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4

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

7 Patience Ukattah,

8 Petitioner,

9 v.

10 Christopher Chestnut, Warden of California
City Detention Center; Sergio
11 ALBARRAN, Acting Field Office Director of
Immigration and Customs Enforcement, San
12 Francisco Field Office; David VENTURELLA,
Acting Director, Immigration and Customs
13 Enforcement, U.S. Department of Homeland
Security; Markwayne MULLIN, Secretary, U.S.
14 Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
15 SECURITY; Todd W. BLANCHE, Acting U.S.
Attorney General; EXECUTIVE OFFICE FOR
16 IMMIGRATION REVIEW,

17 Respondents.
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Case No.

**PETITIONER'S EX PARTE MOTION
FOR TEMPORARY RESTRAINING
ORDER**

TABLE OF CONTENTS

1		
2	TABLE OF AUTHORITIES.....	2
3	INTRODUCTION.....	3
4	FACTUAL BACKGROUND.....	5
5	ARGUMENT.....	7
6	I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS.....	8
7	A. Legislative detention without a bond hearing violates the INA because the	
8	statute and legislative history make clear that 8 U.S.C. § 1226(a) governs	
9	Petitioner’s detention.....	9
10	B. Petitioner’s detention violates substantive due process because	
11	he is neither a flight risk nor a danger to the community.....	12
12	C. The government violated procedural due process by depriving petitioner of the	
13	opportunity to contest his arrest and detention before a neutral decision	
14	maker.....	14
15	II. PETITIONER WILL CONTINUE TO SUFFER SERIOUS AND IRREPARABLE	
16	INJURY ABSENT A TRO.....	16
17	III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH	
18	STRONGLY IN PETITIONER’S FAVOR.....	17
19	SECURITY.....	17
20	CONCLUSION.....	18

TABLE OF AUTHORITIES

Cases

<i>A.E. v. Andrews</i> , No. 1:25-cv-00107, 2025 WL 1424382 (E.D. Cal. May 16, 2025)	11
<i>All. for the Wild Rockies v. Cottrell</i> , 632 F.3d 1127 (9th Cir. 2011)	8
<i>Baca v. Moreno Valley Unified Sch. Dist.</i> , 936 F. Supp. 719 (C.D. Cal. 1996)	18
<i>Cnty. of Sacramento v. Lewis</i> , 523 U.S. 833 (1998)	9
<i>Diep v. Wofford</i> , No. 1:24-cv-01238, 2025 WL 6047444 (E.D. Cal. Feb. 25, 2025)	11
<i>Garcia Barrera v. Andrews</i> , 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025)	5
<i>Garro Pinchi v. Noem</i> , 2025 WL 1853763 (N.D. Cal. July 4, 2025)	5
<i>Hernandez v. Sessions</i> , 872 F.3d 976 (9th Cir. 2017)	5
<i>Hurd v. D.C., Gov't</i> , 864 F.3d 671 (D.C. Cir. 2017)	9
<i>Jimenez Garcia v. Kaiser</i> , 2025 WL 2453970 (N.D. Cal. Aug. 17, 2025)	5
<i>Jimenez v. Wolf</i> , No. 19-cv-07996-NC, 2020 WL 510347 (N.D. Cal. Jan. 30, 2020)	11
<i>Johnson v. Ryan</i> , 55 F.4th 1167 (9th Cir. 2022)	9
<i>Jorgensen v. Cassidy</i> , 320 F.3d 906 (9th Cir. 2003)	17
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	9
<i>Mission Power Engineering Co. v. Continental Casualty Co.</i> , 883 F. Supp. 488 (C.D. Cal. 1995)	8
<i>Moreno Galvez v. Cuccinelli</i> , 492 F. Supp. 3d 1169 (W.D. Wash. 2020) (Moreno II)	16
<i>Moreno Galvez v. Jaddou</i> , 52 F.4th 821 (9th Cir. 2022)	16
<i>Nozzi v. Hous. Auth. of City of Los Angeles</i> , 806 F.3d 1178 (9th Cir. 2015)	10
<i>People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Plan. Agency</i> , 766 F.2d 1319 (9th Cir.)	18
<i>Salazar v. Kaiser</i> , 2025 WL 2456232 (E.D. Cal. Aug. 26, 2025)	5
<i>Singh v. Andrews</i> , 2025 WL 1918679 (E.D. Cal. July 11, 2025)	6
<i>Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.</i> , 240 F.3d 832 (9th Cir. 2001)	8
<i>Warsoldier v. Woodford</i> , 418 F.3d 989 (9th Cir. 2005)	16
<i>Winter v. Nat. Res. Def. Council, Inc.</i> , 555 U.S. 7 (2008)	8
<i>Wolff v. McDonnell</i> , 418 U.S. 539 (1974)	9

