

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Kaifeng Wang v. Todd Lyons, et al.

Wang · No. 25-cv-10794-WHO · Decided December 18, 2025

SUMMARY

The United States District Court for the Northern District of California granted Kaifeng Wang’s ex parte motion for a temporary restraining order challenging his ongoing ICE detention. The court ordered Wang’s immediate release and barred his re-detention without a pre-deprivation hearing before a neutral decisionmaker, with the government required to establish by clear and convincing evidence that detention is necessary to prevent flight or protect the public. The order remained effective until January 15, 2026, and set a preliminary-injunction hearing for January 8, 2026.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 18, 2025
DOCKET	25-cv-10794-WHO
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner-plaintiff moved ex parte for a temporary restraining order requiring his release from immigration detention and prohibiting his re-detention without a hearing.
STANDARD OF REVIEW	Temporary restraining order and preliminary injunction factors under Winter v. Natural Resources Defense Council, Inc.; for an ex parte TRO, Federal Rule of Civil Procedure 65(b)(1) requires specific facts showing immediate and irreparable injury before the opposing party can be heard and written certification of efforts to provide notice.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order granting a temporary restraining order
PARTIES	Kaifeng Wang v. Todd Lyons, et al.

TOPICS

immigration detention

procedural due process

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Wang satisfied the requirements for an ex parte temporary restraining order.
2. Whether Wang demonstrated a likelihood of success on his claim that continued immigration detention without a hearing violated procedural due process under the Fifth Amendment.
3. Whether the requested relief was necessary to prevent irreparable harm and preserve the status quo.
4. Whether Wang could be released and protected from re-detention unless the government first established by clear and convincing evidence before a neutral decisionmaker that detention was necessary to prevent flight or protect the public.
5. Whether security under Federal Rule of Civil Procedure 65(c) should be required.

HOLDINGS

1. Wang satisfied Federal Rule of Civil Procedure 65(b)(1) because counsel's affidavit showed immediate and irreparable injury from continued detention before defendants could be heard, and counsel certified efforts to provide notice.
2. Wang demonstrated a likelihood of success on his claim that his continued immigration detention without a hearing violated procedural due process under the Fifth Amendment.
3. Defendants were enjoined from re-detaining Wang unless they first provided a hearing before a neutral decisionmaker at which the government established by clear and convincing evidence that detention was necessary to prevent flight or protect the public.
4. Wang demonstrated irreparable harm because continued detention likely constituted an unconstitutional deprivation of physical liberty.
5. The balance of equities and public interest favored granting the TRO because the government's potential harm from a short delay in detention was minimal compared with Wang's ongoing constitutional injury.
6. The court waived the filing of a bond under Federal Rule of Civil Procedure 65(c).

KEY QUOTATIONS

“I ORDER defendants to release Wang from his ongoing detention and prohibit defendant from re-arresting or otherwise re-detaining Wang without first providing him a hearing before an immigration judge at which the government establishes by clear and convincing evidence that revocation of his previously-granted interim parole is appropriate because detention is necessary to prevent his flight or to protect the public.” (at 1)

“Noncitizens like Wang who are conditionally released into the United States have a significant liberty interest in remaining out of immigration custody.” (at 3)

“Taken together, the strength of Wang’s liberty interest, the high likelihood of erroneous deprivation, and the government’s minimal countervailing interest demonstrate that Wang is likely to succeed on the merits of his procedural due process claim.” (at 4)

“Defendants are ORDERED to immediately release Wang from custody and are ENJOINED AND RESTRAINED from re-detaining Wang without providing him a pre-deprivation hearing before a neutral decisionmaker at which the government establishes by clear and convincing evidence that detention is appropriate to prevent his flight or to protect the public.” (at 5)

FACTUAL BACKGROUND

Wang, a native and citizen of China, entered the United States without inspection on November 7, 2024. ICE granted him one year of interim parole on December 18, 2024, and he later filed an asylum application based on alleged past persecution by Chinese police. ICE detained him during a routine immigration check-in on December 18, 2025, without providing a bond hearing, completed expedited-removal order, or other comparable procedural protection.

PROCEDURAL HISTORY

Wang was detained by ICE on December 18, 2025, during a routine immigration check-in. He filed this action and moved ex parte for a temporary restraining order. The district court granted the motion, ordered his immediate release, enjoined re-detention absent a pre-deprivation hearing, waived a bond requirement, and ordered defendants to show cause why a preliminary injunction should not issue.

DISPOSITION

other

CASES CITED

- *Washington v. Trump*, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 21 (2008)
- *All. for the Wild Rockies v. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017)
- *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)
- *Hubbard v. City of San Diego*, 139 F.4th 843, 854 (9th Cir. 2025)
- *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018)
- *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974)
- *Demore v. Kim*, 538 U.S. 510, 523 (2003)
- *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Haygood v. Younger*, 769 F.2d 1350, 1357 (9th Cir. 1985) (en banc)

- Pablo Sequen v. Albarran, No. 25-CV-06487-PCP, __ F. Supp. 3d __, 2025 WL 2935630, at *5 (N.D. Cal. Oct. 15, 2025)
- Hurd v. District of Columbia, 864 F.3d 671, 683 (D.C. Cir. 2017)
- Pinchi v. Noem, 792 F. Supp. 3d 1025, 1033 (N.D. Cal. 2025)
- Diaz v. Kaiser, No. 3:25-CV-05071, 2025 WL 167684 (N.D. Cal. June 14, 2025)
- Matter of Guerra, 24 I&N Dec. 37 (BIA 2006)
- Matter of Patel, 17 I&N Dec. 597, 666 (BIA 1976)
- Alvarenga Matute v. Wofford, No. 1:25-CV-01206-KES-SKO, 2025 WL 2817795 (E.D. Cal. Oct. 3, 2025)
- Castro-Cortez v. INS, 239 F.3d 1037, 1049 (9th Cir. 2001), abrogated on other grounds by Fernandez-Vargas v. Gonzales, 548 U.S. 30 (2006)
- Fernandez-Vargas v. Gonzales, 548 U.S. 30 (2006)
- CuvIELlo v. City of Vallejo, 944 F.3d 816, 832 (9th Cir. 2019)
- Baird v. Bonta, 81 F.4th 1036, 1042 (9th Cir. 2023)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Moreno Galvez v. Cuccinelli, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019)
- Youth 71Five Ministries v. Williams, No. 24-101, __ F.4th __, 2025 WL 2385151, at *5 (Aug. 18, 2025)
- Pablo Sequen v. Albarran, __ F. Supp. 3d __, 2025 WL 2650637, at *4 n.2
- Kuzmenko v. Phillips, No. 25-CV-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)