

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.

OPINION

1 UNITED STATES DISTRICT COURT 2 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).

