

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

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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.<sup>1</sup> 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 inspection). On February 19, 2025, following the issuance of a warrant for arrest, DHS placed J.A.M.C. in U.S.C. § 1229a proceedings. On April 15, 2025, an Immigration Judge reviewed J.A.M.C.'s immigration history, criminal history, and equities, and ordered him released on a \$10,000 bond with an ankle monitoring device. DHS waived its right to appeal. On November 7, 2025, J.A.M.C. appeared at the ICE Field Office in San Francisco for a scheduled check-in. Shortly after his arrival, he was detained by ICE for allegedly violating the GPS monitoring terms. ICE alleges that, on Labor Day, J.A.M.C. violated his bond when he visited Stinson Beach to spend the day with his girlfriend. J.A.M.C. alleges that he had requested and been granted permission for the trip by his ISAP officer. J.A.M.C. is currently being held at 630 Sansome Street in San Francisco, California. J.A.M.C., with representation of counsel, filed a petition for a writ of habeas corpus and ex parte motion for a temporary restraining order on November 7, 2025. Among other claims, he contends that his arrest and detention violates the Due Process Clause of the Fifth Amendment, both substantively (because defendants allegedly have no valid interest in detaining petitioner) and procedurally (because defendants have not provided hearings or any other form of process when revoking his conditional release). The defendants are Sergio Albarran, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office; Todd M. Lyons, 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. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017) (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 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 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 27 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 11 Five 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