

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

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-

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