

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

J.A.M.C. v. Albarran et al.

J.A.M.C. · No. 3:25-cv-09649 · Decided November 7, 2025

SUMMARY

The United States District Court for the Northern District of California granted J.A.M.C.'s ex parte motion for a temporary restraining order concerning his immigration detention. The court ordered his release and prohibited re-detention without a pre-deprivation hearing before a neutral decisionmaker, with the government required to establish by clear and convincing evidence that detention was necessary. The order also set a schedule for briefing and a preliminary-injunction hearing and remained effective until November 21, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Casey Pitts
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 7, 2025
DOCKET	3:25-cv-09649
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus and an ex parte motion for a temporary restraining order challenging his immigration detention. The court granted the temporary restraining order and ordered his release and a pre-deprivation hearing before any re-detention.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the substantially identical standard applicable to a preliminary injunction: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and the public interest. An ex parte TRO additionally requires specific facts showing immediate and irreparable injury before the opposing party can be heard, together with counsel's written certification regarding notice efforts.
PRECEDENTIAL VALUE	Unknown; temporary restraining order issued by a federal district court

TOPICS

immigration detention

procedural due process

due process

injunctions

remedies

PRACTICE AREAS

immigration detention

constitutional law

civil procedure

civil rights

remedies

QUESTIONS PRESENTED

1. Whether J.A.M.C. satisfied the requirements for an ex parte temporary restraining order.
2. Whether a noncitizen conditionally released on immigration bond has a protected liberty interest in remaining out of immigration custody.
3. Whether re-detaining J.A.M.C. without a pre-deprivation hearing violated procedural due process under the Fifth Amendment.
4. Whether the court should require immediate release, prohibit re-detention without a hearing, and dispense with security under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. J.A.M.C. satisfied the requirements for an ex parte temporary restraining order because the record showed immediate and irreparable injury from continued detention before defendants could be heard, and counsel had attempted to provide notice.
2. A noncitizen conditionally released into the United States on immigration bond has a significant liberty interest in remaining out of immigration custody.
3. J.A.M.C. was likely to succeed on his procedural due process claim because the government could not re-detain him without first providing a hearing before a neutral decisionmaker at which it established by clear and convincing evidence that bond revocation and detention were necessary to prevent flight or protect the public.
4. The court exercised its discretion under Federal Rule of Civil Procedure 65(c) to dispense with security because there was no realistic likelihood of harm to respondents from the injunction.

KEY QUOTATIONS

“J.A.M.C. is ORDERED released from custody and are ENJOINED AND RESTRAINED from re-detaining J.A.M.C. without providing him with a pre-deprivation hearing before a neutral decisionmaker at which the government establishes by clear and convincing evidence that revocation of his previously-granted bond is appropriate because detention is necessary to prevent his flight or to protect the public.” (Conclusion)

“Petitioners seeking such relief must establish that (1) they are “likely to succeed on the merits”; (2) they are “likely to suffer irreparable harm in the absence of preliminary relief”; (3) “the balance of equities tips in [their] favor”; and (4) “an injunction is in the public interest.”” (Legal Standards)

“A noncitizen like J.A.M.C. who was conditionally released into the United States has a significant liberty interest in remaining out of immigration custody.” (Analysis)

FACTUAL BACKGROUND

J.A.M.C. arrived in the United States in 1991 at age three and has lived there, apart from a brief absence, since that time. He has three United States citizen children, including two children diagnosed with autism, supports them financially and emotionally, and works as a barber. After DHS detained him for entering without inspection, an immigration judge released him on a \$10,000 bond with GPS monitoring, but ICE later detained him at a scheduled check-in based on an alleged Labor Day GPS-monitoring violation; J.A.M.C. asserted that the trip had been authorized.

PROCEDURAL HISTORY

ICE detained J.A.M.C. on November 7, 2025, allegedly for violating the GPS-monitoring terms of his previously granted immigration bond. J.A.M.C. filed a habeas petition and moved ex parte for temporary injunctive relief the same day. The district court granted the motion, ordered his release, prohibited re-detention without a hearing, dispensed with bond, and ordered defendants to show cause why a preliminary injunction should not issue.

