

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jenifer Nohelia Hernandez Lopez v. Sergio Albarran, et al.

Hernandez Lopez v. Albarran · No. 1:25-cv-01890-DAD-SCR (HC) · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of California granted in part an ex parte motion for a temporary restraining order filed by Jenifer Nohelia Hernandez Lopez, who challenged her immigration detention under 28 U.S.C. § 2241. The court ordered her immediate release on the conditions applicable before her December 8, 2025, detention and prohibited re-detention absent exigent circumstances without notice and a pre-detention hearing before a neutral adjudicator. The court denied without prejudice the request to enjoin removal and waived the bond requirement.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dale A. Drozd
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 19, 2025
DOCKET	1:25-cv-01890-DAD-SCR (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging her immigration detention and moved ex parte for a temporary restraining order requiring her release and prohibiting re-detention without notice and a pre-detention hearing.
STANDARD OF REVIEW	A temporary restraining order is governed by a standard substantially identical to that for a preliminary injunction. The movant must show a likelihood of success on the merits, likely irreparable harm, that the balance of equities favors relief, and that an injunction is in the public interest; alternatively, serious questions going to the merits and a sharply favorable balance of hardships may suffice.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Jenifer Nohelia Hernandez Lopez v. Sergio Albarran, et al.

TOPICS

immigration detention

procedural due process

federal habeas corpus

injunctions

removal proceedings

PRACTICE AREAS

immigration detention

habeas corpus

constitutional law

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether petitioner demonstrated a likelihood of success on her procedural due process claim arising from re-detention under 8 U.S.C. § 1226(a) without notice and a pre-detention hearing before a neutral adjudicator.
2. Whether petitioner’s alleged failure to timely apply for asylum constituted a changed circumstance justifying re-detention without notice and a pre-detention hearing.
3. Whether the remaining preliminary-injunction factors favored temporary restraining relief.
4. Whether the court should enjoin respondents from transferring petitioner out of the district or removing her from the country.

HOLDINGS

1. For purposes of the temporary restraining order, petitioner established a likelihood of success on her Fifth Amendment procedural due process claim because she was re-detained after release under § 1226(a) without notice and an opportunity for a pre-detention hearing before a neutral adjudicator.
2. The factors of irreparable harm, balance of equities, and public interest favored granting the temporary restraining order.
3. Immediate release on the same conditions that governed petitioner’s release before her December 8, 2025 detention was necessary to restore the status quo ante.

KEY QUOTATIONS

“The proper legal standard for preliminary injunctive relief requires a party to demonstrate ‘that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.’” (Opinion at 2)

“Accordingly, the court concludes that the immediate release of petitioner on the same conditions that governed her release prior to her detention on December 8, 2025, is necessary in order to restore the status quo.” (Opinion at 3)

“Respondents are ENJOINED AND RESTRAINED from re-detaining petitioner for any purpose, absent exigent circumstances, without providing petitioner notice and a pre-detention hearing before a neutral adjudicator;” (Opinion at 3)

FACTUAL BACKGROUND

Petitioner fled Honduras in June 2023 and was paroled into the United States after being detained at the border. She complied with the conditions of release, including ICE check-ins, and was not arrested for or convicted of a

crime after her release. ICE re-detained her on December 8, 2025, when she appeared for an in-person check-in, without providing written notice of the reason for the re-detention. Respondents argued that her alleged failure to apply for asylum within one year constituted a changed circumstance justifying re-detention.

PROCEDURAL HISTORY

Petitioner was re-detained by ICE on December 8, 2025, after appearing for a required check-in. She filed a habeas petition and motion for a temporary restraining order on December 16, 2025. After directing service and briefing, the court granted the motion in part, ordered her immediate release, enjoined re-detention absent exigent circumstances without notice and a pre-detention hearing, denied without prejudice relief barring removal, and directed the parties to propose a schedule for any preliminary-injunction proceedings.

DISPOSITION

other

CASES CITED

- Y.G.H. v. Trump, 787 F. Supp. 3d 1097, 1105 (E.D. Cal. 2025)
- Maxwell v. Nielsen, No. 2:14-cv-02772-TLN-AC (PS), 2018 WL 6304886, at *7 (E.D. Cal. Dec. 3, 2018), report and recommendation adopted in part sub nom. Maxwell v. Holder, 2018 WL 6831133 (E.D. Cal. Dec. 28, 2018)
- Stuhlberg International Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Center for Food Safety v. Vilsack, 636 F.3d 1166, 1172 (9th Cir. 2011)
- American Trucking Associations, Inc. v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131, 1134-35, 1139 (9th Cir. 2011)
- Klein v. City of San Clemente, 584 F.3d 1196, 1201 (9th Cir. 2009)
- Caribbean Marine Services Co. v. Baldrige, 844 F.2d 668, 674 (9th Cir. 1988)
- Disney Enterprises, Inc. v. VidAngel, Inc., 869 F.3d 848, 856 (9th Cir. 2017)
- Perez v. Albarran, No. 1:25-cv-01540-DAD-CSK (HC), 2025 WL 3187578 (E.D. Cal. Nov. 14, 2025)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Salcedo Aceros v. Kaiser, No. 25-cv-06924-EMC, 2025 WL 2637503, at *12 (N.D. Cal. Sept. 12, 2025)
- Pinchi v. Noem, No. 25-cv-05632-RMI-RFL, 2025 WL 1853763, at *2 (N.D. Cal. July 4, 2025)
- Hernandez v. Lyons, No. 2:25-cv-05376-FWS-AGR (HC), 2025 WL 3191822, at *5 (C.D. Cal. June 18, 2025)
- Doe v. Chestnut, No. 1:25-cv-01372-CDB (HC), 2025 WL 3295154, at *2, *9 (E.D. Cal. Nov. 26, 2025)
- Hoac v. Becerra, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16, 2025)
- GoTo.com, Inc. v. Walt Disney Co., 202 F.3d 1199, 1210 (9th Cir. 2000)
- Larios v. Albarran, No. 25-cv-08799-AMO, 2025 WL 2939223, at *3 (N.D. Cal. Oct. 16, 2025)

