

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.

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-