

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Amornrit Siripan v. Tonya Andrews, et al.

Amornrit Siripan v. Tonya Andrews, No. 1:25-cv-01933-DC-CKD (HC) (E.D. Cal. Dec. 23, 2025) · No. No. 1:25-cv-01933-DC-CKD (HC) · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Amornrit Siripan’s motion for a temporary restraining order challenging his re-detention by Immigration and Customs Enforcement. The court found that Siripan was likely to succeed on claims that ICE failed to comply with applicable regulations governing revocation of supervised release, including requirements for a changed-circumstances determination and a prompt informal interview. The court ordered his immediate release, restrained respondents from re-arresting or re-detaining him absent compliance with constitutional and regulatory protections, waived a security bond, and ordered respondents to show cause why a preliminary injunction should not issue.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 23, 2025
DOCKET	No. 1:25-cv-01933-DC-CKD (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for a temporary restraining order while pursuing a 28 U.S.C. § 2241 habeas petition challenging his immigration detention.
STANDARD OF REVIEW	A temporary restraining order is governed by a standard substantially identical to that for a preliminary injunction. The movant must show a likelihood of success on the merits, a likelihood of irreparable harm, that the balance of equities favors relief, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order
PARTIES	Amornrit Siripan v. Tonya Andrews, et al.

TOPICS

immigration detention

injunctions

procedural due process

removal proceedings

administrative law

PRACTICE AREAS

immigration

immigration detention

habeas corpus

constitutional law

civil procedure

administrative law

QUESTIONS PRESENTED

1. Whether Siripan was likely to succeed on his claim that ICE violated 8 C.F.R. §§ 241.13(i) and 241.4(l) by revoking his release and re-detaining him without a documented changed-circumstances determination showing a significant likelihood of removal in the reasonably foreseeable future.
2. Whether Siripan was likely to succeed on his claim that ICE failed to provide the prompt informal interview required by 8 C.F.R. §§ 241.13(i)(3) and 241.4(l)(1).
3. Whether the four Winter factors supported issuance of a temporary restraining order.
4. Whether a security bond should be required under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. For purposes of the temporary restraining order, Siripan demonstrated a likelihood of success on his claim that ICE violated 8 C.F.R. § 241.13(i)(2) by revoking his release without evidence that, because of changed circumstances existing before re-detention, his removal was significantly likely in the reasonably foreseeable future.
2. For purposes of the temporary restraining order, Siripan demonstrated a likelihood of success on his claim that ICE failed to provide the prompt informal interview required by 8 C.F.R. §§ 241.13(i)(3) and 241.4(l)(1).
3. All four Winter factors favored temporary injunctive relief, so the court granted Siripan's motion for a temporary restraining order.
4. No security bond was required under Federal Rule of Civil Procedure 65(c).

KEY QUOTATIONS

“The standard governing the issuing of a temporary restraining order is “substantially identical” to the standard for issuing a preliminary injunction.” (at 2)

“As mandated by Congress, the default status after the 90-day removal period is therefore release on conditions, not detention.” (at 6)

“Government agencies are required to follow their own regulations.” (at 7)

“Respondents cannot reasonably assert that the public and government will be harmed in any legally cognizable sense by being enjoined from violating Petitioner’s due process rights, which is the case here.” (at 9)

FACTUAL BACKGROUND

Amornrit Siripan, a 73-year-old Thai national and lawful permanent resident, was ordered removed to Thailand in 2004 based on criminal convictions and was released from immigration custody on an order of supervision in 2005. ICE re-detained him on October 14, 2025, after an appointment, stating that Thailand was reviewing his case for a travel document while also stating that removal was not imminent. The record did not show that ICE had made a pre-detention determination that changed circumstances created a significant likelihood of removal in the reasonably foreseeable future, or that ICE had provided the prompt informal interview required after revocation of supervised release.

PROCEDURAL HISTORY

Siripan filed a § 2241 petition and a concurrent motion for a temporary restraining order on December 18, 2025. Respondents filed an opposition on December 22, 2025. The court granted temporary injunctive relief, ordered Siripan's immediate release, barred re-arrest or re-detention absent compliance with constitutional and regulatory protections, and ordered Respondents to show cause why a preliminary injunction should not issue.

