

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Gurdit Singh v. Chestnut, et al.

Singh v. Chestnut · No. 1:26-cv-00273-WBS-DMC · Decided January 15, 2026

OPINION

1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF CALIFORNIA 3 ----
oo0oo---- 4 5 GURDIT SINGH No. 1:26-cv-00273-WBS-DMC 6 Petitioner, 7 v.
MEMORANDUM AND ORDER 8 CHESTNUT, et al., 9 Respondents. 10 11 ----oo0oo---- 12 In
petitioner’s motion for a temporary restraining 13 order, filed on January 14, 2026, he 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.) Petitioner alleges that he was 17 detained by immigration authorities on
October 30, 2025, and that 18 his hearing before an immigration judge is currently scheduled 19
for January 22, 2026. (Id. at 5.) 20 “The standard for a [temporary restraining order] is 21 the
same as for a preliminary injunction.” *Rovio Entm’t Ltd. v. 22 Royal Plush Toys, Inc.*, 907 F.
Supp. 2d 1086, 1092 (N.D.

Cal. 23 2012) (citing *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 24 240 F.3d 832, 839 n.7
(9th Cir. 2001)). Typically, “[a] 25 plaintiff seeking a preliminary injunction must establish that he
26 is likely to succeed on the merits, that he is likely to suffer 27 irreparable harm in the absence
of preliminary relief, that the 28 1 balance of equities tips in his favor, and that an injunction is 2
in the public interest.” *Winter v. Nat.*

Res. Def. Council, Inc., 3 555 U.S. 7, 20 (2008). The last two factors “merge when the 4
Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 5 435 (2009). 6 A petitioner’s
“long delay” in seeking injunctive 7 relief “implies a lack of urgency and irreparable harm.” See 8
Oakland Trib., Inc. v. Chron. Pub. Co., 762 F.2d 1374, 1377 (9th 9 Cir. 1985).

Courts within this circuit have found that delays in 10 seeking temporary restraining orders far
shorter than 11 petitioner’s two-and-a-half month delay to “counsel[] against a 12 finding of
irreparable harm.” *Oregon Nat. Desert Ass’n v. 13 Bushue*, 594 F. Supp. 3d 1259, 1266 (D. Or.
2022) (two-month 14 delay); see also, e.g., *Dahl v. Swift Distrib., Inc.*, No. 10–cv- 15 0551 SJO
RZx, 2010 WL 1458957, at *4 (C.D.

Cal. April 1, 2010) 16 (eighteen–day delay); *Sanchez v. Sanchez*, No. 10-cv-1628 JLS RBB, 17
2010 WL 4790179, at *5 (S.D. Cal. Nov. 17, 2010) (twenty-six-day 18 delay). 19 Here, petitioner

waited over 2½ months after he was 20 detained, and then filed his petition in this court one week 21 before his case was scheduled to be heard by an immigration 22 judge.

Petitioner's untimely filing is fatal to his motion for 23 temporary restraining order. That petitioner leaves this delay 24 "unexplained" only bolsters this conclusion. See *Lee v. Haj*, No. 25 1:16-cv-00008 DAD SAB, 2016 WL 8738428, at *2 (E.D. Cal. Feb. 22, 26 2016) ("[U]nexplained delays... militate against a finding of 27 irreparable harm and against the issuance of a temporary 28 eee IEE I IIR IE IEE RIE IE OSU EEE OI, IED OE restraining order.").

2 For the above reasons, petitioner has failed to demonstrate the existence of irreparable harm. Accordingly, the court "need not consider the other [preliminary injunction] ° factors." See *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 6 2018). 7 IT IS THEREFORE ORDERED that petitioner's motion for a temporary restraining order (Docket No. 3) be, and the same ° hereby is, DENIED.

Pursuant to 28 U.S.C. § 636(b) (1) (B) and Local General Order No. 262, the case is referred to the assigned magistrate judge for further proceedings. IT IS SO ORDERED.. ak. 14 A blew (hii.b- — Dated: January 15, 2026 WILLIAMB.SHUBB UNITED STATES DISTRICT JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28