

FILED

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2025 DEC 18 PM 12:44

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

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
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**  
20 **Removal Operations (ERO), Los Angeles,**  
21 **in their official capacities; and**  
22 **John Doe ICE Officers 1-500, in their**  
23 **individual capacities,**

24 **Respondents/Defendants.**

25 **CASE NO: 2:25CV11962-MWC-ASX**

26 **Title: EX PARTE APPLICATION FOR**  
27 **ORDER TO SHOW CAUSE WHY**  
28 **INJUNCTIVE RELIEF SHOULD NOT**  
29 **BE GRANTED; ALTERNATIVE**  
30 **RELIEF IF TEMPORARY**  
31 **RESTRANING ORDER DENIED**

32 **Date:**

33 **Time:**

34 **Dept:**

35 **(OR SOONEST AVAILABLE DATE)**

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

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

3

4 PLEASE TAKE NOTICE that Petitioners JOHN DOE and JANE DOE, appearing pro per,

5 hereby apply ex parte for an Order to Show Cause (OSC) requiring Respondents to appear and

6 show cause why a preliminary injunction should not issue enjoining further in-person

7 supervision, harassment, or enforcement actions against Petitioners, and why Respondents'

8 conduct should not be declared unlawful and in violation of federal law, including the

9 Convention Against Torture (CAT), the Administrative Procedure Act (APA), the Americans with

10 Disabilities Act (ADA), and constitutional protections.

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13 This ex parte application is made as alternative relief if the Court denies or holds in abeyance

14 Petitioners' pending Ex Parte Application for Temporary Restraining Order (TRO). It is brought

15 pursuant to Federal Rules of Civil Procedure 65(b), 28 U.S.C. §§ 1331, 1361, 2201, 5 U.S.C. §

16 706, and the Court's inherent equitable powers, on the grounds of imminent irreparable harm,

17 including health risks to disabled Petitioners and family members from forced check-ins, and

18 Respondents' waiver of enforcement interest via failure to respond to two demand letters.

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21 Petitioners respectfully request the Court issue the OSC ex parte, set a hearing on the earliest

22 available date (ideally within 7-10 days), and require Respondents to file a response within 3-5

23 days of service. No prior notice to Respondents is required under Local Rule 7-19, as this

24 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

5 Dated: Dec - 16 - 2025  
6  
7 Respectfully submitted,  
8  
9 John Doe and Jane Doe, Pro Per

## 10 11 12 **MEMORANDUM OF POINTS AND AUTHORITIES**

### 13 **I. INTRODUCTION**

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

### 22 23 **II. STATEMENT OF FACTS**

24 As detailed in the Petition/Complaint and TRO application (incorporated herein):  
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- 26 • John Doe received CAT withholding in 2011, prohibiting removal and limiting supervision.  
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- 1     • ICE continues coerced in-person check-ins, intimidation, and conditions akin to false  
2     imprisonment, despite no legal basis.
- 3     • Petitioners sent two demand letters requesting justification; ICE failed to respond, waiving  
4     interests under estoppel (e.g., Heckler v. Cmtv. Health Servs., 467 U.S. 51 (1984)).
- 5     • John Doe is disabled under ADA, primary IHSS caregiver to Jane Doe (post-37 surgeries) and  
6     others; check-ins disrupt care, risking lives.
- 7     • Imminent check-in poses irreparable harm; no adequate remedy at law exists.
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- 9

10   **III. LEGAL ARGUMENT**

11   **A. Ex Parte Relief and OSC Are Warranted**

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

17   **B. Petitioners Satisfy Injunctive Relief Standards**

- 18   1. Likelihood of Success: Supervision violates CAT (8 C.F.R. § 208.18), APA (arbitrary and  
19   capricious), ADA (discrimination against disabled), and Due Process (indefinite harassment post-  
20   final order, per Zadvydas). Estoppel applies due to non-response.
- 21   2. Irreparable Harm: Forced check-ins endanger health, violate rights, and disrupt family  
22   caregiving—classic irreparable injuries (e.g., Winter v. NRDC, 555 U.S. 7 (2008)).
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1 3. Balance of Equities/Public Interest: Enjoining unlawful actions favors Petitioners; ICE claims  
2 resource shortages yet wastes funds on this misconduct. Public interest lies in upholding law and  
3 protecting vulnerable individuals.  
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5 **IV. CONCLUSION**  
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7 The Court should grant this ex parte application, issue the OSC, and set an expedited hearing.  
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9 Dated: Dec - 16 - 25  
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11 John Doe Pro Per: DoeJ, Jane Doe Pro Per: JaneD  
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