DISPOSITION

other

CASES CITED

- Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Stuhlbarg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Klein v. City of San Clemente, 584 F.3d 1196, 1201 (9th Cir. 2009)
- Cal. Rifle & Pistol Ass'n, Inc. v. Los Angeles Cnty. Sheriff's Dep't, 745 F. Supp. 3d 1037, 1048 (C.D. Cal. 2024)
- Johnson v. Couturier, 572 F.3d 1067, 1083, 1086 (9th Cir. 2009)
- Am. Hotel & Lodging Ass'n v. City of Los Angeles, 119 F. Supp. 3d 1177, 1185 (C.D. Cal. 2015)
- Alva v. Kaiser, No. 25-cv-06676-RFL, 2025 WL 2419262, at *3 (N.D. Cal. Aug. 21, 2025)
- Khamba v. Albarran, No. 1:25-cv-01227-JLT-SKO, 2025 WL 2959276, at *7 (E.D. Cal. Oct. 17, 2025)
- Nguyen v. Hyde, 788 F. Supp. 3d 144, 150 (D. Mass. 2025)
- Kong v. United States, 62 F.4th 608, 620 (1st Cir. 2023)
- United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954)
- Nat'l Ass'n of Home Builders v. Norton, 340 F.3d 835, 852 (9th Cir. 2003)
- Waldron v. I.N.S., 17 F.3d 511, 518 (2d Cir. 1994)
- Diaz v. Wofford, No. 1:25-cv-01079-JLT-EPG, 2025 WL 2581575, at *7 (E.D. Cal. Sept. 5, 2025)
- Zhu v. Genalo, No. 1:25-cv-06523-JLR, 2025 WL 2452352, at *9 (S.D.N.Y. Aug. 26, 2025)
- Tran v. Noem, No. 3:25-cv-02391-BTM-BLM, 2025 WL 3005347, at *2 (S.D. Cal. Oct. 27, 2025)
- Duong v. Charles, No. 1:25-cv-01375-SKO, 2025 WL 3187313, at *3 (E.D. Cal. Nov. 14, 2025)
- Sphabmixay v. Noem, No. 25-cv-2648-LL-VET, 2025 WL 3034071, at *2 (S.D. Cal. Oct. 30, 2025)

- Sun v. Noem, No. 3:25-cv-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025)
- J.R.M.J. v. Wofford, No. 1:25-cv-01567-DC-SCR, 2025 WL 3295593, at *5 (E.D. Cal. Nov. 26, 2025)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- Warsoldier v. Woodford, 418 F.3d 989, 1001-02 (9th Cir. 2005)
- Drakes Bay Oyster Co. v. Jewell, 747 F.3d 1073, 1092 (9th Cir. 2014)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Vargas v. Jennings, No. 20-cv-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020)
- Preminger v. Principi, 422 F.3d 815, 826 (9th Cir. 2005)
- Valencia Zapata v. Kaiser, No. 25-cv-07492-RFL, 2025 WL 2741654, at *13 (N.D. Cal. Sept. 26, 2025)
- Salcedo Aceros v. Kaiser, No. 25-cv-06924-EMC, 2025 WL 2637503, at *14 (N.D. Cal. Sept. 12, 2025)
- Zepeda v. U.S. Immigr. & Nat. Serv., 753 F.2d 719, 727 (9th Cir. 1985)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)
- Diaz v. Brewer, 656 F.3d 1008, 1015 (9th Cir. 2011)
- Lepe v. Andrews, No. 25-cv-01163-KES-SKO, 2025 WL 2716910, at *10 (E.D. Cal. Sept. 23, 2025)
- Pinchi v. Noem, No. 25-cv-05632-RMI-RFL, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025)

OPINION

(HC)Siripan

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 AMORNRIT SIRIPAN, No. 1:25-cv-01933-DC-CKD (HC)

12 Petitioner,

13 v. ORDER GRANTING PETITIONER'S

MOTION FOR TEMPORARY

14 TONYA ANDREWS, et al., RESTRAINING ORDER

15 Respondents. (Doc. No. 2) 16 17 This matter is before the court on Petitioner's motion for a
 temporary restraining order 18 (Doc. No. 2), which Petitioner concurrently filed with a petition for
 a writ of habeas corpus 19 brought under 28 U.S.C. § 2241, challenging his ongoing immigration
 detention. (Doc. No. 1.) 20 For the reasons explained below, the court will grant Petitioner's
 motion for a temporary 21 restraining order.

