

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Ingerman Javier P.S. v. Timothy S. Robbins, et al.

No. 1:26-cv-00128-KES-SKO (HC), Doc. 5 · No. No. 1:26-cv-00128-KES-SKO (HC) · Decided January 9,  
2026

SUMMARY

The United States District Court for the Eastern District of California converted petitioner Ingerman Javier P.S.’s motion for a temporary restraining order into a motion for a preliminary injunction and granted it. The court ordered respondents to release petitioner immediately and barred re-detention absent clear and convincing evidence at a pre-deprivation bond hearing that petitioner is a flight risk or danger to the community.

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 9, 2026                                                                                                                                                                                                                                                                                                                                                                     |
| DOCKET             | No. 1:26-cv-00128-KES-SKO (HC)                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE | Petitioner moved for a temporary restraining order in a habeas proceeding challenging immigration detention. After ordering respondents to show cause and address conversion of the motion, the court converted the motion to one for a preliminary injunction and granted it.                                                                                                      |
| STANDARD OF REVIEW | The opinion does not expressly state a standard of review; it applies the standards governing preliminary injunctive relief and the conditions for re-detention described in the order.                                                                                                                                                                                             |
| PRECEDENTIAL VALUE | Unpublished district court order; persuasive authority only.                                                                                                                                                                                                                                                                                                                        |
| PARTIES            | Ingerman Javier P.S. v. Timothy S. Robbins, Field Office Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement, Todd Lyons, Acting Director of United States Immigration and Customs Enforcement, U.S. Department of Homeland Security, Kristi Noem, Secretary of the United States Department of Homeland Security, Christopher Chestnut, Warden of |

## TOPICS

immigration detention    injunctions    removal proceedings    civil procedure

## PRACTICE AREAS

immigration detention    habeas corpus    preliminary injunctions    civil procedure

## QUESTIONS PRESENTED

1. Whether the motion for a temporary restraining order should be converted to a motion for a preliminary injunction.
2. Whether petitioner was entitled to immediate release and protection against re-detention absent specified procedural and evidentiary safeguards.
3. Whether the security requirement under Federal Rule of Civil Procedure 65(c) should be waived.

## HOLDINGS

1. The motion for a temporary restraining order was properly converted to a motion for a preliminary injunction because respondents identified no factual or legal distinction warranting a different result and did not oppose conversion or request a hearing.
2. Petitioner was entitled to immediate release, and respondents were enjoined from re-detaining him unless they demonstrated by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker that he was a flight risk or danger to the community such that physical custody was legally justified.
3. The security requirement under Federal Rule of Civil Procedure 65(c) was waived.

## KEY QUOTATIONS

*“Respondents are ORDERED to release petitioner immediately. Respondents are ENJOINED AND RESTRAINED from re-detaining petitioner unless they demonstrate, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that petitioner is a flight risk or danger to the community such that his physical custody is legally justified.” (at 2)*

*“The bond requirement of Federal Rule of Civil Procedure 65(c) is waived.” (at 2)*

## FACTUAL BACKGROUND

Petitioner was held in immigration detention. He sought emergency relief through a motion for temporary restraining order. Respondents did not identify any factual or legal issue distinguishing petitioner's circumstances from those in the court's cited prior detention orders.

## PROCEDURAL HISTORY

The court directed respondents to identify any factual or legal distinctions between this case and several prior detention-related orders and to state whether they opposed conversion of the motion or requested a hearing. Respondents identified no distinguishing issues, did not object to conversion, and did not request a hearing. The court converted the motion to a preliminary-injunction motion, ordered petitioner's immediate release, imposed conditions on any re-detention, waived the Rule 65(c) security requirement, and referred the matter to the assigned magistrate judge for further proceedings.

**DISPOSITION**

other

**REMAND INSTRUCTIONS**

The matter was referred to the assigned magistrate judge for further proceedings, including preparation of findings and recommendations on the petition or other appropriate action.

**CASES CITED**

- Clene C.D. v. Robbins, No. 1:25-CV-01463-KES-SKO (HC), 2025 WL 3492118 (E.D. Cal. Dec. 4, 2025)
- Carmen G.C. v. Robbins, No. 1:25-CV-01648-KES-HBK (HC), 2025 WL 3521304 (E.D. Cal. Dec. 8, 2025)
- Bilal A. v. Wofford, No. 1:25-CV-01715-KES-HBK (HC), 2025 WL 3648366 (E.D. Cal. Dec. 16, 2025)
- W.V.S.M. v. Wofford, No. 1:25-CV-01489-KES-HBK (HC), 2025 WL 3236521 (E.D. Cal. Nov. 19, 2025)
- Diaz v. Brewer, 656 F.3d 1008, 1015 (9th Cir. 2011)
- Pinchi v. Noem, No. 25-CV-05632-RMI (RFL), 2025 WL 1853763, at \*4 (N.D. Cal. July 4, 2025)

