

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bounlay Phommavongsa v. Christopher Chestnut, et al.

Bounlay Phommavongsa v. Christopher Chestnut, No. 1:25-cv-01852-JLT-CDB (HC) (E.D. Cal. Jan. 15, 2026) ·
No. 1:25-cv-01852-JLT-CDB (HC) · Decided January 15, 2026

SUMMARY

These Findings and Recommendations address Bounlay Phommavongsa’s motion for a preliminary injunction in a 28 U.S.C. § 2241 habeas action challenging his immigration detention. The court recommends granting the motion, concluding that prudential exhaustion should be waived and that Petitioner has shown a likelihood of success on an as-applied due process challenge to his prolonged detention under 8 U.S.C. § 1226(c). The requested relief includes release under appropriate supervision and an injunction against removal while the habeas petition is pending.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court, Eastern District of California
DECIDED	January 15, 2026
DOCKET	1:25-cv-01852-JLT-CDB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2241 habeas petition challenging his immigration detention and moved for a preliminary injunction requiring immediate release and prohibiting removal while the petition was pending. The magistrate judge issued findings and recommendations recommending that the motion be granted.
STANDARD OF REVIEW	Preliminary injunction under Winter v. Natural Resources Defense Council, Inc.; the court considered likelihood of success, likely irreparable harm, the balance of equities, and the public interest. The procedural due process claim was analyzed under the Mathews v. Eldridge balancing test.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Bounlay Phommavongsa v. Christopher Chestnut, et al.

TOPICS

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QUESTIONS PRESENTED

1. Whether prudential exhaustion of administrative remedies should be waived because pursuing those remedies would be futile and continued detention would cause irreparable harm.
2. Whether petitioner was likely to succeed on an as-applied procedural due process challenge to his prolonged immigration detention under 8 U.S.C. § 1226(c) without a bond or custody-redetermination hearing.
3. Whether petitioner satisfied the Winter factors for a preliminary injunction requiring immediate release and limiting any renewed detention absent a bond hearing or material change in circumstances.

HOLDINGS

1. The prudential exhaustion requirement should be waived because administrative remedies would be futile where respondents maintained that petitioner was subject to mandatory detention and petitioner had no meaningful administrative avenue for release, while continued detention caused irreparable harm.
2. Petitioner demonstrated a likelihood of success on his as-applied procedural due process claim because his lengthy, compliant release under an order of supervision created a protected liberty interest, and re-detention without a bond or custody-redetermination hearing presented a substantial risk of erroneous deprivation.
3. Petitioner satisfied the requirements for preliminary injunctive relief because he was likely to succeed on his procedural due process claim, continued detention constituted likely irreparable harm, and the balance of equities and public interest favored relief.

KEY QUOTATIONS

“A preliminary injunction is an extraordinary remedy never awarded as of right.” (at 3)

“freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” (at 9)

“In sum, the undersigned finds that, under Mathews, Petitioner demonstrates a likelihood of success on the merits of his claims asserting violations of his procedural due process rights.” (at 15)

FACTUAL BACKGROUND

Petitioner, a Laotian national who entered the United States as a refugee child and later became a lawful permanent resident, was ordered removed to Laos in 2006 based on criminal convictions. He was released on an order of supervision in 2007 after the government could not effectuate removal and remained free for more than 18 years, complying with supervision requirements and establishing family, employment, and community ties. ICE re-detained him in June 2025, but an immigration judge later reopened his removal case and stayed

removal, and respondents identified no material change showing that petitioner was dangerous or a flight risk. Petitioner remained detained without a bond hearing while the government pursued renewed removal proceedings.

PROCEDURAL HISTORY

Petitioner filed the habeas petition on December 14, 2025, and moved for a preliminary injunction on December 18, 2025. After ordering respondents to show cause, the court received respondents' opposition and petitioner's reply. The magistrate judge recommended immediate release, a limitation on re-detention absent a bond hearing or material change in circumstances, and a joint status report after any adoption of the recommendations by the assigned district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

The magistrate judge recommended that the assigned district judge adopt the findings and recommendations, grant the motion for preliminary injunction, order respondents to release petitioner immediately, prohibit re-detention for more than 14 days without a bond hearing before a neutral arbiter at which the government must prove by clear and convincing evidence that petitioner is a flight risk, danger to the community, or subject to lawful re-detention because of a material change in removal circumstances, and require a joint status report within 14 days after adoption.