22 BACKGROUND

23 A. Factual Background 24 Petitioner is a 73-year-old man who was born in Thailand. (Doc. No.
 1 at ¶ 1.) Petitioner 25 entered the United States in 1969 on a student visa, when he was around 16
 or 17 years old. (Id. at 26 ¶ 2.) He later became a lawful permanent resident based on his marriage

to a U.S. citizen. (Id. at 27 ¶ 21.)

28 In 1988, Petitioner was convicted in Los Angeles County of oral copulation of a person
1 under fourteen years of age, rape by the use of drugs, rape by force, and kidnapping in violation
2 of California Penal Code §§ 288a(c)(1), 261(a)(3), 261(a)(2), and 207(a). (Id. at ¶ 22.) Petitioner
3 states that he served “around four years in prison.” (Id. at ¶ 22.) Petitioner also served
“additional 4 years in prison” for failing to register as a sex offender in Santa Clara County,
around 2001. (Id.) 5 Though the exact date is unknown, Petitioner was taken into Immigration and
Customs 6 Enforcement (“ICE”) custody after his release from prison. (Id. at ¶ 23.) An
Immigration Judge 7 ordered Petitioner removed to Thailand on February 26, 2004, based on his
criminal convictions. 8 (Id.) Petitioner remained in ICE custody until he was released on an Order
of Supervision 9 (“OSUP”) on April 5, 2005. (Id. at ¶ 24.)

10 In 2010, Petitioner was sentenced to five years of probation and 180 days in county jail to
11 be served via electronic monitoring after pleading no contest to failing to register as a sex 12
offender, in violation of California Penal Code §§ 290(b) and 290.018(b), in Alameda County. 13
(Id. at ¶ 22.) 14 On August 29, 2025, Petitioner attended an ICE check-in appointment in San
Francisco, 15 California. (Id. at ¶ 28.) An ICE officer instructed Petitioner to assist in obtaining a
travel 16 document to Thailand. (Id.) Petitioner states he called the Thai embassy, but an embassy
officer 17 told him that the government of Thailand would not issue him a travel document unless
he could 18 prove Thai citizenship with a birth certificate or passport, which Petitioner does not
have. (Id. at ¶ 19 29.) 20 On October 14, 2025, Petitioner was detained after he arrived for another
ICE check-in 21 appointment. (Id. at ¶ 31.) Upon re-detainment, Petitioner received a formal
“Notice of 22 Revocation of Release,” dated October 14, 2025, that stated Petitioner’s “case is
currently under 23 review by the Government of Thailand for the issuance of a travel document”
and that his 24 “removal is not imminent.” (Id. at ¶ 34.) Petitioner also received a Warrant for
Arrest (Form I- 25 200), which stated he was being detained because ICE had probable cause to
believe Petitioner is 26 removable from the United States. (Id. at ¶ 35.) 27 On October 16, 2025,
Petitioner was transferred to Golden State Annex, a detention center 28 located in McFarland,
California, where he remains detained. (Id. at ¶ 36.) 1 B. Procedural Background 2 On December
18, 2025, Petitioner filed a petition for writ of habeas corpus pursuant to 3 28 U.S.C. § 2241.
(Doc. No. 1.) In his petition, Petitioner brings the following claims: 4 (1) violation of his
procedural due process rights under the Fifth Amendment to the Constitution 5 based on his re-
detention; (2) violation of his substantive due process rights under the Fifth 6 Amendment based
on his re-detention; (3) violation of the Immigration and Nationality Act 7 (“INA”) and applicable
regulations, including 8 C.F.R. § 241.13(i) and 8 C.F.R. § 241.4(l); and 8 (4) unconstitutionally
inadequate procedures regarding third country removal in violation of his 9 due process rights
under the Fifth Amendment and in violation of the Administrative Procedure 10 Act (“APA”).
(Doc. No. 1 at 15–22.) 11 Also on December 18, 2025, Petitioner filed the pending motion for a
temporary 12 restraining order. (Doc. No. 2.) In his motion, Petitioner seeks immediate release

from 13 immigration detention and an order preventing his re-detainment unless and until he is afforded a 14 hearing before a neutral adjudicator. (Doc. No. 2-3 at 2.) Respondents filed their response to 15 Petitioner’s motion on December 22, 2025. (Doc. No. 5.)

