

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

Pierre Osama Zarif Hanna v. Ernesto Santacruz Jr. et al.

Hanna · No. 5:26-cv-00267-ODW (KSx) · Decided January 29, 2026

OPINION

Pierre Osama Zarif Hanna v. Ernesto Santacruz Jr. et al.

PER CURIAM.

O 1 2 3 4 5 6 7 8 United States District Court 9 Central District of California 10 11 PIERRE
OSAMA ZARIF HANNA, Case No 5:26-cv-00267-ODW (KSx) 12 Plaintiff, ORDER DENYING
EX PARTE

13 v. APPLICATION FOR TEMPORARY

RESTRAINING ORDER [5]

14 ERNESTO SANTACRUZ JR. et al., 15 Defendants. 16

17 I. INTRODUCTION

18 Petitioner Pierre Osama Zarif Hanna brings this petition for a writ of habeas 19 corpus against
Respondents Ernesto Santacruz, Jr., Acting Director of Los Angeles 20 Field Office of
Immigration and Customs Enforcement (“ICE”); Todd M. Lyons, ICE 21 Acting Director; James
Janecka, Warden of ICE Adelanto; Kristi Noem, Secretary of 22 U.S. Department of Homeland
Security (“DHS”); and Pamela Bondi, U.S. Attorney 23 General. (Pet. ¶¶ 8–13, Dkt. No. 1.)
Petitioner also moves ex parte for an order 24 prohibiting Respondents from removing him from
the United States and enjoining 25 Respondents from relocating him outside of California pending
the adjudication of his 26 petition. (Ex Parte Appl. (“TRO”) 4, Dkt. No. 5.)¹ Respondents failed to
oppose the 27 request. For the reasons discussed below, the Court DENIES Petitioner’s TRO. 28 1
The Court cites to the CM/ECF pagination at the top of each page.

1 II. BACKGROUND

2 Petitioner is a citizen of Egypt. (Pet. ¶ 26.) On August 9, 2023, he entered the 3 United States on
a visitor visa. (Id.) Petitioner applied for asylum based on harm he 4 suffered in Egypt due to his
Coptic Christian faith. (Id. ¶ 27.) 5 On December 31, 2025, law enforcement officers arrested
Petitioner based on 6 an alleged “misunderstanding” around Petitioner’s girlfriend’s building. (Id.
¶ 28.) 7 That day, Petitioner was attending a social gathering when a fight broke out. (TRO 5.) 8
Petitioner was not involved in the altercation and was attempting to comfort his 9 girlfriend when
law enforcement officers arrived at the scene. (Id.) Officers then 10 arrested Petitioner on charges
of resisting arrest. (Pet. ¶ 28.) Petitioner has no prior 11 criminal record. (Id. ¶ 30.) He is not a
flight risk and possesses good moral character. 12 (Id. ¶ 31.) Prior to his detention, Petitioner was
gainfully employed. (Id. ¶ 32.) 13 Based on these allegations, on January 21, 2026, Petitioner filed

a Petition for 14 Writ of Habeas Corpus alleging that his detention violates his due process rights and 15 various statutory protections. (Id. ¶¶ 34–60.) On January 26, 2026, Petitioner filed 16 this Ex Parte Application for a Temporary Restraining Order. (TRO.) Petitioner 17 requests that the Court order Respondents not to remove him to Egypt or another 18 country and enjoin Respondents from relocating Petitioner outside of California or 19 any other jurisdiction pending the adjudication of this habeas petition. (Id. at 4.)

20 III. LEGAL STANDARD

21 A temporary restraining order (“TRO”) is an “extraordinary remedy that may 22 only be awarded upon a clear showing that the plaintiff is entitled to such relief.” 23 *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The standard for issuing a 24 TRO is “substantially identical” to that for issuing a preliminary injunction. *Stuhlbarg* 25 *Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). 26 Pursuant to Federal Rule of Civil Procedure (“Rule”) 65, a court may grant 27 preliminary injunctive relief to prevent “immediate and irreparable injury.” Fed. R. 28 Civ. P. 65(b). To obtain this relief, a plaintiff must establish the “Winter” factors: 1 (1) the plaintiff “is likely to succeed on the merits”; (2) the plaintiff “is likely to suffer 2 irreparable harm in the absence of preliminary relief”; (3) “the balance of equities tips 3 in [the plaintiff’s] favor”; and (4) “an injunction is in the public interest.” *Am. 4 Trucking Ass’ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) 5 (quoting *Winter*, 555 U.S. at 20).

6 IV. DISCUSSION

7 Under 28 U.S.C. § 2241(c)(3), district courts have the authority to grant writs of 8 habeas corpus where a petitioner demonstrates that his detention violates “the 9 Constitution or laws or treaties of the United States.” See *Zadvydas v. Davis*, 533 U.S. 10 678, 687 (2001) (holding that § 2241 confers jurisdiction on federal courts to hear 11 challenges to continued immigration-related detention).