Other Authorities

<i>Wright, Miller, & Kane, Federal Practice and Procedure</i> , § 2948.1 (2d ed. 2004)	16
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INTRODUCTION

Petitioner Patience Ukattah ("Petitioner") brings the present Ex Parte Application for a Temporary Restraining Order ("TRO") asking the Court to order Petitioner be immediately released from custody. Petitioner meets all the requirements that would merit the grant of the present application for a TRO.

Petitioner is 59 years old. She was born  in Nigeria. Petitioner entered the U.S. without inspection or admission on or about April 13, 2000 as a visitor.

On or around 2001, she was released from custody on her own recognizance. Petitioner attended all her Deportation hearings. She applied for Asylum and Withholding of Removal as her defenses to deportation.

On January 10, 2005, an Immigration Judge in San Francisco, CA denied her asylum. The Immigration Judge ordered her removed, but granted her Withholding of Removal to Nigeria because she demonstrated that it was more likely than not that she would suffer persecution there. Ex. A.

Petitioner has remained lawfully in the U.S. with her grant of Withholding of Removal. She works with authorization and has complied with all requirements of Respondents. Petitioner does not have a criminal record in the U.S. or in any country in the world. Petitioner is a registered nurse and is employed by Sacramento County as supervising registered nurse. Petitioner owns a home in Sacramento, CA. She also has a U.S. citizen brother and U.S. citizen sister that reside near her in Elk Grove, CA.

On Tuesday, July 7, 2026, Petitioner was detained without prior notice on her way to work. About four ICE vehicles boxed her vehicle in and forced her to stop. About six armed ICE officers were present. Petitioner was fearful due to their aggressive show of force. She rolled

1 down her window. They stated “Patience, we have a warrant for your arrest” and ordered her to
2 step out of the vehicle. The officers did not present any arrest warrant. Out of fear, Petitioner
3 complied with their order and stepped out of her vehicle. She was then arrested and detained. She
4 was transported to an ICE Field Office for processing and then transferred to the California City
5 Detention Center in California City, CA. On July 09, 2026 at 8:00pm, the undersigned spoke
6 with Petitioner’s brother by telephone. He informed the undersigned that Petitioner may have
7 been transported to ERO El Paso Camp East Montana, El Paso, Texas¹. Ex. B.

8 This type of arrest and detention reflects the same pattern identified by courts across the
9 country: DHS has increasingly relied on quota-driven enforcement tactics that prioritize arrest
10 numbers over individualized assessment or statutory criteria. This broader enforcement strategy
11 further underscores the arbitrary nature of Petitioner’s arrest and detention, and the absence of
12 any legitimate governmental purpose served by keeping her confined.

13 As a result of her arrest and detention, Petitioner is suffering irreparable and ongoing
14 harm. The unconstitutional deprivation of “physical liberty” “unquestionably constitutes
15 irreparable injury.” *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017). Indeed,
16 “[f]reedom from imprisonment—from government custody, detention, or other forms of physical
17 restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v.*
18 *Davis*, 533 U.S. 678, 690 (2001). Petitioner also faces numerous additional irreparable harms due
19 to her detention, including struggles with anxiety and emotional distress. The environment she

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21 ¹ The proposition that habeas petitions are properly heard in the district where the petitioner was
22 detained when the petition was filed, even if the petitioner is subsequently transferred to another
23 district, is on solid ground. *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004); *Johnson v. Gill*, 883
24 F.3d 756, 761 (9th Circuit. 2018); See also *Guncay Juella v. Warden*, No. 2:26-CV-00870-DAD-
EJB, 2026 WL 738420, at *1 (E.D. Cal. Mar. 16, 2026); *Rugama v. Chestnut*, No. 1:25-CV-
1918 AC, 2025 WL 3707234, at *1 n. 2 (E.D. Cal. Dec. 22, 2025).

1 has been placed is traumatic and lacks adequate safeguards from dangerous encounters. This is
2 the earliest date on which Petitioner could reasonably bring this action because Petitioner's
3 family and Counsel had to locate Petitioner in the DHS locator. It also took a couple of days for
4 Petitioner's family to gather the necessary funds to retain undersigned counsel, as the arrest was
5 unexpected and the family lacked immediate financial resources to hire an attorney. Further,
6 Petitioner diligently filed the instant habeas petition and TRO upon retaining undersigned
7 counsel.

