

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Filippo Eleuteri v. Gregory J. Archambault, et al.

Case No. 25-cv-03620-BAS-DDL (S.D. Cal. Dec. 17, 2025) · No. 25-cv-03620-BAS-DDL · Decided December 17, 2025

SUMMARY

The court orders the government to respond to Filippo Eleuteri’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging his ICE detention. The court denies his ex parte request for a temporary restraining order, sets briefing deadlines on his motion for injunctive relief, and provides notice that it intends to consider consolidation under Federal Rule of Civil Procedure 65(a)(2).

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 17, 2025
DOCKET	25-cv-03620-BAS-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas petition challenging his ICE detention and an ex parte emergency application for a temporary restraining order and immediate release. The district court declined to summarily dismiss the petition, denied the ex parte TRO request, ordered the Government to respond, set a briefing schedule, and provided notice that it intended to consolidate the injunctive-relief proceedings with a determination on the merits under Federal Rule of Civil Procedure 65(a)(2).
STANDARD OF REVIEW	The court applied the standard that summary dismissal of a habeas petition is appropriate only when the allegations are vague or conclusory, palpably incredible, or patently frivolous or false. For ex parte temporary restraining orders, the court applied Rule 65(b) and the requirement that extraordinary circumstances justify proceeding without notice.
PRECEDENTIAL VALUE	Unknown; interlocutory district-court order

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the habeas petition warranted summary dismissal at the initial screening stage.
2. Whether the court should issue an ex parte temporary restraining order without providing the Government notice and an opportunity to respond.
3. Whether the court could provide notice of its intent to consolidate the motion for injunctive relief with a determination on the merits under Federal Rule of Civil Procedure 65(a)(2).

HOLDINGS

1. Summary dismissal was unwarranted at that time because the petition's allegations were not shown to be vague or conclusory, palpably incredible, or patently frivolous or false; therefore, the Government was ordered to respond.
2. The court denied the ex parte request for a temporary restraining order because extraordinary circumstances were not established and the Government should receive notice and a reasonable opportunity to oppose the requested relief.
3. The court provided notice that it intended to consolidate the motion for injunctive relief with a determination on the merits under Rule 65(a)(2), subject to the parties' opportunity to respond.

KEY QUOTATIONS

“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.” (at 2)

“While temporary restraining orders may be heard in true ex parte fashion (i.e., without notice to an opposing party), the Court will do so only in extraordinary circumstances.” (at 2)

“Finally, the Court provides notice to the parties that it intends to consolidate the Motion for Injunctive Relief with a determination on the merits under Rule 65(a)(2).” (at 3)

FACTUAL BACKGROUND

Filippo Eleuteri alleged that Immigration and Customs Enforcement was detaining him in violation of the Immigration and Nationality Act, the Fifth Amendment, and the Administrative Procedure Act. He sought immediate release from ICE custody on recognizance or minimal bond. He also requested an ex parte temporary restraining order and other injunctive relief.

PROCEDURAL HISTORY

On December 16, 2025, Filippo Eleuteri filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 and a motion for injunctive relief. The district court issued this order on December 17, 2025, requiring the Government to respond by December 24, 2025, permitting a reply by December 31, 2025, and denying the request to proceed ex parte for a temporary restraining order.

DISPOSITION

other

CASES CITED

- *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda County*, 415 U.S. 423, 438-39 (1974)
- *Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006)
- *Slidewaters LLC v. Washington State Department of Labor & Industries*, 4 F.4th 747, 759 (9th Cir. 2021)

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