

FILED

JUL 10 2026

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

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IN THE MATTER OF
PETITIONER

JOSIAS ANTONIO PRADO HERNANDEZ


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RESPONDENT(S)

WARDEN OF THE CALIFORNIA
CITY DETENTION CENTER ET AL.

Respected Clerk Of The Court and Honourable Judge I hereby file Ex Parte Motion For Temporary Restraining Order against the respondents Warden Of California City Detention Center ET AL. In filing this motion I seek adequate remedy for the continued irreparable harms that face whilst detained.

- I seek my immediate release from California City Detention Center under with any reasonable condition of relief, including reporting requirements, supervision, electronic monitor.

EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER

United States District Judge

Introduction circumstances of case

Honorable judge, I Josias Antonio Prado Hernandez. Petitioner was arrived to the United States with his family when he was a kid in the month of August 2001 when he was only three years old,petitioner completed his schooling from Ogden high school which is in Ogden,Utah in the year 2016.In the year petitioner parents submitted his application for DACA and a work permit to the respected immigration authorities which is approved on April,29,2013. Petitioner also continued to renew it for the last 12 years. currently due to his detention the petitioner has a pending application of renewal of DACA and work permit which he was submitted on march 12, 2026.

Petitioner has always been a hard worker since he was in Junior high school to support his family by working part time. Petitioner is also married to Unites States citizen in 2021 and he had two children a daughter and a son which is United states citizens. Petitioner is the only worker and supporting his family. Petitioner had spent more than two decades in the united states petitioner has a strong community ties.

Since my detention began my immigration case has experienced prolong proceedings and delays that remain unresolved. My continued confinement has accorded despite strong community ties. My ongoing pursuit of relief through lawful immigration procedure the extra ordinary duration of my detention has transformed what was intended to temporary administrative measure into indefinite deprivation of liberty.

Immigration Jude violated my Private and Liberty Interest because on 6th of may he had a bond hearing. In that Bond Hearing Immigration Judge Denied his bond request because of misdemeanor DUI . Immigration Judge find Petitioner danger to community Because A single conviction of DUI of August 2024. Petitioner a single charge does not pose I am danger to community as a matter of fact petitioner is detain for almost 4 months he had maintained clear record, and petitioner is living in united states for more than 24 years,In addition to that during his arrest he didn't harm anyone I fully cooperated There is not present evidence that he is danger to community.

Irreparable Harm

"It is well established that the deprivation of the constitutional rights 'unquestionably constitutes irreparable injury' *Melendres V. Arpaio* 695 F.3d 990 'irreparable harms imposed on anyone subject to immigration detention including 'the economic burden imposed on detainees and their families as a result of detention' As per harms imposed on anyone subject to immigration detention, the psychological, physical and emotional well being constitutes harms.

I am a non punitive detainee, detained pending civil immigration proceedings in the California City Immigration Processing Center, which until recently was a State prison housing criminal inmates. This detention center is run under the same regiments that it previously did and houses non punitive detainees in the same conditions and hostility as criminal inmates.

Continued detention is causing intimidate and irreparable harm to my physical health , mental health, and overall well being. Since entering immigration custody, I have experienced over crowded detention condition, inadequate access to proper nutrition consistent with my dietary requirement and significant uncertainty regarding my future. During transfer between detention facilitates, I experienced periods with insufficient food, inadequate living condition lead to anxiety and depression.

My mental health deteriorated substantially during detention. The uncertainty surrounding length of my detention has now become a major source of psychological suffering. every additional day of confinement causes harm that cannot later be undone or compensate monetary damages.

Legal basis supporting my Preliminary Injunctive Relief.

Preliminary Injunction is warranted because continued detention without a meaningful and timely resolution of immigration proceedings violates the fundamental principles of *Due Process* guaranteed by fifth amendment, immigration detention is intended to serve a legitimate governmental purpose and not to function as indefinite confinement. As detention for extended months without a definite end point, constitutional concerns become increasing significant. The pro long nature of my detention, combined with continued delays in the adjudication of my case, has created a situation in which my liberty interest substantially outweigh any governmental justification for continued confinement.

The balance of equities strongly favors relief. maintaining the community ties, pending relief, and I have demonstrated a willingness to comply what legal requirements. The criminal matter that lead to my initial arrest has been dismissed , and there is no evidence that I present a Danger to community. I am prepared to comply with any reasonable condition of relief, including reporting requirements, supervision, electronic monitor or any other condition deemed appropriately by the court. By contrast, continued detention imposes severe hardship on me while proving minimal benefit to the government.