12 Under 8 U.S.C. § 1252(g), “no court shall have jurisdiction to hear any cause or 13 claim by or on behalf of any alien arising from the decision or action by the Attorney 14 General to commence proceedings, adjudicate cases, or execute removal orders 15 against any alien.” The Ninth Circuit made clear that § 1252(g) strips district courts 16 of jurisdiction over claims that challenge the decision to execute a removal order, 17 notwithstanding pending applications for relief. See *Rauda v. Jennings*, 55 F. 4th 773, 18 778 (9th Cir. 2022). 19 Petitioner seeks to enjoin Respondents from removing him from the United 20 States to Egypt of another country. (TRO 4.) As framed, Petitioner’s requested relief 21 falls within § 1252(g)’s jurisdictional bar because Petitioner asks the Court to restrain 22 the government from executing a removal order. See *Rauda*, 55 F. 4th at 778 (holding 23 that § 1252(g) bars any challenge to the discretionary decision to execute a removal 24 order.). The Court that finds § 1252(g) bars Petitioner’s challenge from judicial 25 review. However, even if the Court possessed jurisdiction to review Petitioner’s TRO, 26 the Court DENIES the TRO for independent reasons as discussed

below. 27 28 1 A. Likelihood of Success on the Merits 2 Petitioner briefly argues that he is likely to succeed on the merits of his claim 3 because his continued detention violates his constitutional rights. (TRO 9.) 4 Federal immigration law requires that, once an order of removal order becomes 5 final, the government must “remove the alien from the United States within a period 6 of 90 days.” 8 U.S.C. § 1231(a)(1)(A). During this initial “removal period,” the 7 government “shall detain the alien.” Id. § 1231(a)(2). However, under § 1231(a)(6), 8 the government may detain aliens for more than ninety days if they have been ordered 9 removed due to criminal convictions. In *Zadvydas*, the Supreme Court addressed how 10 long an alien may be detained pursuant to § 1231(a)(6). First, the Supreme Court held 11 that the government does not have the power to “hold indefinitely in confinement an 12 alien ordered removed.” *Zadvydas*, 533 U.S. at 697. Second, the Supreme Court 13 established that a period of detention of six months is “presumptively reasonable.” Id. 14 at 701. After six months, if “the alien provides good reason to believe that there is no 15 significant likelihood of removal in the reasonably foreseeable future, the Government 16 must respond with evidence sufficient to rebut that showing.” Id. 17 Petitioner contends that he is likely to prevail on the merits of his *Zadvydas* 18 claim because he is being detained for an unreasonable length of time without a 19 showing that his removal is likely. (TRO 9.) He argues that because his asylum 20 application is still pending in the immigration court, Respondents will continue to 21 detain him until his asylum hearing on May 8, 2026. (Id.) Petitioner thus argues that 22 Respondents will detain him for another 100 days, in violation of his constitutional 23 and statutory rights, if the Court denies his TRO. (Id.) 24 Respondents detained Petitioner on December 31, 2025, (TRO 5), which means 25 that Petitioner has been detained for twenty-six days as of the date he filed the TRO. 26 A detention period shorter than six months is “presumptively reasonable,” see 27 *Zadvydas*, 533 U.S. at 680, and “within the six-month period, ‘the petitioner must 28 claim and prove . . . that his removal is not reasonably foreseeable’ to overcome the 1 presumption,” *Ndandu v. Noem*, No. 3:25-cv-02939-RBM-MSB, 2026 WL 25848, 2 at *4 (S.D. Cal. Jan. 5, 2026). 3 First, Petitioner cannot show that his detention exceeds the ninety-days 4 statutory removal period. 8 U.S.C. § 1231(a)(1)(A). As Petitioner “is not being held 5 past his ninety-day removal period, *Zadvydas* does not directly apply to his situation.” 6 *Kumar v. Gonzales*, 555 F. Supp. 2d 1061, 1064 (N.D. Cal. 2008). Second, even if the 7 Court were to find that *Zadvydas* applies to Petitioner’s claim, *Zadvydas* is not 8 forward-looking. Any detention period shorter than six months is “presumptively 9 reasonable,” *Zadvydas*, 533 U.S. at 680, and Petitioner’s contention that he will 10 remain detained until his asylum hearing does not overcome this presumption, (see 11 TRO 9). Furthermore, Petitioner’s contention that he “could be detained over one 12 year pending any appeal,” (id.), still fails to establish that his removal is unlikely in 13 the reasonably foreseeable future. Specifically, Petitioner fails to allege that his order 14 of removal is final or that Respondents are not in possession of valid travel documents 15 for Petitioner, such that there is no “significant likelihood of [his] removal in the 16 reasonably foreseeable future.” See *Zadvydas*, 533 U.S. at 701. Thus, the first Winter 17 factor weighs against

injunctive relief because Petitioner fails to show that he is likely to prevail on the merits of his Zadvydas claim. The first Winter factor “is a threshold inquiry and is the most important factor” in any motion for injunctive relief. *Env’t Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 989 (9th Cir. 2020). Thus, the Court “need not consider the other factors” where the first factor is not met. *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023). This “holds especially true” where, as here, a petitioner seeks injunctive relief “because of an alleged constitutional violation.” *Id.* at 1042. As Petitioner fails to show that he is likely to prevail on his Zadvydas claim, the Court concludes that Petitioner fails to meet his burden in establishing that he is entitled to temporary injunctive relief.

Vv. CONCLUSION

For the reasons discussed above, the Court DENIES the TRO. (Dkt. No. 5.) IT IS SO ORDERED.

January 29, 2026 Geel Yate

OTIS D. HT, II

UNITED STATES DISTRICT JUDGE

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28