

Name: Gabriel Elias Lobo Quinteno

A Number: 

FILED

Address: Golden States Annex Detention Facility
611 Frontage road
Mc Farland, CA 93250

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CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

A# 

Petitioner,

v.

Warden of the Golden State
ANNEX

Case No. 1:26CV05092-NW

Attorney General of the
United States;

**PETITION FOR TEMPORARY
RESTRAINING ORDER**

Secretary, United States
Department of Homeland
Security;

Acting Director,
Immigration and Custom
Enforcement

Respondents,

I, Gabriel Elias Lobo Quinteno, make the following statements under oath and subject

to the penalty of perjury:

I. LEGAL DISCUSSION

TRO must be entered before the Respondent have an adequate opportunity to respond. Dragodas U.

S. A. Inc. v. Oldcastle Infrastructure, Inc. no: 20-cv-20601 2020 U. S. Dist LEXIS 25054 2020 WL

733037 at *2 (D. D. Fla. Feb 13, 2020). To obtain a Temporary Restraining order I establish that:

(1) The likelihood of success on the Merits is high.

(a) I have a substantial private interest in my own liberty that is unquestionably affected by Respondent's action detaining me unlawfully. The amount of time I spent at liberty underscore the gravity of its loss. I have significant private interest that has been affected by this wrongful detention.

(b) the risk of erroneous deprivation of my liberty interest is considerable, because civil immigration detention is "non punitive in purpose and effect." A special justification must outweigh my protected liberty interest for my detention to comport with Due Process.

(c) The government interest in detaining me without a judicial notice or a pre deprivation hearing is low. The effort and cost required to provide me with procedural safeguard is minimal.

(2) TRO is necessary to prevent Irreparable injury.

TRO may be ordered because of the likelihood of Irreparable harm in the absence of the preliminary relief.

(3) that the threatened injury outweighs the harm TRO would cause the other litigant.

The balance of equities tips heavily in my favor, because my case is not distinguished from many others that this court already granted a TRO. Although I notice that to be awarded a TRO is a memorable mercy from this court and all are not eligible for the extraordinary remedy for relief, however I must petition for TRO to seek immediate release.

(3) That an injunction is in the public interest.

It is in public interest that my rights are not violated day after day and the TRO would not be adverse to the public.

JURISDICTION

1. 28 U.S.C. §2241 federal courts' authority to hear habeas claims by non citizen challenging immigration law. This action arises under the Due Process Clause of the Fifth Amendment of the U. S. Constitution. Jurisdictions proper under 28.U.S.C §§1331 (federal question), 2241(habeas corpus); U.S. Const. Art. 1, § 2; (suspension Clause); and 5 U. S. C §702 (Administrative Procedure Act). This court may grant relief under the habeas corpus statutes, 28 U. S. C. §2241 et seq., the Declaratory Judgment Act, 28 U. S. C §2201 et seq., and the All Writs Act, 28 U. S. C. §1651.
2. congress has preserved judicial review of challenges to prolonged immigration detention. See Jennings v. Rodriguez, 138 S. Ct. 830, 839-841.(2018) (holding that 8 U. S. C. §§1226 (e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also id. At 876(Breyer, J., dissenting). ("8 U. S. C. §1252(b)(9)... by its terms applies only with respect of an order or removal")

(internal quotation marks and brackets omitted).

3. Federal Rule of Civil Procedure 65(b)- Authority to issue Temporary Restraining Order (TRO)

4. All Writs Act, 28 U. S. C. § 1651(a) empowers federal court to issue all writs necessary or appropriate in aid of their respective jurisdiction.

5. 8 U. S. C. §1231 (a)(6) and Fifth Amendment's Due Process Clause - Basis for petitioner's challenge to his continued detention.

VENUE

Venue is proper in this District because this is the district in which petitioner confined.

See Doe v. Garland, 109 F. 4th 1188, 1197-99 (9th cir. 2024)

PARTIES

1. I am a non citizen currently detained at Golden State Annex by Respondents pending ongoing removal proceedings.

2. Respondent warden of Golden States Annex detention center is petitioner's immediate custodian at the facility where petitioner is detained. See Doe 108 F. 4th at 1194-97.

3. Respondent Acting or Current Attorney General of the United States is the most senior official in the U. S. Department of Justice ("DOJ"). They have the authority to interpret the immigration laws and adjudicate removal cases. They delegate this responsibility to the Executive office for Immigration Review ("EOIR"), which administrates the immigration courts and the Board of Immigration Appeals ("BIA"). They are named in their official capacity.

4. Respondent Secretary of the U. S. department of Homeland Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U. S. C. §1103 (a).

They are the legal custodian of petitioner. They are named in their official capacity.

5. Respondent Acting or Current Field Office Director of ICE with Administrative jurisdiction over petitioner's case. They are a legal custodian of petitioner and are named in their official capacity.

