

FILED

JUL 09 2026

ANTONY ESNILSSEN RAMOS
California City Immigration Processing Center
22844 Virginia Boulevard
California City, CA 93505

Petitioner, Pro Se

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Antony Esnilssen Ramos
A-Number: [REDACTED]

Proceeding Pro Se,
Petitioner,

v.

 , WARDEN, California City Correctional
Center ; , FIELD OFFICE DIRECTOR, ICE
Los Angeles Field Office; TODD M.
LYONS, Acting Director, United States
Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Secretary
of Homeland Security; TODD BLANCHE, Acting
Attorney General, United States,
Respondents.

Case No.:

1:26-cv-5290 JLT EPG

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

Petitioner Antony Esnilssen Ramos, pro se, respectfully applies for an Ex Parte Temporary Restraining Order ("TRO") pursuant to Federal Rule of Civil Procedure 65(b). Concurrently with this Application, Petitioner has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his prolonged and unconstitutional detention.

Petitioner has been detained by U.S. Immigration and Customs Enforcement ("ICE") since June 3, 2026. On June 30, 2026, an Immigration Judge ("IJ") denied his request for a bond hearing, erroneously concluding that the Immigration Court lacked jurisdiction under the Board of Immigration Appeals' ("BIA") decision in *Matter of Yajure-Hurtado*. As a result, Petitioner is being held indefinitely without any meaningful opportunity to seek his release, in violation of the Due Process Clause of the Fifth Amendment.

Petitioner seeks this emergency relief to prevent irreparable harm. His continued detention is causing severe physical and emotional distress, including significant weight loss, anxiety, and untreated dental pain. Without a TRO, Petitioner faces the ongoing deprivation of his fundamental

1 right to liberty and the risk of being transferred outside this Court's jurisdiction, which would
2 prejudice his ability to pursue his habeas petition.

3 Petitioner requests a TRO ordering Respondents to: (1) provide him with a constitutionally
4 adequate bond hearing before an Immigration Judge within fourteen (14) days, at which the
5 government must prove by clear and convincing evidence that his detention is necessary; and (2)
6 refrain from transferring him from his current place of detention while this application and his
7 habeas petition are pending.
8

9 **LEGAL STANDARD**

10 A temporary restraining order is an "extraordinary remedy" intended to preserve the status quo and
11 prevent irreparable harm until a hearing can be held. The standard for issuing a TRO is substantially
12 identical to the standard for a preliminary injunction. A petitioner must establish that he is likely to
13 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary
14 relief, that the balance of equities tips in his favor, and that an injunction is in the public interest. *See*
15 *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *(HC) Lin v. Valinken*, No. 1:20-
16 CV-00392, 2020 WL 1275462, at *1 (E.D. Cal. Mar. 17, 2020).
17

18 In the Ninth Circuit, a TRO may also be granted under a "sliding scale" approach where the
19 petitioner demonstrates "serious questions going to the merits and a balance of hardships that tips
20 sharply in the plaintiff's favor," so long as the other two *Winter* factors are met. *All. for the Wild*
21 *Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).
22

23 **ARGUMENT**

24 **A. Petitioner Is Likely to Succeed on the Merits of His Habeas Petition**

25 Petitioner has more than demonstrated "serious questions going to the merits"; he has shown a
26 strong likelihood that his continued detention is unconstitutional.

27 First, the IJ's refusal to hold a bond hearing violates well-established Ninth Circuit precedent.

28 Noncitizens in removal proceedings have a constitutional right to a bond hearing before a neutral

1 decision-maker. *See Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).
2 This Court has repeatedly held that “prolonged mandatory detention pending removal proceedings,
3 without a bond hearing, will—at some point—violate the right to due process.” *(HC) Gramajo*
4 *Lopez v. Garland*, No. 1:22-cv-00463-JLT-SKO (HC), 2022 WL 3101683, at *6 (E.D. Cal. Aug.
5 4, 2022).

6 Second, the IJ’s conclusion that she lacked jurisdiction is a legal error subject to this Court’s
7 review. *See Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011). The IJ wrongly
8 categorized Petitioner as an “applicant for admission” subject to mandatory detention under INA §
9 235(b), a statute intended for arrivals at a port of entry. Petitioner, who entered years ago, lived in
10 the interior of the U.S., has a pending asylum application, and was granted TPS, is properly subject
11 to detention under INA § 236(a), which authorizes release on bond.

