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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

1 John Doe Pro Per
2 Jane Doe Pro Per
3 #4598, P.O. Box 1679
4 Sacramento, CA 95812
5 USWhistleBlowerIs@proton.me
(not for official notice or service)
6 Toll Free Fax: 855-541-3086
(not for official notice or service)
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

11 John Doe and Jane Doe,
12 Petitioners/Plaintiffs,

13 v.

14 U.S. Immigration and Customs
15 Enforcement (ICE);
16 Department of Homeland Security
17 (DHS);
18 Kristi Noem, Secretary of DHS;
19 Field Office Director, Enforcement and
Removal Operations (ERO), Los Angeles,
in their official capacities; and
John Doe ICE Officers 1-500, in their
individual capacities,

20 Respondents/Defendants.
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CASE NO: 2:25CV11962-MWC-ASx

Title: EX PARTE APPLICATION FOR
ORDER TO SHOW CAUSE WHY
INJUNCTIVE RELIEF SHOULD NOT
BE GRANTED; ALTERNATIVE
RELIEF IF TEMPORARY
RESTRAINING ORDER DENIED

Date:

Time:

Dept:

(OR SOONEST AVAILABLE DATE)

1 **NOTICE OF EX PARTE APPLICATION AND APPLICATION**

2 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

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5 PLEASE TAKE NOTICE that Petitioners JOHN DOE and JANE DOE, appearing pro per,
6 hereby apply ex parte for an Order to Show Cause (OSC) requiring Respondents to appear and
7 show cause why a preliminary injunction should not issue enjoining further in-person
8 supervision, harassment, or enforcement actions against Petitioners, and why Respondents'
9 conduct should not be declared unlawful and in violation of federal law, including the
10 Convention Against Torture (CAT), the Administrative Procedure Act (APA), the Americans with
11 Disabilities Act (ADA), and constitutional protections.
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14 This ex parte application is made as alternative relief if the Court denies or holds in abeyance
15 Petitioners' pending Ex Parte Application for Temporary Restraining Order (TRO). It is brought
16 pursuant to Federal Rules of Civil Procedure 65(b), 28 U.S.C. §§ 1331, 1361, 2201, 5 U.S.C. §
17 706, and the Court's inherent equitable powers, on the grounds of imminent irreparable harm,
18 including health risks to disabled Petitioners and family members from forced check-ins, and
19 Respondents' waiver of enforcement interest via failure to respond to two demand letters.
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22 Petitioners respectfully request the Court issue the OSC ex parte, set a hearing on the earliest
23 available date (ideally within 7-10 days), and require Respondents to file a response within 3-5
24 days of service. No prior notice to Respondents is required under Local Rule 7-19, as this
25 involves the same urgent matters as the TRO, and prior demand letters provided ample warning.
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1 This application is supported by the attached Memorandum of Points and Authorities,
2 Declaration of John Doe, Declaration of Jane Doe, and Proposed Order.

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4 Dated: Dec - 16 - 2025

5 Respectfully submitted,

6 John Doe and Jane Doe, Pro Per
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9 **MEMORANDUM OF POINTS AND AUTHORITIES**

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11 **I. INTRODUCTION**

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13 Petitioners seek an ex parte OSC as a backup to their TRO application to compel Respondents to
14 justify their unlawful ongoing supervision and harassment of John Doe, a CAT-protected
15 individual since 2011, and its direct impacts on Jane Doe and their disabled family. Despite a
16 judicial grant of withholding of removal under CAT, ICE has imposed probation-style conditions
17 for over 14 years, ignoring legal limits and two unanswered demand letters. This conduct
18 violates Zadvydas v. Davis, 533 U.S. 678 (2001) (no indefinite supervision post-final order), the
19 ADA (42 U.S.C. § 12132) by endangering disabled caregivers, and estoppel principles due to
20 non-response. An OSC will force accountability without delay, preventing further harm.
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23 **II. STATEMENT OF FACTS**

24 As detailed in the Petition/Complaint and TRO application (incorporated herein):

- 25 • John Doe received CAT withholding in 2011, prohibiting removal and limiting supervision.
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- ICE continues coerced in-person check-ins, intimidation, and conditions akin to false imprisonment, despite no legal basis.
- Petitioners sent two demand letters requesting justification; ICE failed to respond, waiving interests under estoppel (e.g., *Heckler v. Cmty. Health Servs.*, 467 U.S. 51 (1984)).
- John Doe is disabled under ADA, primary IHSS caregiver to Jane Doe (post-37 surgeries) and others; check-ins disrupt care, risking lives.
- Imminent check-in poses irreparable harm; no adequate remedy at law exists.

III. LEGAL ARGUMENT

A. Ex Parte Relief and OSC Are Warranted

Under Fed. R. Civ. P. 65 and Local Rule 7-19, ex parte applications are proper where irreparable injury is imminent and prior notice would defeat the purpose. Here, the next check-in risks health crises for disabled parties. Courts routinely issue OSCs in immigration cases to compel agency justification (e.g., *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011)). An OSC shifts the burden to Respondents to show cause why injunction should not issue, promoting efficiency.

B. Petitioners Satisfy Injunctive Relief Standards

1. Likelihood of Success: Supervision violates CAT (8 C.F.R. § 208.18), APA (arbitrary and capricious), ADA (discrimination against disabled), and Due Process (indefinite harassment post-final order, per *Zadvydas*). Estoppel applies due to non-response.
2. Irreparable Harm: Forced check-ins endanger health, violate rights, and disrupt family caregiving—classic irreparable injuries (e.g., *Winter v. NRDC*, 555 U.S. 7 (2008)).

3. Balance of Equities/Public Interest: Enjoining unlawful actions favors Petitioners; ICE claims resource shortages yet wastes funds on this misconduct. Public interest lies in upholding law and protecting vulnerable individuals.

IV. CONCLUSION

The Court should grant this ex parte application, issue the OSC, and set an expedited hearing.

Dated: Dec - 16 - 25

John Doe Pro Per: Doer, Jane Doe Pro Per: AD