II. ARGUMENT

A. I am likely to succeed on the Merits.

Through the Habeas petition I petitioned I show I am likely to prevail and succeed on the merits of my petition because the balance of equities tips toward my favor and it's in public interest that the court shall grant the petition for Temporary Restraining order or at least preliminary Injunction.

As I already claimed in my habeas corpus petition, my wrongful detention is impermissible under

Zadvydas v. Davis, 533 U. S. 678 (2001). In addition, my detention is impermissible because

Respondents have failed to comply with regulations governing detention of persons subject to removal procedure governing the agency, the Constitution, and INA.

1. I Will Likely Succeed On my Claim that Current Detention Violates Zadvydas.

Sied v. Nielsen, 2018 WL 1876907, at *6 (N. D. Cal. Oct. 21, 2025) (citing authorities;

Siguenza v. Moniz, 2025 WL 2734704, at*3 (D. Mass. Sept. 25, 2025) ("Most courts to consider the issue have concluded that the Zadvydas period is cumulative, motivated, in part, by a concern that the federal government could otherwise detain non citizens indefinitely. Therefore my petition to Hebeas Corpus is valid because ICE violated my Due- Process protection in the Fifth amendment.

First for the deprivation of substantive due-process detention in violation of the Fifth amendment and second for the deprivation of procedural due-process detention in violation of the Fifth amendment.

2. I will Likely Succeed On His Claim That Respondents Violated Governing Regulations

As to my claim that ICE violated its own regulations in detaining/ re- detaining me in without a

written warrant and pre-detention hearing Respondents failed to show a clear provision to detain me.

ICE failed to comply its own laws and regulation by violating my right not to have bond in a bond hearing in front of neutral decision maker and by not following the rules and regulation set by ICE.

So I have shown that ICE's unlawful detention violated the law because ICE did not comply with its own regulations under section 241.13(i)(2); Hoac, 2025 WL 199771, at*4;

See also Bui v. Warden Otay Mesa Detention Center Facility, et al., 2025 WL 2988356, at*5 (S. D.

Cal. Oct. 23, 2025) (granting petition and ordering release where respondent failed to follow its own regulations in revoking release); Constantinovici v. Bondi, F. Supp. 3 d, 2025 WL 2898985

(S. D. Cal. Oct. 10, 2025)(Same); Sun v. Noem, 2025 WL 2800037 (S. D. Cal. Sept. 30, 2025)

(granting TRO for release where respondent failed to follow its own regulations in revoking release);

B. I suffer Irreparable Harm Everyday I am Illegally Detained.

The Ninth Circuit has recognized "the irreparable harms imposed on anyone subject to immigration detention." Rodríguez V. Bostock, 799 F. Supp. 3 d 1239, 1253 (W. D. Wash. 2025) (citing Hernandez v. Sessions, 872 F. 3 d 976, 995(9th Cir. 2017)).

The Court concludes that ICE's failure to follow its own regulations resulted in irreparable harm.

Government agencies are required to follow their own regulations. United States v. Ramos, 623 F. 3 d 672, 683 (9th Cir. 2010) ('it is a well known maxim that agencies must comply with their own regulations.') (citations and quotation marks omitted).

"Both §241.4 and 241.13 were intended to provide due process protections to [non citizens] following the removal period as they are considered for continued detention," McSweeney, 2025 WL 2998376, at

*7 (internal citation and quotation marks omitted). ICE and DHS deprived me of these due process

protections when failed to provide me with sufficient notice or a prompt interview to respond to the

reasons for wrongfully detain me. "it is well established that the deprivation of constitutional rights

unquestionably constitutes irreparable injury.” Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir 2012); see also Hernandez v. Sessions, 872 F.3d 976, 995, 1000 (9th Cir 2017) (holding that “[u]nlawful detention” by immigration officials constituted “irreparable harm”).

Under the Second Winter factor, the Court may consider whether I am “likely to suffer irreparable harm in the absence of [injunctive] relief.” Winter, 555 U.S. at 20. I would like to argue that I am experiencing unlawful detention, which is a clear irreparable harm. Given the Court’s finding that I will remain in detention seemingly indefinitely, I am likely to succeed on at least one of my claims, I have established an irreparable harm in the form of unlawful detention. Therefore, the Second Winter factor favors me.

C. The Balance of Equities and the Public’s Interests Favor Grant of the Petition

The consideration of the balance of equities and the public interest in an injunction merge when the government is a party. Yang v. Kaiser, No. 2:25 – CV – DAD – AC (HC), 2025 WL 2791778, at*10 (E. D. Cal. Aug. 20, 2025) (citing Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing Nken v. Holder, 556 U.S. 418, 435 (2009))).

