

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

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)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 JANE DOE, Case No.: 25-cv-805-BJC-JLB 12 Plaintiff, ORDER
GRANTING LIMITED TEMPORARY RESTRAINING 13 v. ORDER AND CONVERTING 14
PAMELA BONDI; et al., MOTION HEARING TO STATUS CONFERENCE 15 Defendants. 16
[ECF No. 26] 17 18 On April 3, 2025, Plaintiff Jane Doe filed her “Petition for Mandamus and 19
Complaint for Declaratory and Injunctive Relief” against Defendants Pamela Bondi, Sirce 20 E.
Owen, Garry D. Malphrus, and Kristi Noem (collectively “Defendants”) ECF No. 1.

In 21 her Petition, Plaintiff alleges that she “faces imminent deportation” prior to the Board of 22
Immigration Appeals (“BIA”) ruling on her “motion to reopen removal proceedings.” ECF 23 No.
1 ¶¶ 1–2. As such, Plaintiff’s Petition requests the Court order the BIA to “render a 24 decision on
Ms. Doe’s motion to reopen without further delay and prior to her removal 25 from the United
States.” ECF No. 1 ¶ 95.

On April 8, 2025, Plaintiff filed a temporary 26 restraining order (“First TRO”) to (1) temporarily
enjoin Defendants from removing 27 Plaintiff from the United States while the Court rules on
Plaintiff’s Petition and (2) request 28 the Court instruct the BIA to rule on Plaintiff’s “motion to
reopen.” ECF No. 8. District 1 Judge Battaglia originally set a motion hearing on Plaintiff’s First
TRO for May 1, 2025.

2 ECF No. 9. However, Defendants then filed a “Notice of Intent to Execute Removal Order 3 and
Notice of Intent to Oppose Plaintiff’s Motion for Temporary Restraining Order,” which 4 indicated
the Immigration and Custom Enforcement Agency (ICE) planned to remove 5 Plaintiff “no sooner
than April 22nd.” ECF No. 13. Consequently, Judge Battaglia moved 6 the First TRO motion
hearing to April 17, 2025.

ECF No. 14. On April 17, 2025, the 7 parties filed a “Joint Notice of Stay of Removal,” which
stated that ICE “cancelled 8 [Plaintiff’s] April 22 removal and removal [was] stayed pending a lift

of the BIA's Stay 9 Order." ECF No. 19.

As such, Judge Battaglia rendered Plaintiff's First TRO moot. ECF 10 No. 20. 11 On May 21, 2025, the parties filed a "Notice of Stay" and "Joint Motion to Vacate 12 Status Conference and Extend Time to File Response to Complaint." ECF Nos. 22, 23. 13 The parties claimed that "ICE has represented and agreed that it will not remove Plaintiff 14 from the United States until the BIA issues a ruling on Plaintiff's pending motion to 15 reopen" (ECF No. 22), and that the an extension on Defendant's response deadline until 16 August 22, 2025 was warranted because "this case may be rendered moot" as the parties 17 explore "an extrajudicial resolution" of Plaintiff's Petition.

ECF No. 23. The Court 18 granted the parties' request on the same day. ECF No. 24. 19 On June 4, 2025, Defendants filed a "Notice of Change in Position Regarding Stay 20 of Removal," where Defendants represented that "ICE has now changed its posture 21 regarding the voluntary stay of Plaintiff's removal and no longer agrees to stay any efforts 22 to effectuate Plaintiff's removal from the United States." ECF No. 25.

Now pending 23 before the Court is Plaintiff's renewed motion seeking a temporary restraining order 24 ("Renewed TRO"), which was filed on June 6, 2025. ECF No. 26. 25 Federal courts retain jurisdiction to preserve the status quo while determining 26 whether it has subject matter jurisdiction over a case and while a petition is pending 27 resolution from the court.

See e.g., *Brownback v. King*, 592 U.S. 209, 218-19 (2021) 28 (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)); *United States v. United Mine 1 Workers of Am.*, 330 U.S. 258, 293 (1947) (concluding that the district court "had the power 2 to preserve existing conditions while it was determining its own authority to grant 3 injunctive relief"); *Belbacha v. Bush*, 520 F.3d 452, 456 (D.C.

Cir. 2008) (invoking the All 4 Writs Act, 28 U.S.C. § 1651, and noting that if a case presents a "substantial jurisdictional 5 question... a district court may act to preserve its jurisdiction while it determines whether 6 it has jurisdiction"); *Garcia-Izquierdo v. Gartner*, No. 04-CV-7377 (RCC), 2004 WL 7 2093515, at *2 (S.D.N.Y. Sept. 17, 2004) (observing that, under the All Writs Act, 28 8 U.S.C. § 1651, a district court "may order that a petitioner's deportation be stayed... when 9 a stay is necessary to preserve the Court's jurisdiction of the case").

10 Defendants have questioned the Court's jurisdiction in this case. For the above 11 reasons, the Court finds that a limited-duration stay to maintain the status quo is appropriate 12 because it will allow the Court to hold a hearing and provide a reasoned decision to the 13 request at hand.

In issuing this temporary restraining order, the Court dispenses with the 14 requirement for a bond because it does not appear that this stay is likely to harm 15 Defendants. See *Gorbach v. Reno*, 219 F.3d 1087, 1092 (9th Cir. 2000) (no bond required 16 where no evidence that defendants would

suffer damages from a preliminary injunction). 17 /// 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25
/// 26 /// 27 /// 28 /// 1 Therefore, the Court ORDERS as follows: 2 1.

Defendants, their agents, employees, successors, attorneys, and all persons 3 acting in active
concert or participation with them are hereby ENJOINED 4 from removing Plaintiff from the
United States or this District pending further 5 order of the Court, with such order anticipated to be
issued on Friday, June 6 13, 2025; and 7 2.

The Court converts the motion hearing set for Friday, June 13, 2025 to a 8 counsel-only status
hearing. 9 10 IT IS SO ORDERED. 11 Dated: June 11, 2025 12 13 Degen Ch ☐☐☐ co Honorable
Benjamin J. Cheeks 15 United States District Judge 16 17 18 19 20 21 22 23 24 25 26 27 28