

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Joao Alexandre Dos Reis Franco v. Craig Meyer, et al.

Dos Reis Franco v. Meyer · No. 1:25-cv-01620-DAD-CKD · Decided November 25, 2025

SUMMARY

The United States District Court for the Eastern District of California partially granted petitioner Joao Alexandre Dos Reis Franco’s ex parte motion for a temporary restraining order challenging his detention by ICE after his arrest at an adjustment-of-status interview. The court ordered his immediate release and prohibited respondents from using the adjustment-of-status process to re-detain him, while denying requests concerning his removal or interference with adjudication of his Form I-485 application.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 25, 2025
DOCKET	1:25-cv-01620-DAD-CKD
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought a temporary restraining order in a 28 U.S.C. § 2241 habeas action challenging his immigration detention and seeking release, protection against transfer or removal, and protection of his pending adjustment-of-status application.
STANDARD OF REVIEW	A temporary restraining order is governed by a standard substantially identical to that for a preliminary injunction. The movant must show likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities favors the movant, and that an injunction is in the public interest; alternatively, serious questions going to the merits and a sharply favorable balance of hardships may suffice. The movant bears the burden, and injunctive relief is an extraordinary remedy requiring a clear showing of entitlement.
PRECEDENTIAL VALUE	Nonprecedential district-court order granting a temporary restraining order in part.

TOPICS

immigration detention

adjustment of status

injunctions

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PRACTICE AREAS

immigration law

civil procedure

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federal habeas corpus

QUESTIONS PRESENTED

1. Whether petitioner satisfied the preliminary-injunction standard for temporary relief against his immigration detention.
2. Whether ICE's arrest and detention of petitioner at his adjustment-of-status interview likely violated the Immigration and Nationality Act.
3. Whether petitioner demonstrated likely irreparable harm, a favorable balance of equities, and a public interest supporting temporary injunctive relief.
4. Whether respondents should be enjoined from transferring or removing petitioner or from denying or interfering with adjudication of his pending Form I-485 application.
5. Whether petitioner was required to post a bond under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. For purposes of temporary injunctive relief, petitioner demonstrated a likelihood of success on his claim that arresting and detaining him at his adjustment-of-status interview violated the INA.
2. Petitioner satisfied the requirements for temporary injunctive relief by showing likely success on the merits, likely irreparable harm, and that the balance of equities and public interest favored relief.
3. The court could order petitioner's immediate release and enjoin respondents from using the adjustment-of-status process to re-detain him, but the requested injunction against transfer or removal was moot and the requested injunction concerning adjudication of the Form I-485 was denied.
4. Petitioner was not required to post a bond under Federal Rule of Civil Procedure 65(c).

KEY QUOTATIONS

“The proper legal standard for preliminary injunctive relief requires a party to demonstrate ‘that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” (at 2)

“Accordingly, the court concludes that petitioner has demonstrated a likelihood of success on the merits of his claim that arresting him at his adjustment of status interview violates the INA.” (at 4)

“The public interest is in enforcing all the immigration laws, including the laws governing adjustment of status.” (at 5)

FACTUAL BACKGROUND

Joao Alexandre Dos Reis Franco had a pending Form I-485 application for adjustment of status and appeared with his U.S. citizen spouse for a scheduled USCIS interview in San Francisco on November 3, 2025. ICE agents arrested him at the conclusion of that interview and detained him. He then filed a habeas petition and sought a temporary restraining order requiring his release and preventing transfer, removal, or interference with adjudication of his adjustment application.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition on November 3, 2025, after ICE arrested him at a USCIS adjustment-of-status interview. He filed an ex parte motion for a temporary restraining order on November 11, 2025. The action was transferred from the Northern District of California to the Eastern District of California, respondents opposed the motion, and petitioner filed a reply. The court granted the motion in part, ordered petitioner's release, enjoined re-detention through the adjustment-of-status process, denied the remaining requested relief, and directed the parties to propose a schedule for any preliminary-injunction proceedings.

DISPOSITION

other

CASES CITED

- *Stuhlbarg International Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20, 22 (2008)
- *Center for Food Safety v. Vilsack*, 636 F.3d 1166, 1172 (9th Cir. 2011)
- *American Trucking Associations, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)
- *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131, 1134-35 (9th Cir. 2011)
- *Klein v. City of San Clemente*, 584 F.3d 1196, 1201 (9th Cir. 2009)
- *Caribbean Marine Services Co. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988)
- *Disney Enterprises, Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017)
- *You, Xiu Qing v. Nielsen*, 321 F. Supp. 3d 451, 464-66, 469 (S.D.N.Y. 2018)
- *Nakka v. United States Citizenship & Immigration Services*, 111 F.4th 995, 1015 (9th Cir. 2024)
- *Rochin v. California*, 342 U.S. 165, 169 (1952)
- *Lockhart v. Napolitano*, 573 F.3d 251, 260 (6th Cir. 2009)
- *Sanchez v. McAleenan*, No. 19-cv-01728, 2024 WL 1256264, at *7 (D. Md. Mar. 25, 2024)
- *De Jesus Martinez v. Nielsen*, 341 F. Supp. 3d 400, 410 (D.N.J. 2018)
- *Wanrong Lin v. Nielsen*, 377 F. Supp. 3d 556, 564 (D. Md. 2019)
- *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017)
- *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)