16 LEGAL STANDARD

17 Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear 18 showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*, 555 19 U.S. 7, 22 (2008) (citation omitted). The standard governing the issuing of a temporary 20 restraining order is “substantially identical” to the standard for issuing a preliminary injunction. 21 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). To 22 obtain either form of injunctive relief, the moving party must show: (1) a likelihood of success on 23 the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary 24 relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction 25 is in the public interest. *Winter*, 555 U.S. at 20 (2008). A plaintiff seeking a temporary restraining 26 order bears the burden of proving these elements. *Klein v. City of San Clemente*, 584 F.3d 1196, 27 1201 (9th Cir. 2009). 28 A district court may consider “the parties’ pleadings, declarations, affidavits, and exhibits 1 submitted in support of and in opposition to the [motion for injunctive relief].” *Cal. Rifle & Pistol 2 Ass’n, Inc. v. Los Angeles Cnty. Sheriff’s Dep’t*, 745 F.Supp.3d 1037, 1048 (C.D. Cal. 2024); see 3 also *Johnson v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009). Any evidentiary issues “properly 4 go to weight rather than admissibility.” *Am. Hotel & Lodging Ass’n v. City of Los Angeles*, 119 F.

5 Supp. 3d 1177, 1185 (C.D. Cal. 2015).

6 ANALYSIS

7 A. Likelihood of Success on the Merits 8 1. Statutory Framework 9 Except in limited circumstances, “when an alien is ordered removed, the Attorney General 10 shall remove the alien from the United States within a period of 90 days (. . . referred to as the 11 ‘removal period’).” 8 U.S.C. § 1231(a)(1)(A). 12 The removal period begins on the latest of the following: 13 (i) The date the order of removal becomes administratively final. 14 (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order. 15 (iii) If the alien is detained or confined (except under an immigration 16 process), the date the alien is released from detention or confinement. 17 8 U.S.C. § 1231(a)(1)(B). 18 Here, there is no suggestion by Respondents that Petitioner’s removal order became final 19 recently such that Petitioner’s removal period is presently ongoing. Rather, the record suggests 20 Petitioner’s removal order was final as of February 26, 2004. (Doc. No. 1-1 at 10.) Further, 21 “[d]uring the removal period, the Attorney General shall detain the alien.” 8 U.S.C. 22 § 1231(a)(2)(A). Where “an alien does not leave or is not removed within the removal period, the 23 alien, pending removal, shall be subject to supervision” 8 U.S.C. 1231(a)(3); see also *Alva v. 24 Kaiser*, No. 25-cv-06676-RFL, 2025 WL 2419262, at *3 (N.D. Cal. Aug. 21, 2025) (“As 25 mandated by Congress, the default status after the 90-day removal period is therefore release on 26 conditions,

not detention.”). Here, Petitioner was released from immigration custody on April 5, 27 2005, subject to OSUP conditions. (Doc. No. 1-1 at 10.) As a result, Petitioner is no longer 28 subject to detention under § 1231(a)(2). The court therefore considers whether Petitioner’s re- 1 detention in October 2025 is lawful under other statutory or regulatory provisions. 2 2. Lawfulness of Petitioner’s Re-detention 3 “Noncitizens subject to a final removal order may be released pursuant to 8 C.F.R. 4 § 241.4(l) or 8 C.F.R. § 241.13.” *Khamba v. Albarran*, No. 1:25-cv-01227-JLT-SKO, 2025 WL 5 2959276, at *7 (E.D. Cal. Oct. 17, 2025) (citation omitted). These regulations also govern the 6 revocation of a noncitizen’s release from custody. See *id.* The formal “Notice of Revocation of 7 Release” indicates that here, Petitioner’s OSUP was revoked pursuant to 8 C.F.R. § 241.4 and 8 8 C.F.R. § 241.13, on account of changed circumstances such that Petitioner’s case “is currently 9 under review by the Government of Thailand for the issuance of a travel document” (Doc.

