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9 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
10 **FRESNO DIVISION**

11 

Petitioner,

v.

14 **Tonya Andrews, et al.**

15 Respondents.

Civil Action No.:

**PETITIONER'S NOTICE OF MOTION
AND EX PARTE MOTION FOR
TEMPORARY RESTRAINING ORDER**

1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE as soon as it may be heard in the United States District Court
3 for the Eastern District of California, that Petitioner [REDACTED] will and
4 hereby does move for a temporary restraining order pursuant to Federal Rule of Civil Procedure
5 65(b) and Civil Local Rule 65-1.

6 Petitioner seeks emergency relief to prevent irreparable harm and preserve the status quo
7 pending resolution of his habeas petition. As set forth more fully in the accompanying
8 memorandum, Petitioner is likely to succeed on the merits of his claims that his detention violates
9 the Immigration and Nationality Act, the Administrative Procedure Act, the Due Process Clause,
10 and the Suspension Clause.

11 Without immediate relief, Petitioner will continue to suffer irreparable harm—the
12 ongoing deprivation of his physical liberty and the separation from his U.S. citizen wife, two
13 young daughters, and unborn child. His family faces severe financial and emotional hardship in
14 his absence. Respondents also remain free to transfer Petitioner out of this District, which would
15 moot these proceedings and force him to start anew in another jurisdiction.

16 The balance of equities and the public interest weigh decisively in Petitioner's favor. The
17 government has no legitimate interest in continuing to detain a man with no criminal record, deep
18 family ties, an approved I-130 visa petition, and over 12 years of continuous residence in the
19 United States.

20 Accordingly, Petitioner requests that the Court enter a Temporary Restraining Order:

- 21 1. **Enjoining Respondents** from transferring, relocating, or removing Petitioner from the
22 Eastern District of California pending resolution of this case;
- 23 2. **Ordering Respondents to release Petitioner from custody** within one day of the
24 Court's order;
- 25 3. **In the alternative**, ordering Respondents to provide Petitioner with a constitutionally
26 adequate bond hearing under 8 U.S.C. § 1226(a) within seven days, before a neutral
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1 adjudicator, with the government bearing the burden of proving by clear and convincing
2 evidence that Petitioner's detention is necessary because he poses a flight risk or danger
3 to the community; and

- 4 4. **Ordering Respondents to show cause** why a preliminary injunction should not issue,
5 with briefing deadlines as the Court deems appropriate.

6 This motion is based on this Notice of Motion and Motion; the accompanying
7 Memorandum of Points and Authorities; the Petition for Writ of Habeas Corpus (ECF 1); the
8 supporting Declarations; the exhibits attached thereto; all papers, evidence, and records on file
9 in this action; and any other written or oral evidence or argument as may be presented at or before
10 the time this motion is heard by the Court.

11 Consistent with Civil Local Rule 65-1, Petitioner seeks relief at the earliest possible
12 opportunity and files this motion concurrently with his Petition for Writ of Habeas Corpus.

13 Pursuant to Civil Local Rule 65-1(a)(5), and as detailed further in the Declaration of Prerna
14 P. Lal, counsel for Petitioner emailed a copy of the filed habeas petition to counsel for Respondents
15 and advised that a Motion for TRO would be forthcoming. Petitioner also emailed counsel for
16 Respondents a copy of the entire TRO packet shortly before filing. As of this filing, Respondents
17 have not stipulated to the requested relief.

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19 Date: March 11, 2026

Respectfully Submitted,

20 /s/ Prerna P. Lal

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