

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Rodriguez Diaz v. Kaiser

Rodriguez Diaz · No. 3:25-cv-05071 · Decided June 14, 2025

SUMMARY

The United States District Court for the Northern District of California granted Arnoldo Rodriguez Diaz’s ex parte motion for a temporary restraining order. The order prohibits immigration authorities from re-detaining him without notice and a hearing, remains effective until June 23, 2025, and directs the respondents to show cause why a preliminary injunction should not issue.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 14, 2025
DOCKET	3:25-cv-05071
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus and an ex parte motion for a temporary restraining order seeking to prevent immigration authorities from re-detaining him at an in-person check-in. The district court granted the temporary restraining order and ordered respondents to show cause why a preliminary injunction should not issue.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the same standard as a preliminary injunction. The movant must show likely 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 may suffice when the balance of hardships tips sharply in the movant's favor and the other factors are satisfied.
PRECEDENTIAL VALUE	unpublished district-court interlocutory order
PARTIES	Arnoldo Rodriguez Diaz v. Polly Kaiser, Acting Field Office Director of San Francisco Office of Detention and Removal, U.S. Immigration

and Customs Enforcement, U.S. Department of Homeland Security, et al.

TOPICS

immigration detention procedural due process injunctions habeas corpus removal proceedings

PRACTICE AREAS

immigration constitutional law civil procedure civil rights remedies

QUESTIONS PRESENTED

1. Whether the petitioner was entitled to an ex parte temporary restraining order preventing immigration authorities from re-detaining him before providing notice and an opportunity for a hearing.
2. Whether the court should require security under Federal Rule of Civil Procedure 65(c) as a condition of issuing the temporary restraining order.

HOLDINGS

1. A temporary restraining order was warranted because the petitioner showed serious questions concerning whether due process requires a hearing before re-detention, likely irreparable harm from detention, and that the balance of equities and public interest sharply favored temporary relief.
2. No security was required because the court found no realistic likelihood of harm to the government from temporarily enjoining re-detention.

KEY QUOTATIONS

“A plaintiff seeking preliminary injunctive relief must establish “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.”” (at 3)

“Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.”” (at 4)

“Respondents-Defendants are ENJOINED AND RESTRAINED from re-detaining Petitioner-Plaintiff without notice and a hearing.” (at 7)

FACTUAL BACKGROUND

Rodriguez Diaz, who was born in El Salvador and has lived in the United States since age nine, was released from immigration custody on bond in May 2020 after seventeen months in DHS custody. He complied with his release conditions, including ISAP reporting, and had remained out of custody for approximately five years while caring for his U.S.-citizen children. Shortly before a scheduled ICE check-in, ISAP directed him to report in person without explaining the reason, and he feared that compliance would result in re-detention without an opportunity for a hearing.

PROCEDURAL HISTORY

Rodriguez Diaz filed the habeas petition and ex parte motion on June 14, 2025, before a scheduled ICE/ISAP check-in. The court found that he had shown serious questions going to the merits, that the balance of hardships tipped sharply in his favor, and that the remaining equitable factors supported relief. The court temporarily enjoined re-detention without notice and a hearing, dispensed with security, and set further briefing and a preliminary-injunction hearing.

DISPOSITION

other

CASES CITED

- Washington v. Trump, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- E. Bay Sanctuary Covenant v. Trump, 932 F.3d 742, 779 (9th Cir. 2019)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70, 415 U.S. 423, 439 (1974)
- Friends of the Wild Swan v. Weber, 767 F.3d 936, 942 (9th Cir. 2014)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Foucha v. Louisiana, 504 U.S. 71, 80 (1992)
- Ortiz Vargas v. Jennings, No. 20-cv-5785, 2020 WL 5074312, at *3-4 (N.D. Cal. Aug. 23, 2020)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 969-70 (N.D. Cal. 2019)
- Romero v. Kaiser, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022)
- Jorge M. F. v. Wilkinson, No. 21-cv-01434, 2021 WL 783561, at *2-3 (N.D. Cal. Mar. 1, 2021)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Hernandez v. Sessions, 872 F.3d 976, 995-96 (9th Cir. 2017)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- Preminger v. Principi, 422 F.3d 815, 826 (9th Cir. 2005)
- Zepeda v. U.S. Immigration & Naturalization Service, 753 F.2d 719, 727 (9th Cir. 1983)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)
- Barahona-Gomez v. Reno, 167 F.3d 1228, 1237 (9th Cir. 1999)