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, 21 (2008)
- Alliance for the Wild Rockies v. Peña, 865 F.3d 1211, 1217 (9th Cir. 2017)
- Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir. 2013)
- Hubbard v. City of San Diego, 139 F.4th 843, 854 (9th Cir. 2025)
- East Bay Sanctuary Covenant v. Trump, 932 F.3d 742, 779 (9th Cir. 2018)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70, 415 U.S. 423, 439 (1974)
- Pablo Sequen v. Albarran, No. 25-CV-06487-PCP, __ F. Supp. 3d __, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Gagnon v. Scarpelli, 411 U.S. 778, 782 (1973)
- Landon v. Plasencia, 459 U.S. 21, 32-33 (1982)
- Yamataya v. Fisher, 189 U.S. 86, 100-101 (1903)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)

- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- CuvIELLO v. City of Vallejo, 944 F.3d 816, 832 (9th Cir. 2019)
- Baird v. Bonta, 81 F.4th 1036, 1042 (9th Cir. 2023)
- Hernandez v. Sessions, 872 F.3d 976, 995-996 (9th Cir. 2017)
- Garro Pinchi v. Noem, No. 5:25-cv-05632, __ F. Supp. 3d __, 2025 WL 2084921, at *6 (N.D. Cal. July 24, 2025)
- Diaz v. Kaiser, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- Zepeda v. U.S. I.N.S., 753 F.2d 719, 727 (9th Cir. 1983)
- Youth 71Five Ministries v. Williams, No. 24-101, __ F.4th __, 2025 WL 2385151, at *5 (Aug. 18, 2025)
- Kuzmenko v. Phillips, No. 25-CV-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025)
- Pablo Sequen v. Kaiser, No. 25-CV-06487-PCP, 2025 WL 2203419, at *3 (N.D. Cal. Aug. 1, 2025)
- Jorgensen v. Cassidy, 320 F.3d 906, 919 (9th Cir. 2003)

OPINION

M.C.

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 J.A.M.C., 3 :25-cv-09649 M.C. v. Albarran et al Petitioner-Plaintiff, ORDER GRANTING
TEMPORARY

8 RESTRAINING ORDER

v. 9 Re: Dkt. No. 2 10 Sergio ALBARRAN, Acting Field Office Director of the San Francisco
Immigration 11 and Customs Enforcement Office; Todd M. LYONS, Acting Director, Immigration
and 12 Customs Enforcement, U.S. Department of Homeland Security; Kristi NOEM, in her 13
Official Capacity, Secretary, U.S. 14 Department of Homeland Security; and Pam BONDI, in her
Official Capacity, Attorney 15 General of the United States; 16 Respondents-Defendants. 17 18
Petitioner-plaintiff J.A.M.C. (“petitioner”) moves the Court ex parte for a temporary 19 restraining
order that would, among other things, require his immediate release from ongoing 20 detention by
agents of Immigration and Customs Enforcement (“ICE”) and prohibit ICE from re- 21 arresting
petitioner without affording him a hearing before a neutral decisionmaker.¹ For the 22 reasons set
forth below, the Court grants the requested order. The Court orders defendants to 23 release
J.A.M.C. from his ongoing detention and prohibits defendants from re-arresting or 24 otherwise
re-detaining J.A.M.C. without first providing him with a hearing before an immigration 25 judge
at which the government establishes by clear and convincing evidence that revocation of his 26
previously-granted bond is appropriate because detention is necessary to prevent his flight or to 27
1 protect the public.

