

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Silvia Juliana G.J. v. Sergio Albarran, et al.

Albarran · No. 1:26-cv-00147-TLN-EFB · Decided January 9, 2026

SUMMARY

The Eastern District of California grants an ex parte temporary restraining order in a habeas proceeding challenging the detention of a noncitizen who had previously been released during removal proceedings. The court concludes that the petitioner is likely to succeed on a procedural due process claim because she was detained for more than a month without a bond or custody-redetermination hearing. The order directs her immediate release, restricts re-arrest or re-detention absent specified constitutional protections, and orders respondents to show cause why a preliminary injunction should not issue.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Troy L. Nunley
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	January 9, 2026
DOCKET	1:26-cv-00147-TLN-EFB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought a temporary restraining order in a federal habeas action challenging her immigration detention and requesting immediate release.
STANDARD OF REVIEW	Temporary restraining order under the four-factor Winter test: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and public interest. The court also applied the sliding-scale approach recognized by the Ninth Circuit.
PRECEDENTIAL VALUE	Unpublished district court order granting a temporary restraining order; limited persuasive value and not a final merits adjudication.

TOPICS

- immigration detention
- procedural due process
- due process
- injunctions
- removal proceedings

PRACTICE AREAS

immigration

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether Petitioner was likely to succeed on her procedural due process claim based on detention without a bond or custody-redetermination hearing after several years of conditional release.
2. Whether Petitioner satisfied the four Winter factors for issuance of a temporary restraining order.
3. Whether the TRO could issue without notice under Federal Rule of Civil Procedure 65(b).
4. What temporary constitutional protections were necessary before Respondents could re-arrest or re-detain Petitioner.

HOLDINGS

1. A noncitizen released from immigration custody may possess a protected liberty interest in remaining out of custody, and detention without a bond or custody-redetermination hearing, under the circumstances presented, likely violates procedural due process.
2. Petitioner satisfied the Winter factors and was entitled to a temporary restraining order.
3. Respondents were enjoined from re-arresting or re-detaining Petitioner absent constitutional protections, including seven days' notice, a pre-deprivation or custody hearing before a neutral decisionmaker, clear and convincing proof by the Government that Petitioner poses a danger or flight risk, and the opportunity for counsel to be present.

KEY QUOTATIONS

“On balance, the Court finds the Matthews factors demonstrate Petitioner is entitled to due process: a hearing to determine whether detention is warranted.” (at 7)

“Respondents are ENJOINED AND RESTRAINED from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, including seven-days’ notice and a pre-deprivation/custody hearing before a neutral decisionmaker, where the Government shall bear the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a flight risk, and Petitioner shall be allowed to have her counsel present.” (Conclusion at 1-2)

FACTUAL BACKGROUND

Petitioner, a Colombian citizen, entered the United States in 2022 with her husband and minor child and was released by immigration authorities during pending removal proceedings. She allegedly complied with all release conditions, had no criminal record, was not deemed a danger or flight risk, and had a pending asylum application. ICE arrested and detained her in December 2025 without identifying changed circumstances or alleged violations, and she remained detained for more than a month without a bond or custody-redetermination hearing.

PROCEDURAL HISTORY

Petitioner filed a petition for a writ of habeas corpus and an ex parte motion for a temporary restraining order on January 9, 2026. The district court granted the TRO, ordered her immediate release under her prior conditions, enjoined re-arrest or re-detention absent specified constitutional protections, and ordered Respondents to show cause why a preliminary injunction should not issue.

DISPOSITION

other

CASES CITED

- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1134-35 (9th Cir. 2011)
- Hernandez v. Sessions, 872 F.3d 976, 990, 994-95 (9th Cir. 2017)
- Zadvydas v. Davis, 533 U.S. 678, 693-94 (2001)
- Kentucky Department of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- Morrissey v. Brewer, 408 U.S. 471, 481-82 (1972)
- Rico-Tapia v. Smith, No. CV 25-00379 SASP-KJM, 2025 WL 2950089, at *8 (D. Haw. Oct. 10, 2025)
- Pinchi v. Noem, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. July 24, 2025)
- Salcedo Aceros v. Kaiser, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503, at *6 (N.D. Cal. Sept. 12, 2025)
- R.D.T.M. v. Wofford, No. 1:25-cv-01141-KES-SKO, 2025 WL 2617255, at *3-4 (E.D. Cal. Sept. 9, 2025)
- Doe v. Becerra, 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Manzanarez v. Bondi, No. 1:25-CV-01536-DC-CKD (HC), 2025 WL 3247258, at *4 (E.D. Cal. Nov. 20, 2025)
- Garcia v. Andrews, No. 2:25-CV-01884-TLN-SCR, 2025 WL 1927596, at *5 (E.D. Cal. July 14, 2025)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- National Urban League v. Ross, 484 F. Supp. 3d 802, 807 (N.D. Cal. 2020)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014)
- Zepeda v. U.S. Immigration and Naturalization Service, 753 F.2d 719, 727 (9th Cir. 1983)
- Diaz v. Kaiser, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- Diaz v. Brewer, 656 F.3d 1008, 1015 (9th Cir. 2011)
- R.D.T.M. v. Wofford, No. 1:25-CV-01141-KES-SKO (HC), 2025 WL 2617255, at *3 (E.D. Cal. Sept. 9, 2025)
- Pinchi v. Noem, No. 25-cv-05632-RML, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025)