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UNITED STATES DISTRICT COURT FOR THE

CENTRAL DISTRICT OF CALIFORNIA

JORGE GONZALO SAMANIEGO

Petitioner(s),

vs.

Markwayne MULLEN, Secretary, U.S. Department of Homeland Security; Todd BLANCHE, Acting U.S. Attorney General; David VENTURELLA, Acting Director, Immigration and Customs Enforcement; WARDEN, Adelanto ICE Processing Center / Desert View Facility; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; IMMIGRATION AND CUSTOMS ENFORCEMENT; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES (USCIS); and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondent(s).

Case No.:

EMERGENCY EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER PROHIBITING PETITIONER'S TRANSFER FROM THIS DISTRICT; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL

[Fed. R. Civ. P. 65; L.R. 7-19; 28 U.S.C. § 1651; General Order 26-05 ¶¶ 6–7]

TO THE HONORABLE COURT AND TO RESPONDENTS AND THEIR COUNSEL OF RECORD:

Petitioner Jorge Gonzalo Samaniego applies ex parte, pursuant to Federal Rule of Civil Procedure 65, Local Rule 7-19, the All Writs Act, 28 U.S.C. § 1651, and General Order 26-05, for a temporary restraining order (1) enjoining Respondents, and all persons acting in concert with them, from transferring Petitioner outside the Central District of California pending adjudication of his Verified Petition for Writ of Habeas Corpus, except for transport to medical facilities within this District for treatment; and (2) directing Respondents to comply with General Order 26-05 ¶ 6 by providing at least two court days' written notice to Petitioner's counsel and to the Court before any proposed transfer of Petitioner out of this District.

This application is made on the grounds that Petitioner's counsel was notified this morning, July 3, 2026, by email to counsel and by a notice posted on ICE's ERO eFile portal, that Respondents intend to transfer Petitioner imminently from the Adelanto ICE Processing Center; that Petitioner's § 2241 petition is on file in this District and this Court's jurisdiction attached upon filing; that transfer would interrupt urgent, already-approved medical care and separate Petitioner from counsel and from the specialized providers treating his infected surgical hand; and that absent immediate relief the transfer will be complete before the expedited schedule of General Order 26-05 can operate. General Order 26-05 reserves temporary restraining orders for precisely this circumstance: harm that the expedited briefing schedule cannot address.

Notice pursuant to L.R. 7-19.1: On July 3, 2026 at approximately 10:50 a.m., Petitioner's counsel gave notice of this application by email to the United States Attorney's Office, Central District of California, at USACAC.ImmHabeas@usdoj.gov. Respondents' position is unknown; no response had been received as of filing.

This application is based on this document, the memorandum of points and authorities and declaration of counsel below, the Verified Petition and all declarations and exhibits filed in this action, and any further matter the Court may consider.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Petitioner, a lawful permanent resident, has been detained at the Adelanto ICE Processing Center since June 3, 2026. As set out in the Verified Petition, his surgically repaired hand is infected; the original bone-setting has failed; corrective surgery has been approved by medical and supervising staff but remains unperformed because ICE will not authorize it; and as of July 1 he reports he can no longer feel his palm. His treatment history is already fragmented: Victor Valley Medical Center failed to transmit his records to Arrowhead Regional Medical Center, the facility with the specialized hand unit that has provided his only adequate care, forcing Arrowhead to restart his diagnostic workup. On the morning of July 3, 2026, Petitioner's counsel of record received notification by email, corroborated by a notice posted on ICE's ERO eFile portal, that Petitioner is to be transferred imminently. Respondents have identified no destination.

II. THE COURT HAS AUTHORITY TO BAR PETITIONER'S TRANSFER

Habeas jurisdiction attached upon the filing of the Petition while Petitioner was confined in this District, and a subsequent transfer does not defeat it. Ex parte Endo, 323 U.S. 283, 306 (1944); Rumsfeld v. Padilla, 542 U.S. 426, 441 (2004). The All Writs Act, 28 U.S.C. § 1651(a), empowers this Court to issue orders necessary to preserve its jurisdiction and the integrity of these proceedings, including orders preventing the removal of a habeas petitioner from the district. Moreover, General Order 26-05 ¶ 6 already obligates the Government to provide at least two court days' notice before removing a petitioner from this District; a same-morning transfer would violate that obligation outright. Paragraph 7 confirms that a temporary restraining order remains available where, as here, the expedited schedule cannot prevent the harm.

III. THE WINTER FACTORS ARE READILY SATISFIED

A temporary restraining order is warranted where the movant shows likelihood of success on the merits, irreparable harm, that the balance of equities tips in his favor, and that an injunction is in the public interest. Winter v. Natural Resources Defense Council, 555 U.S. 7, 20 (2008); see also Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131–35 (9th Cir. 2011) (serious questions going to the merits plus sharply tilted equities suffice).

