

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Patricia Augusta Hetzel Silva, et al. v. Kristi Noem, et al.

Hetzel Silva v. Noem · No. 25-cv-3515-AGS-BLM · Decided December 15, 2025

SUMMARY

The United States District Court for the Southern District of California denied plaintiffs’ motion for a temporary restraining order seeking to prevent defendants from arresting, detaining, or initiating removal proceedings against them at scheduled I-485 interviews. The court declined to resolve whether service was required before emergency injunctive relief because plaintiffs failed to clearly demonstrate a likelihood of imminent irreparable harm.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 15, 2025
DOCKET	25-cv-3515-AGS-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for a temporary restraining order barring defendants from arresting, detaining, or initiating removal proceedings against them at scheduled I-485 interviews. The district court denied the motion and vacated the scheduled hearing.
STANDARD OF REVIEW	A temporary restraining order is evaluated under the same substantive standard as a preliminary injunction. Plaintiffs must clearly demonstrate a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities tips in their favor, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	unknown

TOPICS

- injunctions
- immigration detention
- removal proceedings
- service of process
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court could issue a temporary restraining order before defendants had been served.
2. Whether plaintiffs established the prerequisites for a temporary restraining order, particularly a likelihood of irreparable harm.

HOLDINGS

1. The court did not decide whether service of process was required before emergency injunctive relief could issue because plaintiffs independently failed to satisfy the requirements for a temporary restraining order.
2. Plaintiffs were not entitled to a temporary restraining order because they failed to clearly demonstrate that they were likely to suffer irreparable harm in the absence of preliminary relief.

KEY QUOTATIONS

“an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” (at 2)

“Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the] 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

Plaintiffs were marriage-based I-485 applicants scheduled for mandatory interviews. They feared that Immigration and Customs Enforcement might arrest or detain them during or immediately after the interviews based on alleged prior threats and enforcement policies. They did not identify policies, practices, or communications substantiating those alleged threats or demonstrating that detention was likely to occur.

PROCEDURAL HISTORY

Plaintiffs filed an action seeking emergency injunctive relief against federal defendants. Defendants argued that the court lacked jurisdiction to issue a temporary restraining order because plaintiffs had not properly served them. The court declined to resolve the service and personal-jurisdiction issue because plaintiffs failed to establish the likelihood of imminent irreparable harm required for a temporary restraining order.

DISPOSITION

other

CASES CITED

- *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 350 (1999)

- *Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983)
- *Camargo Alejo v. Vista Det. Facility*, No. 3:25-cv-0258-AGS-JLB, 2025 WL 2084925, at *2 (S.D. Cal. July 24, 2025)
- *Security & Exch. Comm’n v. MCC Int’l Corp.*, No. 22-12281, 2024 WL 1508281, at *2 (11th Cir. Apr. 8, 2024)
- *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20, 22 (2008)
- *Synopsys, Inc. v. AzurEngine Techs.*, 401 F. Supp. 3d 1068, 1072 (S.D. Cal. 2019)

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