

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Doe v. Bondi

Doe v. Bondi · No. 25-cv-805-BJC-JLB · Decided June 11, 2025

SUMMARY

The United States District Court for the Southern District of California granted a limited temporary restraining order preventing the defendants from removing Jane Doe from the United States or the district pending further order. The court found that a temporary stay was appropriate to preserve the status quo while it considered jurisdiction and converted the scheduled motion hearing into a counsel-only status conference. The court waived the bond requirement.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Benjamin J. Cheeks
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 11, 2025
DOCKET	25-cv-805-BJC-JLB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a renewed temporary restraining order barring her removal from the United States while her petition for mandamus and related declaratory and injunctive relief remained pending.
STANDARD OF REVIEW	The court applied the standard governing temporary preservation of the status quo while determining its jurisdiction and the propriety of injunctive relief.
PRECEDENTIAL VALUE	Unknown; district court temporary restraining order
PARTIES	Jane Doe v. Pamela Bondi, Sirce E. Owen, Garry D. Malphrus, Kristi Noem

TOPICS

- injunctions
- injunction bonds
- subject matter jurisdiction
- immigration
- mandamus immigration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court could temporarily enjoin defendants from removing plaintiff while determining whether it had subject matter jurisdiction over the case.
2. Whether a limited-duration temporary restraining order was appropriate to preserve the status quo pending a hearing and reasoned decision.
3. Whether the court should require plaintiff to post a bond for the temporary restraining order.

HOLDINGS

1. A federal district court may temporarily preserve the status quo, including by staying removal, while determining whether it has subject matter jurisdiction and while the underlying petition remains pending.
2. A limited-duration temporary restraining order barring defendants from removing plaintiff was warranted to maintain the status quo pending the court's hearing and further order.
3. The court could dispense with a bond because the record did not indicate that the temporary stay was likely to harm defendants.

KEY QUOTATIONS

“Federal courts retain jurisdiction to preserve the status quo while determining whether it has subject matter jurisdiction over a case and while a petition is pending resolution from the court.” (at 2)

“In issuing this temporary restraining order, the Court dispenses with the requirement for a bond because it does not appear that this stay is likely to harm Defendants.” (at 2)

FACTUAL BACKGROUND

Jane Doe alleged that she faced imminent deportation before the Board of Immigration Appeals ruled on her motion to reopen her removal proceedings. Immigration and Customs Enforcement initially cancelled or stayed her removal, but defendants later represented that ICE no longer agreed to maintain a voluntary stay. The renewed motion sought to prevent removal while the court considered defendants' jurisdictional challenge and the underlying petition.

PROCEDURAL HISTORY

Plaintiff filed a petition for mandamus and complaint for declaratory and injunctive relief concerning the Board of Immigration Appeals' pending motion to reopen her removal proceedings. An earlier temporary restraining order became moot after the parties reported that removal had been stayed. After defendants withdrew their voluntary stay of removal, plaintiff filed a renewed motion for a temporary restraining order. The court granted a limited-duration stay of removal and converted the scheduled motion hearing to a counsel-only status conference.

DISPOSITION

other

CASES CITED

- *Brownback v. King*, 592 U.S. 209, 218-19 (2021)
- *United States v. Ruiz*, 536 U.S. 622, 628 (2002)
- *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947)
- *Belbacha v. Bush*, 520 F.3d 452, 456 (D.C. Cir. 2008)
- *Garcia-Izquierdo v. Gartner*, No. 04-CV-7377 (RCC), 2004 WL 2093515, at *2 (S.D.N.Y. Sept. 17, 2004)
- *Gorbach v. Reno*, 219 F.3d 1087, 1092 (9th Cir. 2000)

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