12
13 Third, at any constitutionally adequate hearing, the government bears the burden of proving by
14 “clear and convincing evidence” that a noncitizen is a flight risk or danger to the
15 community. *Vijendra K. Singh v. Holder*, 638 F.3d 1196, 1205 (9th Cir. 2011). The government
16 cannot meet this burden. Petitioner has overwhelming ties to the community, including a wife, a
17 stable home, and a long-term job. His single, non-violent misdemeanor conviction—for which he
18 has paid his fine and is complying with probation—does not render him a flight risk or a danger.
19 Courts in this district have granted this exact relief under similar facts, ordering a bond hearing and
20 placing the burden on the government. *See (HC) Singh v. Garland*, No. 1:23-CV-01127, 2023 WL
21 5816913, at *5 (E.D. Cal. Sep. 8, 2023).

22
23 Finally, Petitioner’s removal is not reasonably foreseeable. Given his pending asylum application
24 and TPS status, his detention has become indefinite and is therefore unconstitutional
25 under *Zadvydas v. Davis*, 533 U.S. 678 (2011).
26

27 **B. Petitioner Will Suffer Immediate and Irreparable Harm Absent a TRO**

28 Petitioner is suffering, and will continue to suffer, irreparable harm each day he remains

unconstitutionally detained.

The ongoing deprivation of liberty is, in itself, irreparable harm. As one court recognized, the “loss of liberty constitutes irreparable harm” in detention cases. *Abdi v. Duke*, 280 F. Supp. 3d 373, 404 (W.D.N.Y. 2017). It is beyond question that “[v]iolations of constitutional rights...unquestionably constitute irreparable injury.” *Innovation Law Lab v. Nielsen*, 342 F. Supp. 3d 1067, 1079 (D. Or. 2018).

This harm is not abstract. Petitioner’s detention has caused a quantifiable decline in his physical and emotional health, including significant weight loss, chronic headaches, insomnia, anxiety, and depression. He also suffers from worsening dental problems that cause him significant pain and are not being adequately treated.

Furthermore, without a TRO enjoining his transfer, Respondents could move Petitioner to a detention center outside this district at any moment. Such a transfer would inflict irreparable harm by separating him even further from his family and support network, and it would substantially prejudice his ability to litigate his habeas corpus petition.

C. The Balance of Equities Tips Sharply in Petitioner’s Favor

The balance of hardships weighs decisively in Petitioner’s favor. The harm to Petitioner if a TRO is not granted is severe: the continued loss of his fundamental right to liberty, the deterioration of his health, and the ongoing emotional trauma of being separated from his wife.

In contrast, the burden on Respondents is minimal. A TRO would simply require Respondents to provide the bond hearing that the Constitution already requires. It is a minor procedural inconvenience. *See Hernandez Gomez v. Becerra*, No. 23-CV-01297, 2023 WL 2777488, at *7 (N.D. Cal. Apr. 4, 2023) (granting a TRO for a bond hearing within 14 days). If the government can prove at that hearing that Petitioner is a flight risk or danger, he will remain in custody. If not, his continued detention serves no legitimate government interest.

D. The Public Interest Favors Granting Relief

1 The public interest is served by upholding constitutional rights and ensuring that civil detention is
2 not used as a tool for arbitrary or indefinite confinement. "[I]t is always in the public interest to
3 prevent the violation of a party's constitutional rights." *Innovation Law Lab*, 342 F. Supp. 3d at
4 1080. Granting this TRO will affirm the fundamental principle that no person in this country may
5 be deprived of liberty without due process of law. It also serves the public interest in family unity
6 and allows a productive member of society to return to his job and his wife while his immigration
7 case is resolved.

8
9 **CONCLUSION**

10 For the foregoing reasons, Petitioner respectfully requests that this Court grant his Ex Parte
11 Application for a Temporary Restraining Order.

12 **PRAYER FOR RELIEF**

13 Petitioner requests that the Court issue a Temporary Restraining Order that:

- 14
15 1. Orders Respondents to provide Petitioner with a constitutionally adequate bond hearing
16 before an Immigration Judge within fourteen (14) days of this Order, at which the
17 government must prove by clear and convincing evidence that Petitioner's continued
18 detention is necessary to prevent a risk of flight or a danger to the community.
19 2. Enjoins and restrains Respondents, their agents, and their employees from transferring
20 Petitioner from the California City Immigration Processing Center pending a ruling on this
21 application and the underlying habeas petition.
22 3. Grants any other relief the Court deems just and proper.
23

24 Dated: July 7, 2026

25 Respectfully submitted,

26
27 /s/ Antony Esnilssen Ramos

28 Antony Esnilssen Ramos

A-Number: 