

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Daniela M. Toledo Hernandez v. Pamela Bondi, U.S. Attorney
General, et al.

Toledo Hernandez v. Bondi · No. 26cv0036-LL-MMP · Decided January 13, 2026

SUMMARY

The United States District Court for the Southern District of California denied Daniela M. Toledo Hernandez’s ex parte motion for a temporary restraining order seeking to prevent ICE from detaining or removing her at an adjustment-of-status interview. The court held that Plaintiff had not shown a sufficient likelihood of irreparable harm because the cited arrests of similarly situated applicants did not establish that her own arrest and detention were likely.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 13, 2026
DOCKET	26cv0036-LL-MMP
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought an ex parte temporary restraining order preventing Immigration and Customs Enforcement from detaining her at an adjustment-of-status interview and removing her, and requesting immediate release if detention occurred.
STANDARD OF REVIEW	A temporary restraining order and preliminary injunction are governed by substantially identical standards. The movant must show a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest. In the Ninth Circuit, a sliding-scale approach may apply when there are serious questions going to the merits and the balance of hardships tips sharply toward the movant, provided the irreparable-injury and public-interest requirements are also satisfied.
PRECEDENTIAL VALUE	nonprecedential district court order

PARTIES

Daniela M. Toledo Hernandez v. Pamela Bondi, U.S. Attorney General, et al.

TOPICS

injunctions

adjustment of status

removal proceedings

immigration

equitable relief

PRACTICE AREAS

immigration

civil procedure

equitable relief

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to a temporary restraining order preventing ICE from detaining her at her adjustment-of-status interview and removing her.
2. Whether Plaintiff demonstrated a likelihood of irreparable harm sufficient to support extraordinary injunctive relief.

HOLDINGS

1. Plaintiff failed to establish that her arrest and detention at the adjustment-of-status interview were likely; evidence that similarly situated applicants had been arrested did not, without more concrete or individualized facts, satisfy the irreparable-harm requirement.
2. The legal standard for a temporary restraining order is substantially identical to the standard for a preliminary injunction.

KEY QUOTATIONS

“Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with our characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” (at 2)

FACTUAL BACKGROUND

Plaintiff was scheduled to attend an adjustment-of-status interview on January 14, 2026, at the USCIS San Diego Field Office. She submitted declarations concerning three similarly situated applicants who were arrested at adjustment-of-status interviews in December 2025, a declaration from another attorney who witnessed an ICE arrest at such an interview on November 12, 2025, and news reports describing similar arrests. The court found that these materials did not establish that Plaintiff herself was likely to be arrested and detained.

PROCEDURAL HISTORY

Plaintiff filed an ex parte motion for a temporary restraining order at ECF No. 3. Defendants filed an opposition at ECF No. 6. The district court denied the motion because Plaintiff failed to demonstrate that her arrest and detention were likely to occur.

DISPOSITION

other

CASES CITED

- *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974)
- *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- *City & Cty. of San Francisco v. United States Citizenship & Immigr. Servs.*, 944 F.3d 773, 789 (9th Cir. 2019)
- *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 22 (2008)
- *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011)

OPINION

Bondi

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 DANIELA M. TOLEDO HERNANDEZ, Case No.: 26cv0036-LL-MMP 12 Plaintiff,

ORDER DENYING EX PARTE

13 v. MOTION FOR TEMPORARY

RESTRAINING ORDER

14 PAMELA BONDI, U.S. Attorney General, et al., 15 [ECF No. 3] Defendants. 16 17 18 19
Before the Court is Plaintiff Daniela M. Toledo Hernandez's Ex Parte Motion for a 20 Temporary
Restraining Order precluding Immigration and Customs Enforcement (ICE) 21 from detaining
Plaintiff at her adjustment-of-status interview on January 14, 2026 at the 22 USCIS San Diego
Field Office "and then removing Plaintiff, and, if that would happen, for 23 her immediate
release." ECF No. 3 at 3. Respondents filed an Opposition. ECF No. 6. For 24 the reasons set forth
below, the Court DENIES Plaintiff's Motion. 25 The purpose of a temporary restraining order
(TRO) is to preserve the status quo and 26 prevent irreparable harm until a preliminary injunction
may be held. *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No.*
70 of Alameda Cty., 415 U.S. 423, 28 439 (1974). The legal standard for a TRO and a preliminary
injunction is "substantially 1 identical." *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d
832, 839 n.7 2 (9th Cir. 2001). The party seeking a preliminary injunction must establish that (1)
he is 3 likely to succeed on the merits, (2) he will likely suffer irreparable harm in the absence of 4
preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in 5 the
public interest. *City & Cty. of San Francisco v. United States Citizenship & Immigr. 6 Servs.*, 944
F.3d 773, 789 (9th Cir. 2019) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 7 555 U.S. 7, 20
(2008)). In the Ninth Circuit, the court may apply a sliding scale test in 8 which "serious questions

going to the merits” and a balance of hardships that tips sharply 9 toward the moving party can support the issuance of a preliminary injunction, as long as 10 there is also a showing of a likelihood of irreparable injury and that the injunction is in the 11 public interest. All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011). 12 The Court finds Plaintiff has failed to show that she is likely to suffer irreparable 13 harm in the absence of preliminary relief. Plaintiff’s counsel includes declarations from 14 herself regarding three similarly situated applicants who were arrested at their adjustment- 15 of-status interviews in December 2025 at the USCIS field office in San Diego [ECF No. 3 16 at 26–27] and another attorney regarding an ICE arrest she witnessed at an adjustment-of- 17 status interview on November 12, 2025 [ECF No. 3 at 23] at the USCIS field office in San 18 Diego. Plaintiff also includes news reports primarily from December 2025 describing ICE 19 arrests of applicants at their adjustment-of-status interviews at the USCIS field office in 20 San Diego. ECF No. 3 at 31–47. However, Plaintiff has not demonstrated that such an 21 arrest is likely to happen to her. Although there have been similarly situated people who 22 have been arrested, there is no indication of whether the majority of applicants are arrested 23 or not. Without more concrete or individualized facts about the likelihood of Plaintiff’s 24 arrest and detention, the Court cannot enjoin Defendants. See Winter, 555 U.S. at 22 25 / / / 26 / / / 27 / / / 28 / / / 1 ||C‘Issuing a preliminary injunction based only on a possibility of irreparable harm is 2 ||inconsistent with our characterization of injunctive relief as an extraordinary remedy that 3 ||may only be awarded upon a clear showing that the plaintiff is entitled to such relief.”). 4 || Accordingly, the Court DENIES the Motion for Temporary Restraining Order. 5 IT IS SO ORDERED. 6 ||Dated: January 13, 2026 NO 7 CF | g Honorable Linda Lopez 9 United States District Judge 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28