25

1 This petition is being filed less than 30 days of his detention and should not be considered  
2 untimely.

3 In cases arising under *Matter of Yajure Hurtado* and *Matter of Q. Li*, courts have  
4 consistently recognized that the injury at issue is not a past event but an ongoing deprivation of  
5 liberty resulting from the categorical denial of bond jurisdiction despite his lengthy time already  
6 detained. Where detention is predicated on an agency-imposed jurisdictional bar rather than an  
7 individualized custody determination, each additional day of confinement constitutes a  
8 continuing constitutional violation. Accordingly, the passage of time does not diminish  
9 irreparable harm or defeat a request for temporary injunctive relief.  
10

11 Recent post-*Q. Li* decisions confirm that prolonged detention without access to a bond  
12 hearing remains an exigent circumstance, even where the petitioner has been detained for months  
13 prior to seeking relief. Courts have granted emergency relief in materially identical cases where  
14 immigration judges declined bond jurisdiction pursuant to *Q. Li* and the government failed to  
15 identify any new or changed circumstances demonstrating that continued detention was  
16 necessary to address danger or flight risk. See, e.g., *Chavarria v. Chestnut*, No. 1:25-CV-01755-  
17 DAD-AC, 2025 WL 3533606, at \*4 (E.D. Cal. Dec. 9, 2025); *Bernal v. Albarran*, No. 25-CV-  
18 09772-RS, 2025 WL 3281422, at \*6 (N.D. Cal. Nov. 25, 2025).

19 As reflected in those decisions, the government bears the burden of demonstrating that  
20 continued detention is justified by **current, individualized facts**, not by categorical rules or stale  
21 allegations. Where, as here, detention continues solely because *Q. Li* is interpreted to foreclose  
22 bond jurisdiction as a matter of law, and the government has made no showing of materially  
23 changed circumstances, the constitutional injury is ongoing and immediate judicial intervention  
24 is warranted.  
25

Moreover, courts addressing *Q. Li*-based detention have emphasized that emergency relief is particularly appropriate where the government retains the unilateral ability to effectuate **removal or transfer** at any time, thereby threatening to moot judicial review. Temporary injunctive relief is therefore necessary to preserve the Court's jurisdiction and prevent irreparable harm while the merits of Petitioner's habeas claim are adjudicated. See *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966).

In sum, any delay in filing does not undermine the propriety of emergency relief where detention continues without lawful process, bond jurisdiction has been categorically denied under *Q. Li*, and the government cannot articulate a present, individualized justification for continued custody. Under these circumstances, Petitioner has satisfied the requirements for temporary injunctive relief.

Petitioner's case shows strong likelihood of success since he was arrested without a warrant. The language of 8 U.S.C. § 1226(a)'s warrant requirement is unequivocal and does not afford the Government forgiveness simply by providing a bond hearing after the fact. (see *Yociris P. v. Bondi*, No. 26-CV-1080 (ECT/EMB), 2026 WL 327937, at \*3 (D. Minn. Feb. 8, 2026) ("Where the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings." (quoting Order on Petition for Writ of Habeas Corpus at 6, *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025), ECF No. 9 (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008)))).) Instead, such a violation calls for release. ( See, e.g., *A.E.R.T. v. Wofford*, No. 1:25-CV-01824-KES-SKO, 2025 WL 3645297, at \*2 (E.D. Cal. Dec. 16, 2025) (finding immediate release the appropriate remedy where petitioner was arrested without a warrant in violation of §

1 1226(a)); (see *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO, 2025 WL 3013328, at \*8  
2 (E.D. Cal. Oct. 27, 2025) (same).

3 This application is supported by the Memorandum of Points and Authorities,  
4 accompanying exhibits, as well as any additional submissions that may be considered by the  
5 Court.

6 Undersigned counsel has previously received communication from U.S. Attorney,  
7 Edward Olsen at edward.olsen@usdoj.gov regarding similar situated filings over these last three  
8 months for other clients who are detained within this district without bond. As such, the  
9 Respondents' position regarding the TRO and has been informed by Mr. Olsen to file the instant  
10 TRO.  
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16 Respectfully submitted,

17  
18 DATED this July 02, of 2026.

19  
20 /S/ Kyle J. Howard  
21 **Kyle J. Howard, Esq.**  
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Attorney for Petitioner

**PROOF OF SERVICE**

I, the undersigned, declare that my office is in Fresno, California. I am over the age of eighteen (18) years and not a party to the action within. July 02, 2026, I served the following documents: **PETITIONER'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE** by placing a true and correct copy in a sealed envelope, each addressed as follows:

Sergio Albarran  
Field Office Director  
**ERO** San Francisco Field Office,  
U.S. Immigration and Customs Enforcement  
630 Sansome St,  
San Francisco, CA 94111

Todd M. Lyons  
U.S. Immigration and Customs Enforcement  
500 12th Street SW  
Washington, DC 20536

Markwayne Mullin  
U.S. Department of Homeland Security  
2801 Nebraska Avenue NW  
Washington, D.C. 20528

Todd Blanche  
950 Pennsylvania Avenue NW  
Washington, DC 20530-0001

Civil Process Clerk  
U.S. Attorney's Office  
501 I St, Suite 10-107  
Sacramento, CA 95814

Warden of the Mesa Verde Detention Center  
425 Golden State Ave,  
Bakersfield, CA 932301

**By mail.** I am readily familiar with the business for collection and processing of correspondence for mailing in the United States Postal Service and that this document, with

1 postage fully prepaid, will be deposited with the United States Postal Service this date in the  
2 ordinary course of business.

3 I declare under the penalty of perjury that the foregoing is true and correct. Executed on  
4 July 02, 2026, at Fresno, California.

5  
6 /S/ Kyle J. Howard

7 **Kyle J. Howard, Esq.**

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