

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Domingo-Ros v. Archambeault

No. 25-cv-1208-DMS-DEB (S.D. Cal. May 18, 2025) · No. 25-cv-1208-DMS-DEB · Decided May 18, 2025

SUMMARY

The United States District Court for the Southern District of California confirms its grant of Petitioners’ application for a temporary restraining order concerning their warrantless arrests and expedited removal proceedings. The order prohibits Respondents from removing Petitioners from the United States or relocating them to a detention facility outside the Southern District of California while the litigation proceeds. The Court finds serious questions regarding alleged Fourth and Fifth Amendment violations, irreparable harm, and the balance of equities, and sets additional hearings and a status conference.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Dana M. Sabraw
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 18, 2025
DOCKET	25-cv-1208-DMS-DEB
DISPOSITION	other
PROCEDURAL POSTURE	Petitioners brought a petition for writ of habeas corpus challenging their immigration detention, warrantless arrests, and expedited removal orders, and sought a temporary restraining order prohibiting their removal and transfer outside the Southern District of California. The court held a hearing and confirmed its prior oral grant of the TRO.
STANDARD OF REVIEW	A TRO is evaluated under the same standard as a preliminary injunction. Relief may issue under the Winter test upon a showing of likely success on the merits, likely irreparable harm, a favorable balance of equities, and consistency with the public interest, or under the Ninth Circuit’s serious-questions sliding-scale variant.
PRECEDENTIAL VALUE	Unpublished district-court order granting and confirming a temporary restraining order; persuasive value only and not a final merits decision.

PARTIES

Jesus Domingo-Ros, Yoni Jacinto Garcia, Edwin Juarez-Cobon v.
Gregory J. Archambeault, Jeremy Casey

TOPICS

immigration detention

removal proceedings

injunctions

procedural due process

constitutional law

PRACTICE AREAS

immigration

constitutional law

civil procedure

injunctive relief

habeas corpus

QUESTIONS PRESENTED

1. Whether petitioners satisfied the standard for a temporary restraining order prohibiting their removal from the United States and relocation outside the Southern District of California.
2. Whether the record raised serious questions regarding the lawfulness of petitioners' warrantless stops and arrests under the Fourth Amendment.
3. Whether the record raised serious questions regarding the application of expedited removal and the availability of Fifth Amendment procedural due process protections to noncitizens encountered in the interior of the United States.
4. Whether the requested injunction was sufficiently narrow under Federal Rule of Civil Procedure 65(d).

HOLDINGS

1. Petitioners satisfied the TRO standard because the record presented serious questions on the merits, likely irreparable harm from removal, and equities and public-interest considerations that tipped sharply in their favor.
2. The record raised serious questions whether petitioners' encounters with Border Patrol agents were consensual and, if not, whether the agents had reasonable suspicion supported by specific and articulable facts to justify the detentions.
3. The record raised serious questions whether petitioners, who were encountered in the interior of the United States, were entitled to constitutional protections and whether expedited removal was properly applied to them.
4. The TRO was properly limited to prohibiting respondents from removing petitioners from the United States or relocating them to a detention facility outside the Southern District of California pending resolution of the litigation.

KEY QUOTATIONS

“A party seeking a preliminary injunction must meet one of two variants of the same standard.” (at 3)

“In short, the facts set out in the I-213 Forms are inadequate to determine if the encounters were consensual and, if not, whether there was reasonable suspicion to justify the detentions.” (at 4)

“The public interest in enforcement of immigration laws, although significant, does not override the public interest in protecting the safeguards of the Constitution.” (at 10)

FACTUAL BACKGROUND

Petitioners, three noncitizens from Guatemala, were detained by ICE after warrantless arrests by Border Patrol agents on April 22, 2025, in a Home Depot parking lot in Pomona, approximately 191 miles north of the Calexico port of entry. The parties disputed whether petitioners were subjected to investigatory detentions without reasonable suspicion or instead engaged in consensual encounters after agents observed people fleeing. Petitioners were issued expedited removal orders under 8 U.S.C. § 1225(b)(1), and asserted that they had been present in the United States for more than two years and were at imminent risk of removal.

PROCEDURAL HISTORY

Petitioners were arrested by Border Patrol agents in Pomona, California, detained by Immigration and Customs Enforcement, and issued expedited removal orders. They filed a habeas petition and an application for a TRO. After a May 16, 2025 hearing, the court granted the TRO, scheduled further evidentiary and preliminary-injunction hearings, and issued this order confirming the ruling.

DISPOSITION

other

CASES CITED

- Lockheed Missile & Space Co., Inc. v. Hughes Aircraft Co., 887 F. Supp. 1320, 1323 (N.D. Cal. 1995)
- All. for the Wild Rockies v. Pena, 865 F.3d 1211, 1217 (9th Cir. 2017)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Flathead-Lolo-Bitterroot Citizen Task Force v. Montana, 98 F.4th 1180, 1190 (9th Cir. 2024)
- Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir. 2013)
- Ozkay v. Equity Wave Lending, Inc., 2020 WL 12764953, at *2 (N.D. Cal. Nov. 25, 2020)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 878-79 (9th Cir. 2009)
- Chalk v. U.S. Dist. Ct., 840 F.2d 701, 704 (9th Cir. 1988)
- N.D. ex rel. Parents Acting as Guardians Ad Litem v. State of Haw. Dep't of Educ., 600 F.3d 1104, 1112 n.6 (9th Cir. 2010)
- Cal. Rifle & Pistol Ass'n, Inc. v. Los Angeles Cnty. Sheriff's Dep't, 745 F. Supp. 3d 1037, 1048 (C.D. Cal. 2024)
- Johnson v. Couturier, 572 F.3d 1067, 1083 (9th Cir. 2009)
- Am. Hotel & Lodging Ass'n v. City of Los Angeles, 119 F. Supp. 3d 1177, 1185 (C.D. Cal. 2015)
- Zadvydas v. Davis, 533 U.S. 678, 693 (2001)
- United States v. Verdugo-Urquidez, 494 U.S. 259, 265 (1990)
- United States v. Willis, 431 F.3d 709, 714 (9th Cir. 2005)

- United States v. Arvizu, 534 U.S. 266, 273 (2002)
- United States v. Lopez-Soto, 205 F.3d 1101, 1105 (9th Cir. 2000)
- United States v. Michael R., 90 F.3d 340, 346 (9th Cir. 1996)
- Terry v. Ohio, 392 U.S. 1, 21 (1968)
- Illinois v. Wardlow, 528 U.S. 119, 124 (2000)
- Mendoza-Linares v. Garland, 51 F.4th 1146, 1155 (9th Cir. 2022)
- Guerrier v. Garland, 18 F.4th 304, 313 (9th Cir. 2021)
- Dep't of Homeland Sec. v. Thuraissigiam, 591 U.S. 103, 138-39 (2020)
- Webster v. Doe, 486 U.S. 592, 603 (1988)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Doe v. McAleenan, 415 F. Supp. 3d 971, 979 (S.D. Cal. 2019)
- Goldie's Bookstore, Inc. v. Superior Ct. of State of Cal., 739 F.2d 466, 472 (9th Cir. 1984)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014)
- Ariz. Dream Act Coal. v. Brewer, 757 F.3d 1053, 1069 (9th Cir. 2014)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Price v. City of Stockton, 390 F.3d 1105, 1117 (9th Cir. 2004)
- Zepeda v. INS, 753 F.2d 719, 728 n.1 (9th Cir. 1983)