8 In light of these irreparable harms, and because she is likely to succeed on the merits of
9 her due process claims, Petitioner respectfully requests that this Court issue a temporary
10 restraining order ("TRO") immediately releasing her from custody and enjoining the government
11 from rearresting her absent the opportunity to contest that arrest at a hearing before a neutral
12 decision maker. Confronted with substantially identical facts and legal issues, courts in this
13 circuit have repeatedly granted the exact relief Petitioner seeks. *See, e.g., Salazar v. Kaiser*, 2025
14 WL 2456232, at *2 (E.D. Cal. Aug. 26, 2025) (converting request for TRO to request for
15 preliminary injunction and granting relief); *Garcia Barrera v. Andrews*, 2025 WL 2420068, at *3
16 (E.D. Cal. Aug. 21, 2025); *Jimenez Garcia v. Kaiser*, 2025 WL 2453970, at *3 (N.D. Cal. Aug.
17 17, 2025) (granting TRO); *Garro Pinchi v. Noem*, 2025 WL 1853763, *4 (N.D. Cal. July 4,
18 2025), converted to preliminary injunction at ___ F. Supp. 3d ___, 2025 WL 2084921 (N.D. Cal.
19 July 24, 2025); *Singh v. Andrews*, 2025 WL 1918679, *10 (E.D. Cal. July 11, 2025) (granting
20 preliminary injunction). To maintain this Court's jurisdiction, Petitioner respectfully requests
21 that the Court prohibit the government from transferring Petitioner out of this District and
22 removing her from the country until these proceedings have concluded. On a phone call with the
23 undersigned yesterday, Petitioner stated that she may be moved today. To the extent that
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1 Petitioner is being transferred, or has already been transferred, this Court should order her
2 immediate return to this District.

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4 **FACTUAL BACKGROUND**

5 Petitioner is a 59 year old citizen of Nigeria. Petitioner was born [REDACTED] in
6 Nigeria. Petitioner entered the U.S. on or about April 13, 2000, as a visitor.

7 On or about August 03, 2001, Petitioner was detained by Immigration and Naturalization
8 Service officers.

9 On or about August 03, 2001, she was served with a Notice to Appear and placed in
10 deportation proceedings. On or around 2001, she was released from custody on her own
11 recognizance.

12 Petitioner attended all her Deportation hearings. She applied for Asylum and Withholding
13 of Removal as her defenses to deportation.

14 On January 10, 2005, an Immigration Judge in San Francisco, CA denied her asylum.
15 The Immigration Judge ordered her removed, but granted her Withholding of Removal to
16 Nigeria because she demonstrated that it was more likely than not that she would suffer
17 persecution there.

18 Petitioner has remained lawfully in the U.S. with her grant of Withholding of Removal.
19 She works with authorization and has complied with all requirements of Respondents. Petitioner
20 does not have a criminal record in the U.S. or in any country in the world. Petitioner is a
21 registered nurse and is employed by Sacramento County as a supervising registered nurse.
22 Petitioner owns a home in Sacramento, CA. She has a U.S. citizen brother and U.S. citizen sister
23 that reside near her in Elk Grove, CA.

1 On Tuesday, July 7, 2026, Petitioner was detained without prior notice on her way to
2 work. About four ICE vehicles boxed her vehicle in and forced her to stop. About six armed ICE
3 officers were present. Petitioner was fearful due to their aggressive show of force. She rolled
4 down her window. They stated "Patience, we have a warrant for your arrest" and ordered her to
5 step out of the vehicle. The officers did not present any arrest warrant. Out of fear, Petitioner
6 complied with their order and stepped out of her vehicle. She was then arrested and detained. She
7 was transported to an ICE Field Office for processing and then transferred to the California City
8 Detention Center in California City, CA.

9 DHS has continuously failed to inform Petitioner of the reason for her detention that
10 began on July 07, 2026. Petitioner has not been served with any warrant, notice, notice of
11 revocation, or any documents explaining why she was detained on that day. Petitioner remains in
12 detention.

13 Without relief from this Court, she faces the prospect of a prolonged unlawful detention
14 in immigration custody, separated from her family, employment, and community, without any
15 trace of due process. Petitioner's detention serves no legitimate government purpose and
16 constitutes an unlawful deprivation of liberty.

