

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PRECEDENTIAL VALUE	unpublished district court memorandum and order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)

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