2 BACKGROUND

3 The evidence before the Court establishes that J.A.M.C. arrived in the United States in 4 1991, when he was three years old. Aside from a brief absence in 2008, he has resided in the 5 United States since that time. 6 J.A.M.C. has three United States citizen children, two of whom have been diagnosed with 7 autism. J.A.M.C. emotionally and financially supports them, and he is currently employed as a 8 barber. On February 5, 2025, the Department of Homeland Security (“DHS”) detained him at his 9 home for violating the Immigration and Nationality Act § 212(a)(6)(A)(i) (entered without 10 inspection). On February 19, 2025, following the issuance of a warrant for arrest, DHS placed 11 J.A.M.C. in 8 U.S.C. § 1229a proceedings. On April 15, 2025, an Immigration Judge reviewed 12 J.A.M.C.’s immigration history, criminal history, and equities, and ordered him released on a 13 \$10,000 bond with an ankle monitoring device. DHS waived its right to appeal. 14 On November 7, 2025, J.A.M.C. appeared at the ICE Field Office in San Francisco for a 15 scheduled check-in. Shortly after his arrival, he was detained by ICE for allegedly violating the 16 GPS monitoring terms. ICE alleges that, on Labor Day, J.A.M.C. violated his bond when he 17 visited Stinson Beach to spend the day with his girlfriend. J.A.M.C. alleges that he had requested 18 and been granted permission for the trip by his ISAP officer. J.A.M.C. is currently being held at 19 630 Sansome Street in San Francisco, California. 20 J.A.M.C., with representation of counsel, filed a petition for a writ of habeas corpus and ex 21 parte motion for a temporary restraining order on November 7, 2025. Among other claims, he 22 contends that his arrest and detention violates the Due Process Clause of the Fifth Amendment, 23 both substantively (because defendants allegedly have no valid interest in detaining petitioner) and 24 procedurally (because defendants have not provided hearings or any other form of process when 25 revoking his conditional release). The defendants are Sergio Albarran, Acting Field Office 26 Director of the San Francisco Immigration and Customs Enforcement Office; Todd M. Lyons, 27 Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; 1 Bondi, in her Official Capacity, Attorney General of the United States.

2 LEGAL STANDARDS

3 The standard for issuing a temporary restraining order is largely identical to the standard 4 for issuing a preliminary injunction. See *Washington v. Trump*, 847 F.3d 1151, 1159 n.3 (9th Cir. 5 2017). Petitioners seeking such relief must establish that (1) they are “likely to succeed on the 6 merits”; (2) they are “likely to suffer irreparable harm in the absence of preliminary relief”; (3) 7 “the balance of equities tips in [their] favor”; and (4) “an injunction is in the public interest.” 8 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 21 (2008). “[I]f a plaintiff can only show that 9 there are ‘serious questions going to the merits’—a lesser showing than likelihood of success on 10 the merits—then a preliminary injunction may still issue if the ‘balance of hardships tips sharply 11 in the plaintiff’s favor and the other two *Winter* factors are satisfied.’” *All. for the Wild Rockies v. 12 Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 13 F.3d 1281, 1291 (9th Cir. 2013)). “Where, as here, the party opposing injunctive relief is a 14 government entity, the third and fourth factors—the balance of equities and

the public interest— 15 merge.” *Hubbard v. City of San Diego*, 139 F.4th 843, 854 (9th Cir. 2025) (citation modified). 16 Although the substantive standards for both motions are similar, the timeframe for a 17 temporary restraining order is different. While a preliminary injunction remains in effect pending 18 final resolution of the litigation, “a TRO ‘should be restricted to ... preserving the status quo and 19 preventing irreparable harm just so long as is necessary to hold a [preliminary injunction] hearing 20 and no longer.’” *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018) (quoting 21 *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70*, 415 22 U.S. 423, 439 (1974)). 23 Federal Rule of Civil Procedure 65(b)(1) allows a temporary restraining order to be issued 24 without notice to the opposing party—i.e., *ex parte*—only if “specific facts in an affidavit or a 25 verified complaint clearly show that immediate and irreparable injury, loss, or damage will result 26 to the movant before the adverse party can be heard in opposition” and “the movant’s attorney 27 certifies in writing any efforts made to give notice and the reasons why it should not be required.”

1 ANALYSIS

2 As an initial matter, J.A.M.C. has satisfied the requirements for issuance of an *ex parte* 3 order. The affidavit of petitioners’ counsel demonstrates that he will suffer immediate and 4 irreparable injury, loss, or damage by virtue of his continued detention before respondent can be 5 heard in opposition, and that counsel attempted to contact the United States Attorney’s Office on 6 November 7, 2025.