17 ARGUMENT

18 Ex parte applications are for extraordinary relief. *See Mission Power Engineering Co. v.*
19 *Continental Casualty Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). Petitioner must show (i) that they
20 "will be irreparably prejudiced if the underlying motion is heard according to the regular noticed
21 motion procedures" and (ii) that they are "without fault in creating the crisis that requires ex
22 parte relief, or that the crisis occurred as a result of excusable neglect." *Mission Power*, 883 F.
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1 Supp. At 293)².

2 To warrant a TRO, a movant must show (1) they are “likely to succeed on the merits,” (2)
3 they are “likely to suffer irreparable harm in the absence of preliminary relief,” (3) “the balance
4 of equities tips in [their] favor,” and that (4) “an injunction is in the public interest.” *All. for the*
5 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011) (quoting *Winter v. Nat. Res. Def.*
6 *Council, Inc.*, 555 U.S. 7, 20 (2008)); see *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240
7 F.3d 832, 839 n.7 (9th Cir. 2001) (noting the analysis for issuing a temporary restraining order
8 and a preliminary injunction is substantially the same). Even if the movant raises only “serious
9 questions” as to the merits of their claims, the court can grant relief if the balance of hardships
10 tips “sharply” in their favor. *All. for the Wild Rockies*, 632 F.3d at 1135. Here, the factors weigh
11 heavily in Petitioner’s favor.

12
13 I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

14 The likelihood of success factor weighs in Petitioner’s favor because (A) Petitioner’s
15 detention violates the due process clause of the Fifth Amendment of the U.S. Constitution, (B)
16 Petitioner’s detention violates the INA and applicable regulations, and (D) Respondents violated
17 procedural due process and the APA due to the constitutionally inadequate procedures regarding
18 third country removals.

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23 ² The Ex parte requirements and TRO requirements overlap because the “irreparable prejudice that would occur if
24 the motion is heard on the regular noticed motion procedures. Therefore, Petitioner will not separately address the ex
parte requirements of irreparable prejudice.

1 A. Petitioner's detention violates the due process clause of the Fifth Amendment of the U.S.
2 Constitution

3 The Due Process Clause of the Fifth Amendment of the U.S. Constitution prohibits the
4 Government from depriving individuals of their life, liberty, or property, without due process.
5 U.S. Const. amend V. The Due Process Clause applies to "all 'persons' within the United States,
6 including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
7 permanent." *Zadvydas*, 533 U.S. at 693. "The touchstone of due process is protection of the
8 individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558
9 (1974), including "the exercise of power without any reasonable justification in the service of a
10 legitimate government objective," *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).
11 "Freedom from imprisonment—from government custody, detention, or other forms of physical
12 restraint—lies at the heart of the liberty that Clause protects." *Zadvydas*, 533 U.S. at 690. This is
13 so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d
14 671, 683 (D.C. Cir. 2017).

15 Once a petitioner has established a protected liberty interest, as Petitioner has done here,
16 courts in this circuit apply the *Mathews* test to determine what procedural protections are due.
17 *See Johnson v. Ryan*, 55 F.4th 1167, 1179-80 (9th Cir. 2022) (citing *Mathews v. Eldridge*, 424
18 U.S. 319, 335 (1976)). Under that test, the court weighs: (1) the private interest affected; (2) the
19 risk of erroneous deprivation and probable value of procedural safeguards; and (3) the
20 government's interest. *Id.*

21 First, the private interest affected in this case is profound. When considering this factor,
22 courts look to "the degree of potential deprivation." *Nozzi v. Hous. Auth. of City of Los Angeles*,
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806 F.3d 1178, 1193 (9th Cir. 2015) (citing *Mathews*, 424 U.S. at 341). The degree of deprivation here is severe.

Here, Petitioner was free from confinement from 2001 until her unlawful re-detention on July 07, 2026. Therefore, she exercised her freedom (the protected liberty interest) for more than 24 years while legally residing in the U.S. and working with authorization. Therefore, Petitioner has a substantial private interest in being out of custody and her detention denies her of that liberty. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”).

The Supreme Court has noted that “[a] parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions.” *Morrissey*, 408 U.S. at 481-82. The Court explained that “the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and often others.” *Id.* In turn, “[b]y whatever name, the liberty is valuable and must be seen as within the protection of the [Fifth] Amendment.” *Morrissey*, 408 U.S. at 482. The principle that individuals have a liberty interest in their conditional release has been reinforced by the Supreme Court. *See Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process).