“It is always in the public interest to prevent the violation of a party’s constitutional rights.” Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir 2012). furthermore, “[j]ust as the public has an interest in the orderly and efficient administration of this country’s immigration laws, the public has a strong interest in upholding procedural protections against unlawful detention.” Hoac, 2025 WL 1993771, at*6 (internal quotation marks omitted). Here, the central issue is whether my detention is governed by 8 U.S.C. §1225 or 8 U.S.C. §1226, and where the current unlawful detention violates my constitutional right to due process. The balance of equities favor issuance of a TRO. I have established not only that my threatened injuries outweigh the harms that a TRO would cause Respondents but also that a TRO would serve the public interest: ensuring due process maintains an

appropriate balance of interests. See Zadvydus, 533 U. S. at 690; Mejia v. Noem no. 2:25-cv-981-SPC-NPM, 2025 U. S. Dist LEXIS 217352, at *7, 2025 WL 3078656, at *3 (M. D. Fla. Nov 4, 20205) (citing Tesfamichael v. Gonzales, 411 F 3d 169, 178 (5th Cir 2005), and Rodriguez v. Robbins 715.F 3d 1127, 1145 (9th Cir 2013))

Moreover, when “the impact of an injunction reaches beyond the parties, carrying with it a potential for public consequences, the public interest will be relevant to whether the district court grant preliminary injunction.” Hernandez, 872 F. 3d at 996. the Ninth Circuit has recognized that “neither equity nor public’s interest are furthered by allowing violations of federal law to continue.” Galvez v. Jaddou, 52 f. 4th 821, 832 (9th Cir 2022)(holding that the district court did not abuse in discretion in finding the balance of hardships weighed in favor of plaintiffs who credibly alleged that the government was violating the INA). The public interest has a strong interest in upholding procedural protections against unlawful detention.

The harm to Respondent here is minimal. Nothing prevents the Government from re-detaining me if the Government satisfies the procedural requirements and shows the lawful detention is required, warranted. Moreover, a party “cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations.” Zepeda v. U. S. Immigr. & Nat. Serv. 753 F. 2 d 719, 727 (9th Cir, 2023).

D. Security

Finally, Federal rule of Civil Procedure 65(c) specifies that the court “ may issue a ... Temporary Restraining Order only if the movant gives security in an amount that the court consider proper to pay the cost and damages sustained by any party found to have been wrongfully enjoined or restrained. Fed R. Civ P. 65(c). Security is typically required, but” the amount ...is a matter within the discretion of the

trial court, and the court may elect to require no security at all". BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Serv, LLC. 425 F 3d 964, 971 (11th Cir 2005). Having considered the matter, the court will exercise its discretion not to require security at this time. See Saint Remy v. Bondi No. 3:26-cv-28-MMH-SJH, 2026 U. S. Dist LEXIS 53322, at*3 (M.D. Fla. Jan 12, 2026). That said, this issue may be revisited at any time, and a monetary security may be imposed should an application be made in the interest of justice.

III. CONCLUSION

For the foregoing reasons and the reasons set forth in my petitions, this court should grant me the petition for TRO, or at the very least grant a preliminary injunction, providing that

1. Respondents **SHALL IMMEDIATELY RELEASE** me under appropriate conditions of supervision set forth in 8 C. F. R. §241.5;

2. Respondents are **ENJOINED AND RESTRAINED** from re-detaining me.

Respectfully submitted,

Name: Gabriel Elias Lobo Quintana

Signature

A black rectangular box with a white 'X' drawn across it, used to redact the signature.

Date: 06-27-2026

1 Name/Nombre: Gabriel Elias Cobo Quintana

2 A Number/Numero de A: [REDACTED]

3 Address/Direccion: 611 Frontage Road
4 McFarland, CA 93250

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6 **PRO SE**

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10
11
12 Gabriel Elias Cobo Quintana
13 [Full name/Nombre completo]
14 Petitioner,

15 **V.**

16 **TONYA ANDREWS**, Warden of the Golden
17 State Annex Detention Facility; **TODD**
18 **BLANCHE**, Attorney General of the
19 United States; **MARKWAYNE MULLIN**,
20 Secretary United States Department of security;
21 **DAVID VENTURELLA**, Acting Director of
22 Immigration and Customs Enforcement;
23 **ICE/ERO**, Fresno Field Office of Bureau of
24 Immigration and Customs Enforcement.

