

**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

OPINION

Murray

PER CURIAM.

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). 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).

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