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Attorneys for Petitioner Lidia Hernandez Ancelmo

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

LIDIA HERNANDEZ ANCELMO,

Petitioner,

v.

POLLY KAISER, Acting San Francisco
Field Office Director, Enforcement
and Removal Operations, United States
Immigration and Customs Enforcement
(ICE); CHRISTOPHER CHESTNUT,
Warden, California City Correctional
Facility; MARKWAYNE MULLIN,
Secretary, United States Department of
Homeland Security; TODD BLANCHE,
Attorney General of the United States;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Respondents.

No. 1:26-cv-05579-DJC-CSK (HC)

**PETITIONER'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING
ORDER AND STAY OF REMOVAL**

**(URGENT ACTION REQUESTED TODAY,
JULY 22, 2026)**

* Application for Pro Hac Vice Admission Pending

I. INTRODUCTION

Petitioner Lidia Hernandez Ancelmo, through undersigned counsel, files this Emergency Motion for a Temporary Restraining Order (“TRO”) and Stay of Removal pursuant to Rule 65 of the Federal Rules of Civil Procedure and the All Writs Act, 28 U.S.C. § 1651.

Respondents have informed Petitioner of their intent to execute her deportation today, July 22, 2026. This imminent removal is patently unlawful because Petitioner filed a timely appeal with the Board of Immigration Appeals (BIA) on July 16, 2026, and Petitioner will face irreparable harm if removed after her unlawful detention. *See* Declaration of Mari. Today, July 22, 2026, Petitioner’s counsel contacted Respondents’ counsel to request Respondents’ position in whether they intended to oppose the instant TRO. *See* Declaration of Mihret Getabicha.

Petitioner urgently requests that this Court issue a Temporary Restraining Order enjoining Respondents from removing her from the United States and the jurisdiction of this Court pending the resolution of her BIA appeal and her concurrently filed Petition for Writ of Habeas Corpus.

II. FACTS

On July 16, 2026, Petitioner filed a timely appeal with the Board of Immigration Appeals. Four days later, on July 20, 2026, this Court reviewed Petitioner's Habeas Corpus Petition and issued a Minute Order directing Respondents to Show Cause why the writ should not be granted. In that Order to Show Cause, this Court explicitly noted that the issues raised in Petitioner's case appear to mirror those previously addressed by this Court in several prior cases where relief was granted, including *Garcia Mariagua v. Chestnut*, No. 1:25-cv-01744-DJC-CSK, *Ortega v. Noem*, No. 1:25-cv-01663-DJC-CKD, and *Lopez v. Lyons*, No. 2:25-cv-03174-DJC-CKD. The Court ordered Respondents to file their return by July 23, 2026.

Despite the clear regulatory framework that governs pending administrative appeals and automatically stays removal, Respondents have manifested an immediate intent to physically

1 remove Petitioner today, July 22, 2026. This sudden attempt to deport Petitioner operates as an
2 end-run around the judicial and administrative process, threatening to unlawfully moot her
3 pending appeal and her habeas claims challenging her unconstitutional conditions of confinement.
4

5 Compounding this procedural violation is Petitioner's medical vulnerability. As detailed in
6 the filed Habeas Petition, Petitioner is a survivor of pancreatic cancer whose remission is entirely
7 dependent on ongoing medication. Since being detained at the California City Processing Center,
8 she has been deprived of her prescribed medications. Consequently, she has suffered severe,
9 documented medical emergencies in custody, including an abnormal EKG indicating an inferior
10 myocardial infarction, extreme chest pain, dizzy spells, fainting, and severe, uncontrolled uterine
11 bleeding. *See* Verification of Mari Alvarado (below).
12

13 III. LEGAL STANDARD

14 To obtain a temporary restraining order, a petitioner must establish a likelihood of success
15 on the merits, a likelihood of irreparable harm in the absence of preliminary relief, that the
16 balance of equities tips in her favor, and that an injunction is in the public interest. *Winter v. Nat.*
17 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).
18