7 With respect to the showing required to justify J.A.M.C. requested relief, he has 8 demonstrated a likelihood of success on the merits of his claim that his ongoing detention violates 9 his procedural due process rights under the Due Process Clause of the Fifth Amendment. A 10 noncitizen like J.A.M.C. who was conditionally released into the United States has a significant 11 liberty interest in remaining out of immigration custody. *Pablo Sequen v. Albarran*, No. 25-CV- 12 06487-PCP, __ F. Supp. 3d __, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025). Additionally, 13 just as people on parole and probation have a liberty interest, “so too does [J.A.M.C.] have a 14 liberty interest in remaining out of custody and on bond.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 15 970 (N.D. Cal. 2019) (citing *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 16 411 U.S. 778, 782 (1973)). 17 Because J.A.M.C. has resided in the United States for over thirty years—certainly long 18 enough to “begin[] to develop ... ties” and become “a part of our population”—the Fifth 19 Amendment entitles him to due process protections for that liberty interest. *Id.* at *5 (first 20 quoting *Landon v. Plasencia*, 459 U.S. 21, 32–33 (1982); and then quoting *Yamataya v. Fisher*, 21 189 U.S. 86, 100–01 (1903)). The statutory procedures potentially available to J.A.M.C. do not 22 satisfy that constitutional mandate. Even assuming that he will receive a post-arrest hearing before 23 an immigration judge, there remains a substantial risk that the government is erroneously 24 depriving him of his liberty in the meantime, as the available record suggests that he is neither a 25 flight risk nor a danger to the public See *id.* at *8; *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). 26 The concern that he is being detained without justification

is particularly strong here given that an immigration judge decided earlier this year that J.A.M.C. was neither a flight risk nor a danger to 1 Stinson Beach on Labor Day Weekend—occurred months ago. In the intervening time, J.A.M.C. 2 did not violate any conditions of his bond and promptly appeared at his scheduled hearing. Given 3 the limited cost of providing a custody hearing in immigration court, the government has at most a 4 minimal countervailing interest in detaining him prior to providing him with an opportunity to 5 explain why his detention is unjustified. See Pablo Sequen, __ F. Supp. 3d __, 2025 WL 2935630 6 at *12; Garro Pinchi v. Noem, No. 5:25-cv-05632, __ F.Supp.3d __, 2025 WL 2084921, at *6 7 (N.D. Cal. July 24, 2025). Taken together, the strength of J.A.M.C.’s liberty interest, the high 8 likelihood of erroneous deprivation, and the government’s minimal countervailing interest 9 demonstrate that J.A.M.C. is likely to succeed on the merits of his procedural due-process claim. 10 See Pablo Sequen, __ F. Supp. 3d __, 2025 WL 2650637 at *12; Mathews v. Eldridge, 424 U.S. 11 319, 335 (1976). 12 J.A.M.C. has also demonstrated a likelihood of irreparable injury in the absence of 13 temporary relief due to his ongoing and likely unconstitutional deprivation of liberty. “The loss or 14 threatened infringement upon [constitutional] rights for even minimal periods of time 15 unquestionably constitutes irreparable injury.” CuvIELLO v. City of Vallejo, 944 F.3d 816, 832 (9th 16 Cir. 2019) (citation modified). “When an alleged deprivation of a constitutional right is involved, 17 most courts hold that no further showing of irreparable injury is necessary.” Baird v. Bonta, 81 18 F.4th 1036, 1042 (9th Cir. 2023) (citation modified). “[I]t follows inexorably from [the Court’s] 19 conclusion” that J.A.M.C. “will likely be deprived of [his] physical liberty unconstitutionally in 20 the absence of the injunction ... that [he] ha[s] also carried [his] burden as to irreparable 21 harm.” Hernandez v. Sessions, 872 F.3d 976, 995 (9th Cir. 2017). 22 The final two Winter factors, the balance of the equities and public interest, merge because 23 the government is the opposing party. These factors also weigh heavily in favor of granting a 24 temporary restraining order. “Because public interest concerns are implicated when a 25 constitutional right has been violated, all citizens have a stake in upholding the Constitution, 26 meaning it is always in the public interest to prevent the violation of a party’s constitutional 27 rights.” Baird, 81 F.4th at 1042 (citation modified). Further, “the Ninth Circuit has recognized that 1 21-CV-01434, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021) (citation modified) (quoting 2 Hernandez, 872 F.3d at 996). And where J.A.M.C. is suffering irreparable harm while in 3 detention, the potential harm to the government—at worst, a short delay in detaining J.A.M.C. 4 until it makes the requisite showing of necessity before a neutral decisionmaker—is minimal. 5 See id. at *3; Diaz v. Kaiser, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 6 2025). In any case, enjoining the government from constitutional violations does not impose harm 7 “in any legally cognizable sense.” Zepeda v. U.S. I.N.S., 753 F.2d 719, 727 (9th Cir. 1983). 8 Finally, J.A.M.C.’s immediate release is required to return him to the status quo. The 9 “status quo” refers to the state of the parties’ relationship “before the action challenged in the 10 complaint occurred.” Youth 71Five