Likelihood of success. The Petition presents at minimum serious questions on each of its grounds: Petitioner is a returning lawful permanent resident who may not be detained as an "arriving alien" after United States v. Gomez, 165 F.4th 1199 (9th Cir. 2026) (en banc); Respondents' deliberate indifference to his serious medical needs independently violates the Fifth Amendment; and he has been detained for a month with no custody hearing of any kind, indeed, as charged, the immigration court lacks jurisdiction even to conduct one. 8 C.F.R. § 1003.19(h)(2)(i)(B).

Irreparable harm. The deprivation of constitutional rights "unquestionably constitutes irreparable injury." Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir. 2017) (citation omitted). Transfer would interrupt an approved, urgently needed corrective surgery; sever Petitioner from Arrowhead's specialized hand unit, the only facility that has treated him adequately, in circumstances where the record already demonstrates that his medical files do not follow him between facilities; separate him from counsel on the eve of adjudication of an expedited habeas petition; and moot in practice the protections of General Order 26-05 ¶ 6. The injury to his hand is progressive: he has lost sensation in his palm, and each day of interrupted care compounds the risk of permanent disability.

Balance of equities and public interest. Where the Government is the opposing party, these factors merge. Nken v. Holder, 556 U.S. 418, 435 (2009). Respondents suffer no cognizable harm from maintaining the status quo, housing Petitioner where he already is, near his providers

and counsel, while an expedited habeas petition proceeds on a schedule measured in days. The public interest is served by ensuring that constitutional claims are adjudicated before they are mooted by unilateral executive action.

IV. NO SECURITY SHOULD BE REQUIRED

The Court has discretion to require no bond under Rule 65(c), particularly where the movant is indigent, detained, and the order merely preserves the status quo. See Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003). Petitioner is a detained, medically incapacitated habeas petitioner; no security should be required.

V. CONCLUSION

The Court should issue a temporary restraining order forthwith prohibiting Petitioner's transfer outside the Central District of California pending adjudication of the Petition (excepting medical transport within the District), and directing compliance with General Order 26-05 ¶ 6.

Respectfully submitted,
Dated: July 3, 2026
/s/ Alejandro Barajas
Alejandro Barajas, Esq. (SBN 305870),
Law Office of Alejandro Barajas Office,
Counsel for Petitioner

DECLARATION OF COUNSEL PURSUANT TO L.R. 7-19.1

I, Alejandro Barajas, declare:

1. I am counsel of record for Petitioner. On the morning of July 3, 2026, I received notification by email that Petitioner is to be transferred from the Adelanto ICE Processing Center imminently, and a corresponding notice was posted on ICE's ERO eFile portal. The notification identified no destination facility.

2. On July 3, 2026 at approximately 10:50 a.m., I gave notice of this application by email to USACAC.ImmHabeas@usdoj.gov, stating that Petitioner would seek a temporary restraining order prohibiting his transfer from the District. As of filing, no response has been received.

3. The facts stated in the Verified Petition and accompanying declarations regarding Petitioner's medical condition and treatment are incorporated here.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on July 3, 2026, at Los Angeles, California.

/s/ Alejandro Barajas

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Respondent(s).

Case No.:

[PROPOSED] TEMPORARY RESTRAINING ORDER

[PROPOSED] TEMPORARY RESTRAINING ORDER

Before the Court is Petitioner's Emergency Ex Parte Application for a Temporary Restraining Order. Having considered the application, the Verified Petition and supporting declarations and exhibits, and good cause appearing, the Court ORDERS as follows:

1.Respondents, their officers, agents, employees, contractors, and all persons acting in concert with them, are ENJOINED from transferring or removing Petitioner Jorge Gonzalo Samaniego (A# [redacted]) from the Central District of California pending further order of this Court, except that Respondents may transport Petitioner to medical facilities within this District for the purpose of providing medical treatment.

2.Respondents shall comply with General Order 26-05 ¶ 6 and shall provide Petitioner's counsel and this Court no fewer than two (2) court days' written notice before any proposed transfer of Petitioner from this District.

3.Nothing in this Order prevents Respondents from releasing Petitioner from custody.

4.No security is required under Federal Rule of Civil Procedure 65(c).

5.This Order takes effect immediately and remains in effect pending adjudication of the Petition or further order of the Court. [If issued without notice: this Order

expires no later than 14 days after entry absent extension for good cause. Fed. R. Civ. P. 65(b)(2).]

IT IS SO ORDERED.

Dated: July 3, 2026

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UNITED STATES DISTRICT / MAGISTRATE JUDGE