**OPINION**

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 EASTERN DISTRICT OF CALIFORNIA 7 8  
INGERMAN JAVIER P.S., No. 1:26-cv-00128-KES-SKO (HC) 9 Petitioner, ORDER  
GRANTING MOTION FOR 10 PRELIMINARY INJUNCTION v. 11 Doc. 5 TIMOTHY S.  
ROBBINS, Field Office 12 Director of the Los Angeles Field Office of U.S. Immigration and  
Customs 13 Enforcement; TODD LYONS, Acting Director of United States Immigration and 14  
Customs Enforcement; U.S. DEPARTMENT OF HOMELAND 15 SECURITY; KRISTI NOEM,  
Secretary of the United States Department of Homeland 16 Security; CHRISTOPHER  
CHESTNUT, Warden of California City Detention 17 Facility; and PAMELA BONDI, Attorney  
General of the United States, 18 Respondents.

19 20 21 Before the Court is petitioner Ingerman Javier P.S.’s motion for temporary restraining 22  
order.1 Doc. 5. The Court has addressed the legal issues raised by petitioner’s motion for 23  
temporary restraining order in prior cases. See, e.g., Clene C.D. v. Robbins, No. 1:25-CV-01463-  
24 KES-SKO (HC), 2025 WL 3492118 (E.D. Cal. Dec. 4, 2025); Carmen G.C. v. Robbins, No.  
1:25- 25 1 As recommended by the Committee on Court Administration and Case Management of

the Judicial Conference of the United States, the Court omits petitioner's full name, using only his 26 first name and last initial, to protect sensitive personal information.

See Memorandum re: Privacy 27 Concern Regarding Social Security and Immigration Opinions, Committee on Court Administration and Case Management, Judicial Conference of the United States (May 1, 2018), 28 [https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion\\_cacm\\_0.pdf](https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf). 1 CV-01648-KES-HBK (HC), 2025 WL 3521304 (E.D. Cal. Dec. 8, 2025); Bilal A. v. Wofford, No. 2 1:25-CV-01715-KES-HBK (HC), 2025 WL 3648366 (E.D.

Cal. Dec. 16, 2025); W.V.S.M. v. 3 Wofford, No. 1:25-CV-01489-KES-HBK (HC), 2025 WL 3236521 (E.D. Cal. Nov. 19, 2025). 4 The Court ordered respondents to show cause as to whether there are any factual or legal 5 issues in this case that render it distinguishable from the Court's prior orders in Clene C.D. v. 6 Robbins, Carmen G.C. v. Robbins, Bilal A. v. Wofford, and W.V.S.M. v. Wofford, and that would 7 justify denying the motion.

Doc. 6. The Court also ordered respondents to state their position on 8 whether the motion should be converted to a motion for preliminary injunction and whether they 9 request a hearing. Id. Respondents did not identify any factual or legal issues in this case that 10 distinguish it from the cases cited in the Court's minute order, and they also did not object to 11 converting the motion or request a hearing.

See Doc. 11. 12 As respondents have not identified any factual or legal issues in this case that render it 13 distinguishable from the Court's prior decisions in Clene C.D. v. Robbins, No. 1:25-CV-01463- 14 KES-SKO (HC), 2025 WL 3492118 (E.D. Cal. Dec. 4, 2025); Carmen G.C. v. Robbins, No. 1:25- 15 CV-01648-KES-HBK (HC), 2025 WL 3521304 (E.D. Cal. Dec. 8, 2025); Bilal A. v. Wofford, No. 16 1:25-CV-01715-KES-HBK (HC), 2025 WL 3648366 (E.D.

Cal. Dec. 16, 2025); W.V.S.M. v. 17 Wofford, No. 1:25-CV-01489-KES-HBK (HC), 2025 WL 3236521 (E.D. Cal. Nov. 19, 2025), 18 and for the reasons stated in those prior orders, petitioner's motion for temporary restraining order 19 is converted to a motion for a preliminary injunction and is GRANTED. 20 Respondents are ORDERED to release petitioner immediately.

Respondents are 21 ENJOINED AND RESTRAINED from re-detaining petitioner unless they demonstrate, by clear 22 and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that 23 petitioner is a flight risk or danger to the community such that his physical custody is legally 24 justified. 25 The bond requirement of Federal Rule of Civil Procedure 65(c) is waived.

Courts 26 regularly waive security in cases like this one. See Diaz v. Brewer, 656 F.3d 1008, 1015 (9th Cir. 27 2011); Pinchi v. Noem, No. 25-CV-05632-RMI (RFL), 2025 WL 1853763, at \*4 (N.D. Cal. July 28 4, 2025). 1 This matter is referred to the assigned magistrate judge for further

proceedings including 2 | the preparation of findings and recommendations on the petition or other appropriate action.

3 4 | ISSO ORDERED. \_ 5 Dated: \_ January 9, 2026 4h ‘ UNITED STATES DISTRICT JUDGE 8  
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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