19 IV. ARGUMENT

20 The threat of irreparable harm is both immediate and absolute. If Respondents remove
21 Petitioner today, she will be unlawfully exiled from her husband and children—including a six-
22 year-old autistic son who relies heavily on her care. More critically, removal in her current,
23 unstable medical state—suffering from untreated heart complications, severe hemorrhaging, and
24 unmedicated cancer remission—poses a direct and imminent threat to her life. Furthermore, her
25 deportation will unlawfully moot her pending administrative appeal and her habeas petition,
26 depriving her of her constitutional right to due process and access to the courts just twenty-four
27 hours before Respondents are required to answer this Court's Order to Show Cause..
28

1 Petitioner is likely to succeed on her substantive due process claim regarding her
2 conditions of confinement. The government has exhibited deliberate indifference to her serious
3 medical needs by not allowing Petitioner's husband to deliver her necessary medications and
4 failing to adequately treat her myocardial infarction and severe bleeding, thereby subjecting her to
5 unconstitutional punishment as a civil detainee.
6

7 The balance of equities tips entirely in Petitioner's favor. The government will suffer no
8 cognizable harm by temporarily maintaining the status quo while the administrative and judicial
9 processes run their lawful course. Conversely, Petitioner faces removal, the denial of her due
10 process rights, and may put her life in jeopardy for untreated medical conditions. Furthermore, the
11 public interest is unequivocally served by ensuring that federal agencies comply with their own
12 regulations and respect the authority and active orders of the federal judiciary.
13

14 **V. The Court Should Not Require Petitioner To Provide Security.**

15 The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This rule permits a
16 court to grant preliminary injunctive relief “only if the movant gives security in an amount that
17 the court considers proper to pay the costs and damages sustained by any party found to have
18 been wrongfully enjoined or restrained.” FRCP 65(c). But it is well established that Rule 65(c)
19 does not impose a mandatory requirement for a bond, but rather “invests the district court ‘with
20 discretion as to the amount of security required, if any.’” *Jorgensen v. Cassidy*, 320 F.3d 906,
21 919 (9th Cir. 2003) (quoting *Barahona-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)). In
22 particular, “[t]he district court may dispense with the filing of a bond when it concludes there is
23 no realistic likelihood of harm to the defendant from enjoining his or her conduct.” *Johnson v.*
24 *Courturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). Here, there is no realistic likelihood of harm to
25 Respondents if the Court grants the requested TRO, and it would pose a significant hardship on
26 Petitioner who is incarcerated to have a bond imposed. The Court should exercise its discretion
27
28

1 and waive the requirement to post a bond under Rule 65(c).

2 **VI. CONCLUSION AND PRAYER FOR RELIEF**

3 For the foregoing reasons, the imminent removal of Petitioner is unlawful,
4 unconstitutional, and could have severe health consequences. Petitioner respectfully requests that
5 this Court immediately issue a Temporary Restraining Order enjoining Respondents, their agents,
6 and anyone acting in concert with them, from removing Lidia Hernandez Ancelmo from the
7 United States and the jurisdiction of this Court pending the resolution of her BIA appeal and her
8 filed Petition for Writ of Habeas Corpus.
9

10 DATED: July 22, 2026

Respectfully Submitted,

11 /s/ Mihret Getabicha

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Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's Attorneys. I have discussed with Petitioner's family all the events described in this Emergency Motion for Temporary Restraining Order.

Petitioner will suffer irreparable harm if imminently removed from the U.S. before her Petition is heard. Petitioner will also suffer irreparable harm because is a survivor of pancreatic cancer whose remission is entirely dependent on ongoing medication received in the U.S. Since being detained at the California City Processing Center, she has been deprived of her prescribed medications. Consequently, she has suffered severe, documented medical emergencies in custody, including an abnormal EKG indicating an inferior myocardial infarction, extreme chest pain, dizzy spells, fainting, and severe, uncontrolled uterine bleeding.

I hereby verify that the statements made in the attached Emergency Motion for Temporary Restraining Order are true and correct to the best of my knowledge.

DATED: July 22, 2026

Respectfully Submitted,

/s/ Mari Alvarado

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