The Public Interest also support granting relief the public has strongly interest in ensuring that governmental detention complies with constitutional requirement and fundamental principles of fairness. Pro Long Detention without a definite timeline raises a serious Due Process concerns, specially where an individual has substantial equity, no criminal conviction and on going immigration proceedings that may continued for extended period.

Even if Immigration Judge were ultimately issue a removal order at my final hearing, I would still have the legal right to appeal that decision to the BIA Board of Immigration Appeals and where appropriate seek future judicial review under U.S. Immigration law. As a result there is no intimidate administrative finality of my removal, For this reason I respectfully request that the court grant my Temporary Restraining order and Preliminary Injunction.

Likelihood that I will succeed on Merits

The Due Process Clause Of The Fifth Amendment provides that "No Person shall be ... deprived of life, liberty, or property without due process of law" *U.S Const. amend. V* . "Freedom from imprisonment - from government custody, detention or other forms of physical restraint - lies at the heart of liberty that [the Due Process] Clause protects" *Zadvydas* 533 *U.S* at 690

Quoting Wong Wing v United States 163 *U.S.* 228, 238 16 *S. Ct* 977 41 *l. Ed* 140 (1896)

"All persons within the territory of the United States are entitled to the protection" of the constitution. All persons, aliens and citizens alike, are protected by the due process clause; *Jenning* 138 *S. Ct* at 862 (Breyer J, dissenting (No one can claim nor since the time of slavery has anyone to my knowledge successfully claimed that persons held within the United States are totally without constitutional protections.)

"We have grave doubts that any statute that allows for arbitrary prolonged detention without any process is constitutional or that those who founded our democracy precisely to protect against the government's arbitrary deprivation of liberty would have thought so. Arbitrary civil detention is not a feature of our American government. Liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno* 481 *U.S* 739, 755. 107 *S.Ct* 2095, 95 *L.Ed.2d* 697 (1987)

"It is well established that the fifth amendment entitles aliens to due process of the law in deportation proceedingsI" *DEMORE V KIM* 583 *U.S.* 510, 523, 123 *S CT.* 1708, 155, *L. Ed. 2d* 724 (2003)

"The Court found that whilst S1226(b)(2) mandates detention, prolonged detention without review violates Due Process." *AMADO V UNITED STATES DOJ* 2025

Taking the recent rulings of other courts as well as the historic rulings throughout higher courts, of non citizens asserting claim of the Due Process Clause of the 5th Amendment, the judges have found in favor of the petitioners when detention becomes prolonged and indefinite. The likelihood of success in this matter is extremely high given prior rulings have found in favor of the petitioners.

Interest to public harms

When nomovant is the government the last two winter factors 'merge' *Baird v Bonta* 81 F.4th 1036,1040 (9th Cir. 2023)

"It is always in the public interest to prevent the violation of a party's constitutional right" *Preminger v Principi* 422 F.3d 815,826 (9th Cir 2005) "Public interests concerns are implicated when a constitutional right has been violated because all citizens have a stake in upholding the constitution. The public has a strong interest in upholding procedural protections against unlawful detention and the ninth circuit recognized that the costs to the public of immigration detentions are staggering" *Jorge M.F v. Wilkinson* No 21-cv-01434-JST 2021 U.S.

Upholding the constitution and the congressional intent of law and order is always in the interest of the public, All persons, aliens and citizens alike, are protected by the due process clause; *Jenning* 138 S. Ct at 862 to allow the DHS to break the constitutional protections that congress provided is a violation upon all citizens and non citizen alike.

Freedom from imprisonment from government custody detention or other forms of physical restraint is at the heart of the liberty that the due process clause protects. (*Zadvydas V David* 533 U.S at 690)

The governments sole interest in my detention lies in assuring attendance in removal proceedings and 'should' an order of removal be imposed it's ability to carry out such order. However the likelihood that any such order will be imposed in the near future given that court proceedings are being continuously delayed, are extremely unlikely and speculative. The cost towards the taxpayer for immigration detention is staggering especially at a time when the public faces extreme economical hardship, the government is able to retain the same security as confinement in a GPS locator at a much lower cost to the United States tax payer.

Conclusion

I seek an Ex-Parte TRO granting order my Immediate release with any reasonable condition of relief, including reporting requirements, supervision, electronic monitor.

I plead before the Honorable Judge for a 'speedy' order into this matter to not further prolong the detention as I am suffering from my physical and mental health.

Respectfully,

JOSIAS ANTONIO PRADO HERNANDEZ



California Immigration Processing Center California City,
California

Josias A. Prado

SIGN

06/30/2026

DATE