

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Mykola Kovalchuk v. Christopher McGregor, et al.

No. CV-26-01748-PHX-KML (MTM) · No. No. CV-26-01748-PHX-KML (MTM) · Decided March 27, 2026

SUMMARY

The United States District Court for the District of Arizona granted the petitioner’s motion to expedite and extended a temporary restraining order for an additional fourteen days to allow the court to consider the request for a preliminary injunction. The court ordered respondents to file by April 1, 2026, a statement addressing whether they oppose a preliminary injunction limited to the period pending a decision by the First Circuit in the D.V.D. matter.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 27, 2026
DOCKET	No. CV-26-01748-PHX-KML (MTM)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner's motion to expedite and request for preliminary injunctive relief in a habeas proceeding; the court considered whether to extend an existing temporary restraining order.
PRECEDENTIAL VALUE	Unknown
PARTIES	Mykola Kovalchuk v. Christopher McGregor, et al.

TOPICS

- injunctions
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

- Civil procedure
- Immigration
- Habeas corpus
- Injunctive relief

QUESTIONS PRESENTED

1. Whether good cause existed to extend the temporary restraining order for an additional fourteen-day period.

2. Whether respondents should address opposition to a preliminary injunction limited to the period pending the First Circuit's decision in D.V.D.
3. Whether petitioner's individualized request for relief could be considered notwithstanding respondents' argument that the claims were subsumed within D.V.D.

HOLDINGS

1. Good cause existed to extend the temporary restraining order for an additional fourteen days so the court could review the parties' positions and issue a reasoned decision on the request for a preliminary injunction.
2. Respondents were required to file a supplement explaining whether they opposed issuance of a preliminary injunction limited to the period pending the First Circuit's decision in D.V.D.

KEY QUOTATIONS

“Good cause exists to extend the temporary restraining order to allow the court time to review the parties’ positions and issue a reasoned decision on the request for a preliminary injunction.” (at 1)

“In these circumstances, it may be inappropriate to prohibit petitioner from seeking individualized relief in this court.” (at 2)

FACTUAL BACKGROUND

Petitioner sought relief concerning additional procedures before his possible removal to a third country. The court had previously entered a temporary restraining order, which was approaching expiration, and needed additional time to consider the parties' positions and issue a reasoned decision on the request for a preliminary injunction. Respondents asserted that petitioner's claims were subsumed within issues being litigated in D.V.D., but the First Circuit's stay of the final judgment in that matter provided no explanation.

PROCEDURAL HISTORY

The court granted a temporary restraining order on March 15, 2026, set to expire at 10:00 p.m. on March 29, 2026. Petitioner moved to expedite consideration, while respondents argued that petitioner's requested procedures were subsumed within issues being litigated in D.V.D. The court granted the motion to expedite, extended the temporary restraining order for fourteen days, and ordered respondents to file a statement addressing whether they opposed a preliminary injunction limited to the period before the First Circuit rules in D.V.D.

DISPOSITION

other

CASES CITED

- United States v. United Mine Workers of Am., 330 U.S. 258, 301 (1947)
- Dellinger v. Bessent, 768 F. Supp. 3d 30, 33 (D.D.C. 2025)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 9 Mykola Kovalchuk, No. CV-26-01748-PHX-KML (MTM) 10 Petitioner, ORDER 11 v. 12 Christopher McGregor, et al., 13 Respondents. 14 15 The court granted a temporary restraining order on March 15, 2026. (Doc. 5.) That 16 order is set to expire at 10:00 p.m. on March 29, 2026. A temporary restraining order may 17 be extended for an additional fourteen-day period upon a showing of “good cause.” Fed.

18 R. Civ. P. 65(d). Good cause exists to extend the temporary restraining order to allow the 19 court time to review the parties’ positions and issue a reasoned decision on the request for 20 a preliminary injunction. See *United States v. United Mine Workers of Am.*, 330 U.S. 258, 21 301 (1947) (extension appropriate because “[t]here was then in progress argument on 22 defendants’ motion”); *Dellinger v. Bessent*, 768 F. Supp. 3d 30, 33 (D.D.C.

2025) (finding 23 good cause “so that the status quo will be preserved for the brief period of time it takes to 24 complete the written opinion on the... motion for preliminary injunction”). 25 Respondents argue petitioner is not entitled to relief because “his claims seeking 26 additional procedures prior to [his] removal to a third country... are subsumed within the 27 issues being activity litigated in D.V.D.” (Doc.

11 at 7.) The United States Court of Appeals 28 for the First Circuit stayed the final judgment issued in D.V.D., but that court did not 1 || provide any reasoning when doing so. The absence of an explanation means the stay may 2|| be a product of issues unrelated to the viability of individual habeas petitions, such as issues 3|| involving the propriety of class certification.

In these circumstances, it may be 4|| inappropriate to prohibit petitioner from seeking individualized relief in this court. 5 || Respondents must file a supplement explaining if they oppose issuance of a preliminary 6 || injunction limited to the time period pending a decision by the United States Court of Appeals for the First Circuit in the D.V_D. matter.

8 IT IS ORDERED the Motion to Expedite (Doc. 14) is GRANTED. The temporary || restraining order issued on March 15, 2025 is EXTENDED an additional fourteen days || from its current expiration. 11 IT IS FURTHER ORDERED no later than April 1, 2026, respondents shall file a || statement as set forth above. 13 Dated this 27th day of March, 2026. 14 16 oe ne Honorable Krissa M. Lanham 17 United States District Judge 18 19 20 21 22 23 24 25 26 27 28 -2-