Second, “the risk of an erroneous deprivation [of liberty] is high” where, as here, “[the petitioner] has not received any bond or custody redetermination hearing.” *A.E. v. Andrews*, No. 1:25-cv-00107, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025) (quoting *Jimenez v. Wolf*,

1 No. 19-cv-07996-NC, 2020 WL 510347, at *3 (N.D. Cal. Jan. 30, 2020)); see also *Diep v.*
2 *Wofford*, No. 1:24-cv-01238, 2025 WL 6047444, at *5 (E.D. Cal. Feb. 25, 2025). On July 07,
3 2026, Respondents arrested and re-detained Petitioner. Since that day, Respondents have not
4 released her, provided proper notice of revocation of release, nor provided a hearing or
5 interview. Therefore, in this case, the risk of erroneous deprivation is high.

6 Third, the government's interest in re-detaining Petitioners without first providing notice and
7 submitting to a custody hearing is minimal. Immigration courts routinely conduct custody
8 hearings, which impose a "minimal" cost to the government. *See Doe*, 2025 WL 691664, at *6;
9 *A.E.*, 2025 WL 1424382, at *5. Where removal is not imminent under a final order of removal,
10 "[t]he government has no legitimate interest in detaining individuals who have been determined
11 not to be a danger to the community and whose appearance at future immigration proceedings
12 can be reasonably ensured by [] bond or alternative conditions." *Hernandez*, 872 F.3d at
13 994; *see also R.D.T.M.*, 2025 WL 2617255, at *4. Here, it would be less of a fiscal and
14 administrative burden for the Respondents to allow Petitioner to return home to await the proper
15 processing and coordination than to continue to detain her in a detention facility. *Diaz v. Kaiser*,
16 No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025) ("[T]he Ninth Circuit
17 has recognized that the costs to the public of immigration detention are staggering."). Therefore,
18 the third factor also weighs in favor of Petitioner.

19 Thus, Petitioner has demonstrated she is likely to succeed on the merits of her claim that
20 Respondents violated the Fifth Amendment of the U.S. Constitution.
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1 B. Petitioner's detention violates the INA and applicable regulations

2 Respondents revoked Petitioner's release in violation of the INA and governing
3 regulations. Respondents have the authority to detain noncitizens with final orders of removal to
4 effectuate deportation. See 8 U.S.C § 1231; *Zadvydas v. Davis*, 533 U.S. 678, 697 (2001). When
5 a noncitizen has been released from immigration detention, certain ICE regulations govern how
6 and when the agency may revoke release and re-detain the noncitizen. 8 C.F.R. §§ 241.13(i),
7 241.4(l). These procedures protect important due process rights owed to noncitizens. See *Nguyen*
8 *v. Hyde*, 788 F. Supp. 3d 144, 152 (D. Mass. 2025)(noting that 8 C.F.R. § 241.13(i) was
9 'promulgated to protect a fundamental right derived from the Constitution'.)

10 Under 8 C.F.R. § 241.13(i)(1) and (2), ICE is authorized to revoke a noncitizen's release
11 for purposes of removal. Specifically, a noncitizen's release may be revoked if they violate any
12 of the conditions of their release -or- "if, on account of changed circumstances," it is determined
13 that "there is a significant likelihood that the [noncitizen] may be removed in the reasonably
14 foreseeable future." 8 C.F.R. § 241.13(i)(1) and (2). Upon making this determination:

15 The Alien will be notified of the reasons for revocation of his or her release. The
16 Service will conduct an initial informal interview promptly after his or her return
17 to service custody to afford the alien an opportunity to respond to the reasons for
18 revocation stated in the notification. The alien may submit any evidence or
19 information that he or she believes shows there is no significant likelihood he or
20 she be removed in the reasonably foreseeable future, or that he or she has not
21 violated the order of supervision. The revocation custody review will include an
22 evaluation of any contested facts relevant to the revocation and a determination
23 whether the facts as determined warrant revocation and further denial of release. 8
24 C.F.R. § 241.13(i)(3).

