

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Himal Oli v. Murray, et al.

Himal Oli · No. No. 1:26-cv-00169-WBS-CSK · Decided January 12, 2026

SUMMARY

The United States District Court for the Eastern District of California denied petitioner Himal Oli’s motion for a temporary restraining order seeking immediate release from immigration custody. The court held that his unexplained three-month delay in seeking relief demonstrated a lack of irreparable harm and therefore did not require consideration of the remaining preliminary-injunction factors. The case was referred to the assigned magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 12, 2026
DOCKET	No. 1:26-cv-00169-WBS-CSK
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner moved for a temporary restraining order seeking immediate release from immigration custody based on an alleged violation of procedural due process.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the same standard as a preliminary injunction. 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.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Himal Oli v. Murray, et al.

TOPICS

- immigration detention
- injunctions
- procedural due process
- immigration
- civil procedure

PRACTICE AREAS

immigration detention

civil procedure

constitutional law

injunctive relief

QUESTIONS PRESENTED

1. Whether petitioner was entitled to a temporary restraining order requiring his immediate release from immigration custody.
2. Whether petitioner's unexplained three-month delay in seeking emergency relief defeated a showing of irreparable harm.

HOLDINGS

1. Petitioner failed to demonstrate irreparable harm because he waited more than three months to seek emergency relief and left the delay unexplained.
2. Because petitioner failed to establish irreparable harm, the court did not need to consider the other preliminary-injunction factors.

KEY QUOTATIONS

“Petitioner’s untimely filing is fatal to his motion for temporary restraining order.” (at 2)

“Petitioner has failed to demonstrate the existence of irreparable harm.” (at 2)

FACTUAL BACKGROUND

Immigration authorities detained Himal Oli on October 8, 2025. Oli sought immediate release, asserting that his detention violated procedural protections under the Due Process Clause. He filed his motion for a temporary restraining order on January 11, 2026, more than three months after detention, and did not explain the delay.

PROCEDURAL HISTORY

Petitioner filed a motion for a temporary restraining order more than three months after being detained by immigration authorities. The district court denied the motion because petitioner failed to demonstrate irreparable harm, and referred the case to the assigned magistrate judge for further proceedings under 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

DISPOSITION

denied

CASES CITED

- *Rovio Entm't Ltd. v. Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1092 (N.D. Cal. 2012)
- *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *Oakland Trib., Inc. v. Chron. Pub. Co.*, 762 F.2d 1374, 1377 (9th Cir. 1985)

- Oregon Nat. Desert Ass'n v. Bushue, 594 F. Supp. 3d 1259, 1266 (D. Or. 2022)
- Dahl v. Swift Distrib., Inc., No. 10-cv-0551 SJO RZx, 2010 WL 1458957, at *4 (C.D. Cal. Apr. 1, 2010)
- Sanchez v. Sanchez, No. 10-cv-1628 JLS RBB, 2010 WL 4790179, at *5 (S.D. Cal. Nov. 17, 2010)
- Lee v. Haj, No. 1:16-cv-00008 DAD SAB, 2016 WL 8738428, at *2 (E.D. Cal. Feb. 22, 2016)
- California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018)

OPINION

Murray

PER CURIAM.

1 UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

3 ----oo0oo---- 4 5 HIMAL OLI, No. 1:26-cv-00169-WBS-CSK 6 Petitioner, 7

v. MEMORANDUM AND ORDER

8 MURRAY, et al., 9 Respondents. 10 11 ----oo0oo---- 12 Before the court is petitioner's motion for a temporary 13 restraining order. Petitioner asks the court to order his 14 immediate release from custody on the grounds that his detention 15 violates the procedural protections conferred by the Due Process 16 Clause. (See Docket No. 3 at 1.) 17 Petitioner was detained by immigration authorities on 18 October 8, 2025. (Id. at 6; Docket No. 3-1 at 6.) He filed the 19 instant motion for relief over three months later, on January 11, 20 2026. (See Docket No. 3.) 21 "The standard for a [temporary restraining order] is 22 the same as for a preliminary injunction." *Rovio Entm't Ltd. v. 23 Royal Plush Toys, Inc.*, 907 F. Supp. 2d 1086, 1092 (N.D. Cal. 24 2012) (citing *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 25 240 F.3d 832, 839 n.7 (9th Cir. 2001)). Typically, "[a] 26 plaintiff seeking a preliminary injunction must establish that he 27 is likely to succeed on the merits, that he is likely to suffer 28 1 irreparable harm in the absence of preliminary relief, that the 2 balance of equities tips in his favor, and that an injunction is 3 in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 4 555 U.S. 7, 20 (2008). The last two factors "merge when the 5 Government is the opposing party." *Nken v. Holder*, 556 U.S. 418, 6 435 (2009). 7 A petitioner's "long delay" in seeking injunctive 8 relief "implies a lack of urgency and irreparable harm." See 9 *Oakland Trib., Inc. v. Chron. Pub. Co.*, 762 F.2d 1374, 1377 (9th 10 Cir. 1985). Courts within this circuit have found that delays in 11 seeking temporary restraining orders far shorter than 12 petitioner's three-month delay to "counsel[] against a finding of 13 irreparable harm." *Oregon Nat. Desert Ass'n v. Bushue*, 594 F. 14 Supp. 3d 1259, 1266 (D. Or. 2022) (two-month delay); see also, 15 e.g., *Dahl v. Swift Distrib., Inc.*, No. 10-cv-0551 SJO RZx, 2010 16 WL 1458957, at *4 (C.D. Cal. April 1, 2010) (eighteen-day delay); 17 *Sanchez v. Sanchez*, No. 10-cv-1628 JLS RBB, 2010 WL 4790179, at 18 *5 (S.D. Cal. Nov. 17, 2010) (twenty-six-day delay).

19 Petitioner's untimely filing is fatal to his motion for 20 temporary restraining order. That

petitioner leaves this delay 21 “unexplained” only bolsters this conclusion. See *Lee v. Haj*, No. 22
1:16-cv-00008 DAD SAB, 2016 WL 8738428, at *2 (E.D. Cal. Feb. 22, 23 2016) (“[U]nexplained
delays . . . militate against a finding of 24 irreparable harm and against the issuance of a temporary
25 restraining order.”). 26 Petitioner has failed to demonstrate the existence of 27 irreparable
harm. That being the case, the court “need not 28

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consider the other [preliminary injunction] factors.” See 2 California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018). IT IS THEREFORE ORDERED that petitioner’s motion for a temporary restraining order (Docket No. 3) be, and the same ° hereby is, DENIED. Pursuant to 28 U.S.C. § 636(b) (1) (B) and ° Local General Order No. 262, the case is referred to the assigned magistrate judge for further proceedings. 8 IT IS SO ORDERED. ° Dated: January 12, 2026 bette 2d. □□ 10

[illegible]

11 UNITED STATES DISTRICT JUDGE

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