

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Awninderjit S. v. Kristi Noem, et al.

Awninderjit S. · No. 1:25-cv-02000-TLN-SCR · Decided December 24, 2025

SUMMARY

The Eastern District of California granted Awninderjit S.’s ex parte motion for a temporary restraining order challenging his immigration detention. The court concluded that the petitioner was likely entitled to a bond hearing under 8 U.S.C. § 1226(a), rather than mandatory detention under § 1225(b)(2), and that his continued detention likely violated due process. The court ordered his immediate release, barred re-arrest or re-detention absent specified procedural protections, and issued an order to show cause regarding a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 24, 2025
DOCKET	1:25-cv-02000-TLN-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a habeas corpus petition challenging his immigration detention and moved ex parte for a temporary restraining order requiring his release and preventing re-detention absent specified procedural protections.
STANDARD OF REVIEW	To obtain a temporary restraining order, the movant must show a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. The court may apply the Ninth Circuit's sliding-scale approach, but a showing of serious questions on the merits requires that the balance of hardships tip sharply in the movant's favor, along with likely irreparable injury and a finding that the injunction serves the public interest.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

immigration detention

removal proceedings

procedural due process

due process

injunctions

PRACTICE AREAS

immigration

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Petitioner was likely to succeed on his claim that his detention was governed by 8 U.S.C. § 1226(a), rather than the mandatory-detention provisions of 8 U.S.C. § 1225(b)(2), and therefore required at least a bond hearing.
2. Whether Petitioner was likely to succeed on his Fifth Amendment procedural due process claim based on re-detention without notice or a custody hearing.
3. Whether Petitioner satisfied the four Winter factors for issuance of a temporary restraining order without notice.

HOLDINGS

1. For purposes of the TRO motion, Petitioner was likely to succeed in showing that 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2), governed his detention because he had been detained within the United States and was not an applicant seeking admission. Section 1226(a) entitled him to the procedures it provides, including at least an initial bond hearing.
2. For purposes of the TRO motion, Petitioner was likely to succeed on his claim that re-detention without notice or a custody hearing violated procedural due process. A noncitizen released pending removal proceedings may possess a protected liberty interest in remaining out of custody, and due process required a hearing to determine whether detention was warranted.
3. Petitioner satisfied the requirements for a temporary restraining order without notice because he showed a likelihood of success, irreparable harm from continued detention without a bond hearing, that the balance of equities favored him, and that relief served the public interest.

KEY QUOTATIONS

“Section 1225(b)(2) applies only to noncitizens “seeking admission” — a category that does not include noncitizens like Petitioner who were detained within the United States.” (at 3)

“On balance, the Court finds the Matthews factors demonstrate Petitioner is entitled to due process: a hearing to determine whether detention is warranted.” (at 8)

“Respondents are ENJOINED AND RESTRAINED from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, including seven-days’ notice and a pre-deprivation/custody hearing before a neutral decisionmaker” (at 9)

FACTUAL BACKGROUND

Petitioner fled India after allegedly being persecuted for supporting an opposition political party and entered the United States on November 5, 2023. He was detained, passed a credible-fear interview, and was placed in removal proceedings before later being released and living in California for approximately two years. ICE arrested him again on November 3, 2025, and he remained detained without a bond hearing after an immigration judge concluded that bond could not be considered under *Matter of Yajure Hurtado*.

PROCEDURAL HISTORY

Petitioner entered the United States in November 2023, was placed in removal proceedings, and was later released from custody. ICE arrested and detained him again on November 3, 2025. After an immigration judge declined to consider bond in light of *Matter of Yajure Hurtado*, Petitioner filed a habeas petition and a TRO motion on December 24, 2025. The district court granted the TRO without notice and ordered immediate release, imposed limits on re-detention, and issued an order to show cause concerning a preliminary injunction.

DISPOSITION

other

CASES CITED

- *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)
- *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011)
- *Aroldo Rodriguez Diaz v. Merrick Garland*, *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196, 1202 (9th Cir. 2022)
- *Morales-Flores v. Lyons*, No. 1:25-CV-01640-TLN-EFB, 2025 WL 3552841, at *3 (E.D. Cal. Dec. 11, 2025)
- *Hernandez v. Sessions*, 872 F.3d 976, 990, 995 (9th Cir. 2017)
- *Zadvvydas v. Davis*, 533 U.S. 678, 693-94 (2001)
- *Kentucky Dep't of Corrections v. Thompson*, 490 U.S. 454, 460 (1989)
- *Morrissey v. Brewer*, 408 U.S. 471, 481-82 (1972)
- *Rico-Tapia v. Smith*, No. CV 25-00379 SASP-KJM, 2025 WL 2950089, at *8 (D. Haw. Oct. 10, 2025)
- *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025)
- *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025)
- *R.D.T.M. v. Wofford*, No. 1:25-cv-01141-KES-SKO, 2025 WL 2617255, at *3-4 (E.D. Cal. Sept. 9, 2025)
- *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Manzanarez v. Bondi*, No. 1:25-CV-01536-DC-CKD (HC), 2025 WL 3247258, at *4 (E.D. Cal. Nov. 20, 2025)
- *Garcia v. Andrews*, No. 2:25-CV-01884-TLN-SCR, 2025 WL 1927596, at *5 (E.D. Cal. July 14, 2025)
- *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)

- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- Nat'l Urban League v. Ross, 484 F. Supp. 3d 802, 807 (N.D. Cal. 2020)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014)
- Zepeda v. U.S. Immigr. & Nat. Serv., 753 F.2d 719, 727 (9th Cir. 1983)
- Diaz v. Kaiser, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- Diaz v. Brewer, 656 F.3d 1008, 1015 (9th Cir. 2011)

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