

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Juan Edelmar Alva Alva v. Polly Kaiser, et al.

No. 25-cv-06676 (EKL) · No. 25-cv-06676 (EKL) · Decided August 7, 2025

SUMMARY

The United States District Court for the Northern District of California granted Petitioner Juan Edelmar Alva Alva’s ex parte motion for a temporary restraining order. The court ordered his immediate release, prohibited re-detention without notice and a pre-deprivation hearing, and enjoined his removal from the United States. The order required Respondents to show cause why a preliminary injunction should not issue and remained effective until August 21, 2025, at 9:00 p.m.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Eumi K. Lee
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 7, 2025
DOCKET	25-cv-06676 (EKL)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a habeas petition and an ex parte motion for a temporary restraining order challenging his immigration detention and seeking release, a pre-detention bond hearing, and an injunction against transfer or removal.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the same standard as a preliminary injunction: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and the public interest. Where the government is the opposing party, the equities and public-interest factors merge. A TRO without notice additionally requires specific facts showing that immediate and irreparable injury will occur before the adverse party can be heard.
PRECEDENTIAL VALUE	nonprecedential interlocutory district-court order
PARTIES	Juan Edelmar Alva Alva v. Polly Kaiser, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office, Todd Lyons, Acting Director of United States Immigration and

TOPICS

immigration detention injunctions procedural due process due process removal proceedings

PRACTICE AREAS

immigration detention immigration civil procedure constitutional law injunctive relief

QUESTIONS PRESENTED

1. Whether petitioner satisfied the requirements for an ex parte temporary restraining order.
2. Whether petitioner demonstrated a likelihood of success on a procedural due process claim based on detention without a prior bond hearing.
3. Whether immediate release and an injunction against re-detention without notice and a pre-deprivation hearing were necessary to prevent irreparable harm and preserve the status quo.
4. Whether the court should require security under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. The requirements for issuing a temporary restraining order without notice under Federal Rule of Civil Procedure 65(b)(1) were satisfied because petitioner submitted specific facts showing that immediate and irreparable injury could occur before respondents could be heard.
2. Petitioner demonstrated a likelihood of success on his claim that his ongoing immigration detention violated procedural due process because he was entitled to a bond hearing before arrest or detention.
3. Petitioner established irreparable harm, and the balance of equities and public interest favored temporary relief, because continued detention likely implicated constitutional liberty rights while the government faced only minimal harm from a short delay and constitutionally compliant procedures.
4. The court ordered respondents to immediately release petitioner and enjoined them from re-detaining him without notice and a pre-deprivation hearing before a neutral decisionmaker or from removing him from the United States while the TRO remained in effect.
5. No security was required because the court found no realistic likelihood of harm to respondents from the injunction and exercised its discretion to waive the bond requirement.

KEY QUOTATIONS

“The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction.” (Legal standard)

“Respondents are ORDERED to immediately release Petitioner from Respondents’ custody and ENJOINED AND RESTRAINED from re-detaining Petitioner without notice and a pre-deprivation hearing before a

neutral decisionmaker, and from removing him from the United States.” (Order)

“The Due Process Clause entitles Petitioner to a bond hearing before an immigration judge prior to any arrest or detention.” (Discussion)

FACTUAL BACKGROUND

Petitioner, a Guatemalan national who entered the United States in 2018, had been released on an order of supervision, complied with repeated ICE check-ins, obtained employment authorization, and had no criminal history. He requested a reasonable-fear interview in connection with potential relief from removal and attended the interview on August 6, 2025. After an asylum officer found no reasonable fear, immigration authorities detained him and indicated that he might soon be transferred to another detention center. The court found that his detention without a pre-detention hearing was likely unconstitutional and that immediate release was necessary to preserve the status quo.

PROCEDURAL HISTORY

Petitioner was detained by immigration authorities after attending a reasonable-fear interview and filed the habeas petition and TRO motion on August 7, 2025. The district court granted the TRO, ordered his immediate release, prohibited re-detention without notice and a pre-deprivation hearing before a neutral decisionmaker, prohibited removal, waived any bond requirement, and set an order-to-show-cause hearing concerning a preliminary injunction.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents were ordered to release petitioner immediately, file a status report confirming release, respond to the motion by August 14, 2025, and appear at an August 21, 2025 order-to-show-cause hearing regarding why a preliminary injunction should not issue. The TRO remained in effect until August 21, 2025, at 9:00 p.m.

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, 20, 22 (2008)
- *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2019)
- *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974)
- *Pablo Sequen v. Kaiser*, No. 25-cv-06487-PCP, 2025 WL 2203419, at *2-*3 (N.D. Cal. Aug. 1, 2025)
- *Hernandez v. Sessions*, 872 F.3d 976, 994-96 (9th Cir. 2017)

- *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)
- *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005)
- *Jorge M. F. v. Wilkinson*, No. 21-cv-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021)
- *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005)
- *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025)
- *Zepeda v. U.S. Immigration & Naturalization Service*, 753 F.2d 719, 727 (9th Cir. 1985)
- *Singh v. Andrews*, No. 25-cv-00801, 2025 WL 1918679, at *9-*10 (E.D. Cal. July 11, 2025)
- *Doe v. Noem*, No. 25-cv-00633, 2025 WL 1141279, at *9 (W.D. Wash. Apr. 17, 2025)
- *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)
- *Kuzmenko v. Phillips*, No. 25-cv-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025)
- *Garro Pinchi v. Noem*, No. 25-cv-05632, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025), converted to preliminary injunction at ___ F. Supp. 3d ___, 2025 WL 2084921 (N.D. Cal. July 24, 2025)
- *Doe v. Becerra*, No. 2:25-cv-647-DJC-DMC, 2025 WL 691664, at *8 (E.D. Cal. Mar. 1, 2025)
- *Garcia v. Bondi*, No. 25-cv-5070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025)
- *Enamorado v. Kaiser*, No. 25-cv-4072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025)
- *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003)