Ministries v. Williams, No. 24-101, __ F.4th __, 2025 WL 11 2385151, at *5 (Aug. 18, 2025). Here, that is the moment prior to J.A.M.C.'s likely illegal 12 detention. See Pablo Sequen, __ F. Supp. 3d __, 2025 WL 2650637, at *4 n.2; Kuzmenko v. 13 Phillips, No. 25-CV-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025) (granting a 14 temporary restraining order requiring immediate release of the petitioner back to home 15 confinement from custody, as a restoration of the status quo). 16 Because J.A.M.C. satisfies all of the requirements for temporary injunctive relief and such 17 relief is necessary to restore the status quo, his motion for a temporary restraining order is granted. 18 See Pablo Sequen v. Kaiser, No. 25-CV-06487-PCP, 2025 WL 2203419, at *3 (N.D. Cal. Aug. 1, 19 2025) (collecting similar cases). And because "there is no realistic likelihood of harm to the 20 [respondents] from enjoining [their] conduct." Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 21 2003), no security is needed to ensure that respondents will be reimbursed for "costs and damages 22 sustained by ... hav[ing] been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c). The Court 23 exercises its discretion under Rule 65(c) to dispense with the filing of bond. Jorgensen, 320 F.3d 24 at 919.

25 CONCLUSION

26 For the foregoing reasons, it is hereby ORDERED that petitioners' motion for a temporary 27 restraining order as to J.A.M.C. is GRANTED to preserve the status quo pending further briefing 1 || custody and are ENJOINED AND RESTRAINED from re-detaining J.A.M.C. without providing 2 || him with a pre-deprivation hearing before a neutral decisionmaker at which the government 3 establishes by clear and convincing evidence that revocation of his previously-granted bond is 4 appropriate because detention is necessary to prevent his flight or to protect the public. Should 5 defendants choose to conduct such a hearing, defendants are ORDERED to provide J.A.M.C. 6 || with reasonable advance notice of the time and place of the hearing. 7 This Order shall remain in effect until November 21, 2025. The Petition for Writ of Habeas 8 Corpus [Dkt. No. 1], Motion for Temporary Restraining Order [Dkt. No. 2], and this Order 9 SHALL be served on defendants such that they receive actual notice as soon as possible. 10 || Petitioners shall file proof of service or a status report by no later than November 10, 2025, at 11 12:00 p.m. Defendants shall provide a status report confirming the release of J.A.M.C. by no later 12 than November 10, 2025, at 12:00 p.m. 5 13 Defendants are ORDERED TO SHOW CAUSE why a preliminary injunction should not 14 || issue in favor of J.A.M.C. The hearing will be held in the courtroom of the assigned Judge at 2:00 3 15 p.m. on November 18, 2025, or as otherwise ordered by that Judge. Defendants shall file a a 16 || response to petitioners' motion by no later than November 10, 2025. Any reply shall be filed by 3 17 November 14, 2025. 18 19 IT IS SO ORDERED. 20 Gn Dated: November 7, 2025 hg . Casey Mts 22 United States District Judge 23 24 25 26 27 28