10 No. 1-1 at 10.)

11 Under 8 C.F.R. § 241.13(i)(2), ICE is authorized to revoke a noncitizen’s release for 12 purposes of removal. Specifically, a noncitizen’s release may be revoked “if, on account of 13 changed circumstances,” it is determined that “there is a significant likelihood that the alien may 14 be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). Upon such a 15 determination: 16 [T]he alien will be notified of the reasons for revocation of his or her release. The Service will conduct an initial informal interview 17 promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the 18 notification. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she 19 be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review 20 will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined 21 warrant revocation and further denial of release. 22 8 C.F.R. § 241.13(i)(3). Further, the revocation of a noncitizen’s supervised release based on a 23 finding of changed circumstances is reviewed in light of the factors set out in 8 C.F.R. 24 § 241.13(f), which “instruct[] ICE on how it should make such a determination.” *Nguyen v. Hyde*, 25 788 F. Supp. 3d 144, 150 (D. Mass. 2025) (quoting *Kong v. United States*, 62 F.4th 608, 620 (1st 26 Cir. 2023)). The § 241.13(f) factors include but are not limited to:

27 [T]he history of the alien’s efforts to comply with the order of removal, the history of the Service’s efforts to remove aliens to the 28 country in question or to third countries, including the ongoing nature 1 of the Service’s efforts to remove this alien and the alien’s assistance with those efforts, the reasonably foreseeable results of those efforts, 2 and the views of the Department of State regarding the prospects for removal of aliens to the country or countries in question. 3 4 8 C.F.R. § 241.13(f). 5 Government agencies are required to follow their own regulations. *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Nat’l Ass’n of Home Builders v. Norton*, 340 7 F.3d 835, 852 (9th Cir. 2003); see also *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir.

1993) 8 (“[W]hen a regulation is promulgated to protect a fundamental right derived from the Constitution 9 or a federal statute, and [the government] fails to adhere to it, the challenged deportation 10 proceeding is invalid.”). In analyzing whether DHS followed the applicable regulations in 11 detaining a noncitizen, other courts have found that “DHS’s failure to follow its own procedural 12 regulations may constitute a due process violation.” *Diaz v. Wofford*, No. 1:25-cv-01079-JLT- 13 EPG, 2025 WL 2581575, at *7 (E.D. Cal. Sept. 5, 2025) (citing *Zhu v. Genalo*, No. 1:25-cv- 14 06523-JLR, 2025 WL 2452352, at *9 (S.D.N.Y. Aug. 26, 2025) (“The Government has 15 significant discretion to enforce the immigration laws and, indeed, to revoke Petitioner’s Order of 16 Supervision . . . [b]ut it must do so consistent with the requirements of its own regulations and the 17 Due Process Clause.”)). 18 Here, Petitioner has demonstrated he is likely to succeed on his claim that ICE did not 19 comply with the applicable regulations under 8 C.F.R. § 241.13(i) when revoking Petitioner’s 20 release. First, to revoke a removable noncitizen’s release under § 241.13(i)(2), ICE must 21 determine that “on account of changed circumstances,” the noncitizen is likely to be removed in 22 the foreseeable future. 8 C.F.R. § 241.13(i)(2). The Notice of Revocation of Release served on 23 Petitioner states that Petitioner’s “case is currently under review by the Government of Thailand 24 for the issuance of a travel document” and that Petitioner’s “removal is not imminent.” (Doc. No. 25 1-1 at 10.) Even if ICE assessed the likelihood of Petitioner’s removal before revoking his 26 release, the re-detention could not have been “on account of” changed circumstances, given that 27 Respondents concede that no travel document for Petitioner has been obtained, only asserting that 28 Enforcement and Removal Operations (“ERO”) “is currently working on obtaining a travel 1 document to Thailand.” (Doc. No. 5 at 2); see *Tran v. Noem*, No. 3:25-cv-02391-BTM-BLM, 2 2025 WL 3005347, at *2 (S.D. Cal. Oct. 27, 2025) (explaining that ICE’s determination 3 regarding the foreseeability of removability must be “made before the removable alien has had 4 his release revoked”). Further, Petitioner states he was asked by a deportation office to fill out a 5 travel document on December 8, 2025, approximately six weeks after he was re-detained. (Doc. 6 No. 1 at ¶ 38); see *Duong v. Charles*, No. 1:25-cv-01375-SKO, 2025 WL 3187313, at *3 (E.D. 7 Cal. Nov. 14, 2025) (finding no evidence of changed circumstances where the government “did 8 not even submit a request to Vietnam for travel documents” until a month after re-detaining 9 petitioner); *Sphabmixay v. Noem*, No. 25-cv-2648-LL-VET, 2025 WL 3034071, at *2 (S.D. Cal. 10 Oct. 30, 2025) (finding no evidence of changed circumstances where the government “did not 11 even submit a request to Laos for travel documents” until a week after re-detaining petitioner). 12 The limited record before the court does not show that a changed circumstances determination 13 was made at or before the Petitioner’s re-detention on October 14, 2025. See *Sun v. Noem*, No. 14 3:25-cv-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal. Sept. 30, 2025) (“ICE’s own 15 regulations thus place the burden on ICE to show changed circumstances that make removal 16 significantly likely in the reasonably foreseeable future.”). Petitioner has therefore shown that 17 ICE likely violated its own rule under § 241.13(i)(2), given the lack of any evidence of a changed