25 Respondents.

Case No. _____
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[PROPOSED] Temporary Restraining Order,
Order to Show

[PROPOSED] ORDER

Upon review of Petitioner's Ex Parte Motion for Temporary Restraining Order, and any response filed by Respondents, the application is **GRANTED**. Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Civil Local Rule 231, the Court orders as follows:

TEMPORARY RESTRAINING ORDER

Petitioner has carried their burden of showing: (1) Petitioner's detention likely violates the Fifth Amendment's procedural due process guarantee; (2) Petitioner's detention likely violates the Fifth Amendment's substantive due process guarantee; (3) to the extent Petitioner is a *Garro Pinchi* class member, their detention likely violates the binding preliminary relief order in that case, which prohibits their re-detention without a material change in circumstances; (4) Petitioner is irreparably harmed by their unlawful detention in Respondents' custody; (5) the balance of equities weigh in Petitioner's favor; and (6) the public interest favors granting the application. Accordingly, a temporary restraining order pursuant to Federal Rule of Civil Procedure 65 and the inherent equitable powers of this Court is warranted.

It is ORDERED that, to restore the *status quo ante* pending these proceedings, Respondents are ENJOINED as follows:

1. Respondents must immediately release Petitioner from custody on the same conditions that governed their liberty prior to Petitioner's current detention;
2. Respondents are enjoined from re-detaining Petitioner absent further order of this Court; *or, in the alternative*, are enjoined from re-detaining Petitioner unless Respondents provide Petitioner at least 14 days' notice that they will seek a pre-deprivation bond hearing before a neutral arbiter where Respondents must prove, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community such that Petitioner's physical custody is required;
3. Respondents must 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;

4. Respondents are enjoined from imposing upon Petitioner additional or more restrictive conditions of release or supervision, absent notice and an opportunity to be heard;
5. To preserve this Court's jurisdiction, Respondents are enjoined from transferring Petitioner out of this District or removing Petitioner from the country until these proceedings have concluded;
6. No security shall be required.

ORDER TO SHOW CAUSE

Instructions to Petitioner: Do not fill in any of the blanks below. They are for the judge to fill in.
Instrucciones al/a la Peticionario/a: No complete ninguno de los espacios en blanco a continuación. Son para que los complete el juez.

Respondents are ordered to show cause before this Court why a preliminary injunction should not issue requiring Respondents to abide by the injunctions ordered herein. If the Court determines a hearing on the order to show cause is warranted, a hearing will be held on _____ at _____. Respondents shall file responsive papers on _____.

The Clerk of this Court is ordered to serve the Temporary Restraining Order and Order to Show Cause and all supporting pleadings and papers on Respondents by _____.

Respondents are hereby notified of their right to apply to the Court for modification or dissolution of the Temporary Restraining Order on two (2) days' notice or such shorter notice as the Court may allow. Fed. R. Civ. P. 65(b).

IT IS SO ORDERED.

Date & Time: _____

 United States District Judge

**TEMPORARY RESTRAINING ORDER
(TRO)
CHECKLIST**

NOTE: When filing a Motion for a TRO with the court, you must choose Motion for TRO. You must complete this document and attach it to your motion as an attachment in CM/ECF. If you have questions, please call the CM/ECF Help Desk at 1-866-884-5525 (Sacramento) or 1-866-884-5444 (Fresno).

- (A) **Check one:** Filing party is represented by counsel ☐
Filing party is acting in pro se ☒

- (B) Has there been actual notice, or a sufficient showing of efforts to provide notice to the affected party?
See Local Rule 231 and FRCP 65(b).

Yes. See Declaration of Petitioner In Support of TRO, paragraphs 4-5.

Did applicant discuss alternatives to a TRO hearing?
See Declaration of Petitioner In Support of TRO, paragraph 4.

Did applicant ask opponent to stipulate to a TRO?
See Declaration of Petitioner In Support of TRO, paragraph 4.

Opposing Party: United States agencies ICE, DHS, and DOJ; Warden of detention facility

Telephone No.: (916) 554-2700 (U.S. Attorney's Office for E.D. Cal.)

- (C) Has there been undue delay in bringing a TRO?
No. See Declaration of Petitioner In Support of TRO, paragraph 6.

Could this have been brought earlier?

Yes: ☐

No: ☒

TRO Checklist - Page 2

(D) What is the irreparable injury?

See Petition for Writ of Habeas Corpus, paragraphs 53, 66-68.

Why the need for an expedited hearing?

Petitioner, pro se, does not request a hearing.

(E) Documents to be filed and (unless impossible) served on affected parties/counsel:

☒ (1) Complaint

☒ (2) Motion for TRO

☒ (3) Brief on all legal issues presented by the motion

☒ (4) Affidavit detailing notice, or efforts to effect notice, or showing why it should not be given

☒ (5) Affidavit in support of existence of irreparable harm

☒ (6) Proposed order with provision for bond

☒ (7) Proposed order with blanks for fixing:

☒ Time and date of hearing for motion for preliminary injunction

☒ Date for filing responsive papers

☒ Amount of bond, if any

☒ Date and hour of issuance

☒ (8) For TROs requested *ex parte*, proposed order shall notify affected parties they can apply to the court for modification/dissolution on 2 days notice or such shorter notice as the court may allow. **See Local Rule 231 and FRCP 65(b)**