

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Garcia-Ayala v. Andrews

Garcia-Ayala · No. 2:25-cv-02070-DJC-JDP · Decided August 8, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Luis David Garcia-Ayala’s motion for a temporary restraining order concerning his immigration detention and potential removal to a third country. The court found serious questions regarding his due process right to notice and a hearing before revocation of his release and regarding removal to a country not previously designated. The court ordered his immediate release, prohibited re-detention without notice and a pre-deprivation hearing, and barred transfer or removal without notice and a hearing through August 22, 2025.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Daniel J. Calabretta                                                                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Eastern District of California                                                                                                                                                                                                                                                                                                              |
| DECIDED               | August 8, 2025                                                                                                                                                                                                                                                                                                                                                                   |
| DOCKET                | 2:25-cv-02070-DJC-JDP                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Petitioner sought habeas relief under 28 U.S.C. § 2241 and moved for a temporary restraining order requiring release from immigration detention and prohibiting transfer or removal without notice and a hearing. The district court granted the temporary restraining order and ordered the respondents to show cause why a preliminary injunction should not issue.            |
| STANDARD OF REVIEW    | Temporary restraining order and preliminary injunction standards are substantially similar. Relief requires consideration of likelihood of success or serious questions on the merits, likelihood of irreparable harm, the balance of equities, and the public interest. The court applied the Winter standard and the Ninth Circuit's serious-questions sliding-scale approach. |
| PRECEDENTIAL VALUE    | unpublished district court order; persuasive authority only                                                                                                                                                                                                                                                                                                                      |

## PARTIES

Luis David Garcia-Ayala v. Tonya Andrews, Moises Becerra,  
Alexander Pham, Kristi Noem, Pam Bondi

## TOPICS

immigration detention procedural due process removal proceedings injunctions federal habeas corpus

## PRACTICE AREAS

immigration detention immigration federal habeas corpus constitutional law civil procedure

## QUESTIONS PRESENTED

1. Whether petitioner demonstrated serious questions on the merits of his claim that he could not be removed to an undesignated third country without notice and an opportunity to seek withholding of removal or Convention Against Torture protection as to that country.
2. Whether petitioner had a protected liberty interest in continued release after DHS had released him from immigration custody for more than two years.
3. Whether due process required notice and a pre-deprivation hearing before a neutral decisionmaker before DHS could revoke petitioner's release and redetain him.
4. Whether the temporary restraining order should require immediate release rather than merely an administrative hearing.

## HOLDINGS

1. A noncitizen may not be removed to a country that has not been designated for removal without notice and a meaningful opportunity to raise and pursue a fear-based claim concerning that country. Because only El Salvador appeared to have been designated and removal to El Salvador had been deferred under the CAT, petitioner showed a serious question on the merits of his claim against removal to a third country.
2. A noncitizen initially detained under 8 U.S.C. § 1225(b)(1) who was then released from DHS custody and remained at liberty for more than two years demonstrated a protected liberty interest in continued release.
3. Where the government seeks to revoke a noncitizen's prolonged release and redetain the person, due process requires notice and a pre-deprivation hearing before a neutral decisionmaker when the person has a protected liberty interest and the government identifies no changed circumstances justifying immediate detention.
4. Petitioner satisfied the temporary restraining order standard by showing serious questions on the merits, irreparable harm, and that the balance of hardships and public interest favored relief. To preserve the status quo, the appropriate remedy was immediate release, together with restraints against redetention without notice and a pre-deprivation hearing and against transfer or removal without notice and a hearing.

## KEY QUOTATIONS

*“A noncitizen must be given sufficient notice of a country of deportation that, given his capacities and circumstances, he would have a reasonable opportunity to raise and pursue his claim for withholding of deportation.”* (at 3)

*“Freedom from imprisonment — from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that the [Due Process] Clause protects.”* (at 5)

*“That would be the moment prior to Petitioner’s detention.”* (at 9)

## FACTUAL BACKGROUND

Petitioner, a Salvadoran national, entered the United States without inspection in July 2022 and was placed in expedited removal proceedings. Although an Immigration Judge denied asylum and withholding of removal, the judge found that petitioner was more likely than not to suffer torture or death if returned to El Salvador and granted deferral of removal under the Convention Against Torture. DHS released petitioner on an Order of Supervision in February 2023, but ICE rearrested and redetained him during a required check-in on June 25, 2025, without an apparent hearing concerning changed circumstances, danger to the community, or flight risk. At the time of the order, petitioner had remained out of custody for more than two years, had complied with supervision, had no criminal record, and had not received a hearing before a neutral decisionmaker.

## PROCEDURAL HISTORY

Petitioner entered the United States in 2022, received a positive credible-fear determination, and was granted deferral of removal under the Convention Against Torture after an Immigration Judge found that he faced a likelihood of torture or death in El Salvador. DHS released him on an Order of Supervision in February 2023. ICE rearrested and detained him in June 2025, after which he filed a § 2241 petition and motion for temporary restraining order. Following briefing and a hearing, the district court granted the motion.

## DISPOSITION

other

## CASES CITED

- *Stuhlbarg International Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014)
- *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011)
- *Ortega v. Kaiser*, 2025 WL 1771438, at \*3 (N.D. Cal. June 26, 2025)
- *Torres-Aguilar v. I.N.S.*, 246 F.3d 1267, 1270 (9th Cir. 2001)
- *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009 (W.D. Wash. 2019)
- *Mathews v. Eldridge*, 424 U.S. 319, 335, 349 (1976)
- *Kossov v. I.N.S.*, 132 F.3d 405, 408 (7th Cir. 1998)

- Najjar v. Lunch, 630 F. App'x 724 (9th Cir. 2016)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Doe v. Becerra, 2025 WL 691664, at \*4-6 (E.D. Cal. 2025)
- Galindo Arzate v. Andrews, 2025 WL 2230521, at \*4 (E.D. Cal. Aug. 4, 2025)
- Pinchi v. Noem, 2025 WL 1853763, at \*1-3 (N.D. Cal. July 4, 2025)
- Singh v. Andrews, 2025 WL 1918679, at \*1, \*10 (E.D. Cal. July 11, 2025)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Diaz v. Kaiser, 2025 WL 1676854, at \*3 (N.D. Cal. June 14, 2025)
- Hernandez v. Sessions, 872 F.3d 976, 995 (9th Cir. 2017)
- A.A.R.P. v. Trump, 145 S. Ct. 1364, 1367 (2025)
- Baird, 81 F.4th 1039, 1040 (9th Cir. 2023)
- Index Newspapers LLC v. U.S. Marshals Service, 977 F.3d 817, 838 (9th Cir. 2020)
- Demore v. Kim, 538 U.S. 510, 517-20, 523, 527-30 (2003)
- Prieto-Romero v. Clark, 534 F.3d 1053, 1056-57 (9th Cir. 2008)
- Doe v. Noem, 778 F. Supp. 3d 1151, 1166 (W.D. Wash. 2025)
- GoTo.com, Inc. v. Walt Disney Co., 202 F.3d 1199, 1210 (9th Cir. 2000)