18 circumstance prior to Petitioner’s re-detainment. 19 Second, while it appears from the Notice of Revocation of Release, dated October 14, 20 2025, that Petitioner did receive notice of the reasons why he was re-detained, Petitioner asserts 21 that he has not been provided with the “prompt interview” as required by both § 241.13(i)(3) and 22 § 241.4(l)(1) since his re-detainment two months ago. (Doc. No. 1 at ¶ 9.) Indeed, on the current 23 record before the court, there is no evidence to suggest Petitioner has received the required 24 interview, which would provide him with an opportunity to respond to the reasons for his re- 25 detainment. Instead, Respondents assert that Petitioner has failed to “provide any evidence or 26 details regarding the informal interview pursuant to § 241.13(i).” (Doc. No. 5 at 2.) Notably, 27 Respondents do not assert that Petitioner did receive the interview he is entitled to, nor do they 28 provide any evidence documenting that an interview did in fact occur. Cf. *J.R.M.J. v. Wofford*,

1 No. 1:25-cv-01567-DC-SCR, 2025 WL 3295593, at *5 (E.D. Cal. Nov. 26, 2025) (finding that 2 petitioner had not shown ICE failed to comply with the requirement to provide petitioner with a 3 prompt interview where petitioner signed a document memorializing that interview). Therefore, 4 Petitioner has demonstrated he is likely to succeed on the merits of his claim that ICE violated the 5 applicable regulations because ICE likely failed to provide a “prompt interview” pursuant to 6 § 241.13(i) and § 241.4(l). 7 B. Irreparable Harm 8 “It is well established that the deprivation of constitutional rights ‘unquestionably 9 constitutes irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting 10 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Where, as here, the “alleged deprivation of a 11 constitutional right is involved, most courts hold that no further showing of irreparable injury is 12 necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (quoting *Wright, 13 Miller, & Kane*, Federal Practice and Procedure, § 2948.1 (2d ed. 2004)). The Ninth Circuit has 14 also noted that “unlawful detention certainly constitutes ‘extreme or very serious’ damage, and 15 that damage is not compensable in damages.” *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 16 2017). 17 Therefore, the second Winter factor weighs in favor of granting Petitioner’s request for 18 injunctive relief. 19 C. Balance of the Equities and Public Interest 20 The court now turns to the last two Winter factors. The balance of the equities and public 21 interest analyses merge when the government is the opposing party, as is the case in this action. 22 See *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014) (citing *Nken v. Holder*, 23 556 U.S. 418, 435 (2009)). 24 “Just as the public has an interest in the orderly and efficient administration of this 25 country’s immigration laws, [] the public has a strong interest in upholding procedural protections 26 against unlawful detention.” *Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 WL 5074312, at *4 27 (N.D. Cal. Aug. 23, 2020) (internal quotation marks omitted); see also *Preminger v. Principi*, 422 28 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest concerns are implicated when a 1 constitutional right has been violated, because all citizens have a stake in upholding the 2 Constitution.”). Petitioner has demonstrated that he is likely unlawfully detained in violation of 3 his due process rights and is suffering irreparable harm as a result. 4 On the other hand, the burden on Respondents in releasing