20 Respondents did not arrest and re-detain Petitioner on July 07, 2026, based on a violation
21 of the conditions of her prior release over 24 years ago. They also have made no determination
22 that there was a significant likelihood that she would be removed within the reasonably
23 foreseeable future on account of changed circumstances. Respondents cannot show that a
24 changed circumstances determination was made at or before Petitioner's re-detention on July 07,

2026. Respondents also cannot show that, at the time of re-detention, they had determined that Petitioner would be removed in the foreseeable future. In fact, Respondents have not demonstrated any evidence that they have secured travel documents for Petitioner to be removed to any Country. *See Duong v. Charles*, No. 1:25-cv-01375-SKO, 2025 WL 3187313, at *3 (E.D. Cal. Nov. 14, 2025)(finding no evidence of changed circumstances where the government “did not even submit a request to Vietnam for travel documents” until a month after re-detaining petitioner); *Sphabmixay v. Noem*, No. 25-cv-2648-LL-VET, 2025 WL 3034071, at *2 (S.D. Cal. Oct. 30, 2025) (finding no evidence of changed circumstances where the government “did not even submit a request to Laos for travel documents” until a week after re-detaining petitioner).

Moreover, Petitioner did not receive a formal “Notice of Revocation of Release” document as required under 8 C.F.R. § 241.13(i)(3). Petitioner was required to be notified of what circumstances have changed and why there was a significant likelihood of removal, to have a fair opportunity to respond and submit evidence.

“ICE, like any agency, ‘has the duty to follow its own federal regulations.’” *Rombot v. Souza*, 296 F Supp. 3d 383, 388 (D. Mass. 2017)(quoting *Haoud v. Ashcroft*, 350 F.3d 201, 205 (1st Cir. 2003)); see also *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)(reversing dismissal of habeas petition where BIA failed to follow its own regulations). “Where an immigration ‘regulation is promulgated to protect to protect a fundamental right derived from the Constitution or a federal statute,’ like the opportunity to be heard, ‘and [ICE] fails to adhere to it, the challenged [action] is invalid.” *Rombot*, 296 F. Supp. 3d at 388 (quoting *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993)); *Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025)(“Because there is no indication that ICE Regulations were followed. . .[petitioner’s] re-detainment was unlawful.”).

Thus, Petitioner has demonstrated she is likely to succeed on the merits of her claim that

1 Respondents violated the regulations at 8 C.F.R. § 241.13(i).

2
3 C. Respondents violated procedural due process and the APA due to the constitutionally
4 inadequate procedures regarding third country removals

5 Petitioner is likely to succeed on her claim that Respondents' third country removal
6 policy violates due process because she has not received sufficient notice nor an opportunity to
7 be heard. Further, on its face, USCIS current policy contravenes Ninth Circuit law.

8 On July 9, 2025, then Acting Director of ICE, Todd M. Lyons issued a memo³ to all ICE
9 Employees providing:

10 "If the United States has received diplomatic assurances from the country of
11 removal that [noncitizens] removed from the United States will not be persecuted
12 or tortured, and if the Department of State believes those assurances to be
13 credible, the [noncitizen] may be removed without the need for further
procedures. ICE will seek written confirmation from the Department of State that
such diplomatic assurances were received and determined to be credible. HSI and
ERO will be made aware of any such assurances. In all other cases, ICE must
comply with the following procedures:

- 14 • An ERO officer will serve on the [noncitizen] the attached Notice of
15 Removal. The notice includes the intended country of removal and will be
read to the [noncitizen] in a language he or she understands.
- 16 • ERO will not affirmatively ask whether the [noncitizen] is afraid of
being removed to the country of removal.
- 17 • ERO will generally wait at least 24 hours following service of the Notice
18 of Removal before effectuating removal. In exigent circumstances, ERO
19 may execute a removal order six (6) or more hours after service of the
Notice of Removal as long as the [noncitizen] is provided reasonable
20 means and opportunity to speak with an attorney prior to removal.
- 21 • Any determination to execute a removal order under exigent
22 circumstances less than 24 hours following service of the Notice of
Removal must be approved by the DHS General Counsel, or the Principal
Legal Advisor where the DHS General Counsel is not available.

23 ³ This was an additional memo restating and clarifying the procedures for third country removal laid out in former
24 Secretary of Homeland Security Kristi Noem's March 30, 2025 memorandum, Guidance Regarding Third Country
Removals.

- If the [noncitizen] does not affirmatively state a fear of persecution or torture if removed to the country of removal listed on the Notice of Removal within 24 hours, ERO may proceed with removal to the country identified on the notice. ERO should check all systems for motions as close in time as possible to removal.
- If the [noncitizen] does affirmatively state a fear if removed to the country of removal listed on the Notice of Removal, ERO will refer the case to U.S. Citizenship and Immigration Services (USCIS) for a screening for eligibility for protection under section 241(b)(3) of the INA and the Convention Against Torture (CAT). USCIS will generally screen the [noncitizen] within 24 hours of referral.”