CASES CITED

- Chavarria v. Chestnut, No. 1:25-CV-01755-DAD-AC, 2025 WL 3533606, at *4 (E.D. Cal. Dec. 9, 2025)
- L. v. Lamarque, 351 F.3d 919, 924 (9th Cir. 2003)
- McElyea v. Babbitt, 833 F.2d 196, 197-98 (9th Cir. 1987)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Munaf v. Geren, 553 U.S. 674, 689-90 (2008)
- Glossip v. Gross, 576 U.S. 863, 876 (2015)
- Weinberger v. Romero-Barcelo, 456 U.S. 305, 311-12 (1982)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1131 (9th Cir. 2011)
- Simon v. City & County of San Francisco, 135 F.4th 784, 797 (9th Cir. 2025)
- Env't Prot. Info. Ctr. v. Carlson, 968 F.3d 985, 989 (9th Cir. 2020)
- Friends of the Wild Swan v. Weber, 767 F.3d 936, 942 (9th Cir. 2014)
- Lackey v. Stinnie, 604 U.S. 192, 200 (2025)
- Tanner Motor Livery, Ltd. v. Avis, Inc., 316 F.2d 804, 809 (9th Cir. 1963)
- Laing v. Ashcroft, 370 F.3d 994, 997-1000 (9th Cir. 2004)
- Castro-Cortez v. INS, 239 F.3d 1037, 1047 (9th Cir. 2001)

- *United States v. Pirro*, 104 F.3d 297, 299 (9th Cir. 1997)
- *McKart v. United States*, 395 U.S. 185, 193 (1969)
- *El Rescate Legal Services, Inc. v. Executive Office of Immigration Review*, 959 F.2d 742, 746 (9th Cir. 1991)
- *Stratman v. Watt*, 656 F.2d 1321, 1325-26 (9th Cir. 1981)
- *Murillo v. Mathews*, 588 F.2d 759, 762 n.8 (9th Cir. 1978)
- *Avilez v. Garland*, 69 F.4th 525, 533-34 (9th Cir. 2023)
- *Jennings v. Rodriguez*, 583 U.S. 281, 303-06 (2018)
- *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1254-55 (W.D. Wash. 2025)
- *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019)
- *Cortez v. Sessions*, 318 F. Supp. 1134, 1138-39 (C.D. Cal. 2018)
- *Kakkar v. Chestnut*, No. 1:25-CV-1627 JLT SAB, 2025 WL 3638298, at *4-5 (E.D. Cal. Dec. 15, 2025)
- *Nielsen v. Preap*, 586 U.S. 392, 396, 420 (2019)
- *Perera v. Jennings*, No. 21-cv-04136-BLF, 2021 WL 2400981, at *4 (N.D. Cal. June 11, 2021)
- *Pham v. Becerra*, No. 23-cv-01288-CRB, 2023 WL 2744397, at *5 (N.D. Cal. Mar. 31, 2023)
- *Carballo v. Andrews*, No. 1:25-cv-00978-KES-EPG, 2025 WL 2381464, at *4 (E.D. Cal. Aug. 15, 2025)
- *United States v. Quintero*, 995 F.3d 1044, 1051-52 (9th Cir. 2021)
- *United States v. Salerno*, 481 U.S. 739, 746 (1987)
- *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)
- *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)
- *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011)
- *Garcia v. Andrews*, No. 2:25-cv-01884-TLN-SCR, 2025 WL 1927596, at *2 (E.D. Cal. July 14, 2025)
- *Kentucky Department of Corrections v. Thompson*, 490 U.S. 454, 460 (1989)
- *Guillermo M.R. v. Kaiser*, 791 F. Supp. 3d 1021, 1031 (N.D. Cal. 2025)
- *Nak Kim Chhoeun v. Marin*, 442 F. Supp. 3d 1233, 1245 (C.D. Cal. 2020)
- *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1093-94, 1099 (E.D. Cal. 2025)
- *Ramazan M. v. Tonya Andrews*, No. 1:25-cv-01356-KES-SKO (HC), 2025 WL 3145562, at *5-6 (E.D. Cal. Nov. 10, 2025)
- *Daley v. Andrews*, No. 1:25-cv-00922-KES-CDB, 2026 WL 101840, at *9-10 (E.D. Cal. Jan. 14, 2026)
- *A.E. v. Andrews*, No. 1:25-cv-00107-KES-SKO, 2025 WL 1424382, at *5 (E.D. Cal. May 16, 2025)
- *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019)
- *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025)
- *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)
- *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005)
- *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *Roman v. Wolf*, 977 F.3d 935, 940-41 (9th Cir. 2020)
- *Hernandez v. Sessions*, 872 F.3d 976, 994, 996 (9th Cir. 2017)

- *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983)
- *Index Newspapers LLC v. U.S. Marshals Service*, 977 F.3d 817, 838 (9th Cir. 2020)
- *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005)
- *Jorge M.F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014)

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