

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

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OPINION

Bondi

PER CURIAM.

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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