Under Ninth Circuit precedent, failing to notify individuals who are subject to deportation that they have the right to apply ... for withholding of deportation to the country to which they will be deported violates both INS regulations and the constitutional right to due process.” *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999) (citing *Kossov*, 132 F.3d at 408–09); *see also Sadychov v. Holder*, 565 F. App'x 648, 651 (9th Cir. 2014) (“[S]hould circumstances change such that Azerbaijan is the designated country of removal, the agency must provide Sadychov with notice and an opportunity to reopen his case for full adjudication of his claim of withholding of removal from Azerbaijan.”). In the context of country of removal designations, last minute orders of removal to a country may violate due process if an immigrant was not provided an opportunity to address his fear of persecution in that country. *Najjar v. Lynch*, 630 Fed. App'x 724 (9th Cir. 2016) (citing *Andriasian*, 180 F.3d at 1041); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004).

This Court and other District Courts have issued TRO's and injunctive relief for Respondents failure to complying with procedures mandated by Ninth Circuit precedent. *See G.A.A. v. Chestnut*, No. 1:25-CV-01102-EPG-HC, 2025 WL 3251316, at *7 (E.D. Cal. Nov. 21, 2025) (enjoining respondent from removing petitioner to third country without providing process required by Ninth Circuit precedent); *see also Nguyen v. Scott*, 2025 WL 2419288, at *19 (W.D. Wash. Aug. 21, 2025) (“Petitioner is likely to succeed on his claim that removal to a

1 third country under ICE's current policy, without meaningful notice and reopening of his
2 removal proceedings for a hearing would violate due process.").

3
4 II. PETITIONER WILL CONTINUE TO SUFFER SERIOUS AND IRREPARABLE
5 INJURY ABSENT A TRO

6 The Ninth Circuit has recognized "the irreparable harms imposed on anyone subject to
7 immigration detention." *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1253 (W.D. Wash. 2025)
8 (citing *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017)) ("For example ... subpar
9 medical and psychiatric care in ICE detention facilities, the economic burdens imposed on
10 detainees and their families as a result of detention, and the collateral harms to children of
11 detainees whose parents are detained."). "When an alleged deprivation of a constitutional right is
12 involved, most courts hold that no further showing of irreparable injury is necessary."
13 *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005)(quoting *Wright, Miller, & Kane*,
14 *Federal Practice and Procedure*, § 2948.1 (2d ed. 2004)). "Freedom from imprisonment—from
15 government custody, detention, or other forms of physical restraint—lies at the heart of the
16 liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690. Detention constitutes
17 "a loss of liberty that is . . . irreparable." *Moreno Galvez v. Cuccinelli*, 492 F. Supp. 3d 1169,
18 1181 (W.D. Wash. 2020) (*Moreno II*), *aff'd in part, vacated in part on other grounds, remanded*
19 *sub nom. Moreno Galvez v. Jaddou*, 52 F.4th 821 (9th Cir. 2022).

20 Here, Petitioner is being detained unlawfully at California City Detention Center. She is
21 being deprived of her physical freedom, and absent relief she will continue to suffer irreparable
22 harm by this restraint. Petitioner suffers from diabetes, asthma, hypertension and sarcoidosis. Her
23 health deteriorates each day she remains detained under harsh conditions without access to
24

1 proper medication and treatment. Petitioner is gainfully employed as a supervising registered
2 nurse for Sacramento County. Exs. A, C, and D.

3 **III. THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH**
4 **STRONGLY IN PETITIONER'S FAVOR**

5 The consideration of the balance of equities and the public interest in an injunction merge
6 when the government is a party. *Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL
7 2791778, at *10 (E.D. Cal. Aug. 20, 2025) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d
8 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009))).

9 “It is always in the public interest to prevent the violation of a party's constitutional
10 rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Furthermore, “[j]ust as the
11 public has an interest in the orderly and efficient administration of this country’s immigration
12 laws, the public has a strong interest in upholding procedural protections against unlawful
13 detention.” *Hoac*, 2025 WL 1993771, at *6 (internal quotation marks omitted).

14 Respondents “cannot reasonably assert that [they are] harmed in any legally cognizable
15 sense by being enjoined from constitutional violations.” *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727
16 (9th Cir. 1983); see also *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013) (“[The
17 government] cannot suffer harm from an injunction that merely ends an unlawful practice[.]”).