Petitioner from detention is 5 minimal. “[T]he only potential injury that the government faces is a ‘short delay’ in detaining 6 Petitioner[] if it ultimately demonstrates” that detention is necessary to effectuate removal. 7 *Valencia Zapata v. Kaiser*, No. 25-cv-07492-RFL, 2025 WL 2741654, at *13 (N.D. Cal. Sept. 26, 8 2025) (quoting *Salcedo Aceros v. Kaiser*, No. 25-cv-06924-EMC, 2025 WL 2637503, at *14 9 (N.D. Cal. Sept. 12, 2025)). Respondents cannot reasonably assert that the public and government 10 will be harmed in any legally cognizable sense by being enjoined from violating Petitioner’s due 11 process rights, which is the case here. See *Zepeda v. U.S. Immigr. & Nat. Serv.*, 753 F.2d 719, 727 12 (9th Cir. 1983) (finding “the INS cannot reasonably assert that it is harmed in any legally 13 cognizable sense by being enjoined from constitutional violations.”). The court finds that the 14 balance of equities and public interest weigh in favor of granting Petitioner’s requested injunctive 15 relief. Therefore, all four Winter factors weigh in favor of granting Petitioner’s motion for a 16 temporary restraining order. 17 D. Bond 18 A district court may grant preliminary injunctive relief “only if the movant gives security 19 in an amount that the court considers proper to pay the costs and damages sustained by any party 20 found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65. “Rule 65(c) invests the 21 district court with discretion as to the amount of security required, if any.” *Johnson v. Couturier*, 22 572 F.3d 1067, 1086 (9th Cir. 2009) (quoting *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 23 2003)). “In particular, ‘[t]he district court may dispense with the filing of a bond when it 24 concludes there is no realistic likelihood of harm to the defendant from enjoining his or her 25 conduct.’” *Id.* 26 The parties do not address whether the imposition of a security bond is warranted. The 27 court finds that no security bond is required here, given that courts regularly waive a security 28 bond in similar cases and that Respondents have not established the need to impose a security 1 | bond in this case. *Diaz v. Brewer*, 656 F.3d 1008, 1015 (9th Cir. 2011); *Lepe v. Andrews*, No. 25- 2 | cv-01163-KES-SKO, 2025 WL 2716910, at *10 (E.D. Cal. Sep. 23, 2025); *Pinchi v. Noem*, No. 3 |} 25-cv-05632-RMI-RFL, 2025 WL 1853763, at *4 (N.D. Cal. Jul. 4, 2025).

4 CONCLUSION

5 For the reasons explained above: 6 1. Petitioner’s motion for a temporary restraining order (Doc. No. 2) is GRANTED 7 as follows: 8 a. Respondents are ORDERED to immediately release Petitioner from 9 Respondents’ custody; and 10 b. Respondents are ENJOINED AND RESTRAINED from re-arresting or re- 11 detaining Petitioner absent compliance with constitutional protections, 12 which include, at a minimum, strict compliance with the requirements of 8 13 C.F.R. § 241.13@) and 8 C.F.R. § 241.4(); 14 2. Respondents are ORDERED TO SHOW CAUSE no later than December 30, 15 2025, as to why this court should not issue a preliminary injunction on the same 16 terms as this Order. Petitioner may file a response thereto by no later than

17 December 31, 2025. Respondents may file a reply to Petitioner’s response by no 18 later than January 5, 2026. If the parties agree upon a less demanding briefing 19 schedule, the court will consider the parties’ proposal. 20

IT IS SO ORDERED. □

2 | Dated: _December 23, 2025 _ DUC Dena Coggins 23 United States District Judge 24 25 26 27
28 10

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