

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.

OPINION

Doe v. Bondi

PER CURIAM.

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