18 Thus, the violation of Petitioners rights under the U.S. Constitution and the violation of
19 Federal law causing her continued unlawful detention, tip the balance of the equities and the
20 public interest strongly in Petitioner’s favor.

21 **SECURITY**

22 No security is necessary here. Courts “may dispense with the filing of a bond when,” as
23 here, “there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.”
24 *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003). It is also proper to waive the bond
requirement in cases raising constitutional claims, because “to require a bond would have a

1 negative impact on plaintiff's constitutional rights, as well as the constitutional rights of other
2 members of the public." *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D.
3 Cal. 1996). Finally, Plaintiff's showing of a high likelihood of success on the merits supports the
4 court's waiving of bond in this case. *See, e.g., People of State of Cal. ex rel. Van De Kamp v.*
5 *Tahoe Reg'l Plan. Agency*, 766 F.2d 1319, 1326 (9th Cir.), amended, 775 F.2d 998 (9th Cir.
6 1985).

7 8 **CONCLUSION**

9 Petitioner respectfully requests that this Court:

10 1. Grant Petitioner's Motion for a Temporary Restraining Order providing for her
11 immediate release from custody and enjoin Respondent's from re-detaining her absent further order
12 of this Court;

13 2. Issue a writ of habeas corpus ordering Respondents to immediately release
14 Petitioner from custody on conditions no stricter than those to which she was subject immediately
15 prior to her ongoing detention. *See Yang v. Kaiser*, No. 2:25-cv-02205-DAD-AC, 2025 WL
16 2791778, at *11 (E.D. Cal. Aug. 20, 2025) (status quo ante is "the last uncontested status which
17 preceded the pending controversy.")

18 3. Order that at the time of release, Respondents must return all of Petitioner's
19 documents and possessions;

20 4. Order that Respondents file a notice certifying compliance with these provisions
21 within two court days from the date of the Order;

22 5. Declare that Petitioner's arrest and detention violate the Due Process Clause of the
23 Fifth Amendment;

24 6. To the extent that Petitioner may have been transferred out of the Eastern District,
order her immediate return to the Eastern District of California;

1 7. Prohibit Respondents from removing Petitioner from the country until these
2 habeas proceedings have concluded;

3 8. Enjoin Respondents from re-detaining Petitioner absent compliance with
4 constitutional protections, including seven-days' notice to Petitioner and a pre-deprivation hearing
5 before a neutral fact-finder where (a) Respondents show material changed circumstances
6 demonstrate a significant likelihood of Petitioner's removal in the reasonably foreseeable future,
7 or (b) the Government demonstrate by clear and convincing evidence before a neutral
8 decisionmaker that Petitioner poses a danger to the community or a flight risk. At any such
9 hearing, petitioner shall be allowed to have counsel present.

9 9. Enjoin Respondents from redetaining Petitioner under 8 U.S.C. § 1231(a)(6)
10 unless and until Respondents obtain a travel document for her removal;

11 10. Enjoin Respondents from removing Petitioner to any third-country, without first
12 following the procedures of 8 U.S.C. § 1231(b)(2) and the following process (*see D.V.D. v. U.S.*
13 *Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21,
14 2025):

- 14 (a) written notice to both Petitioner and Petitioner's counsel in a language
15 Petitioner can understand;
- 15 (b) a meaningful opportunity, and a minimum of ten days, to raise a fear-based
16 claim for CAT protection prior to removal;
- 16 (c) if Petitioner is found to have demonstrated "reasonable fear" of removal to the
17 country, Respondents must move to reopen Petitioner's immigration
17 proceedings;
- 17 (d) if Petitioner is not found to have demonstrated a "reasonable fear" of removal
18 to the country, a meaningful opportunity, and a minimum of fifteen days, for
18 the Petitioner to seek reopening of her immigration proceedings.

19
20 11. Enjoin Respondents from re-detaining Petitioner without first following all
21 procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i), and any other applicable statutory and
22 regulatory procedures;

22 12. Grant such further relief as the Court deems just and proper.
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1 DATED this 9th of July 2026,

/s/ Winthrop Brian Hedrick
Attorney for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with Petitioner, Patience Ukattah, the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER are true and correct to the best of my knowledge.

Executed on this July 9, 2026, in Windsor, CA.

/s/Winthrop Brian Hedrick

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2026, I filed the foregoing petition for EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: July 9, 2026

/s/Winthrop Brian Hedrick

Attorney for Petitioner