

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Karolaine Monteiro De Souza v. Timothy S. Robbins, et al.

Robbins · No. 1:25-cv-01597-DJC-JDP · Decided November 23, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Karolaine Monteiro De Souza’s motion for a temporary restraining order challenging her re-detention by ICE. The court concludes that she was released under 8 U.S.C. § 1226(a), has a protected liberty interest in continued release, and was likely entitled to procedural protections before re-detention. The court orders her immediate release, prohibits re-arrest or re-detention absent specified constitutional protections, and issues an order to show cause regarding a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 23, 2025
DOCKET	1:25-cv-01597-DJC-JDP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief and moved for a temporary restraining order challenging her immigration detention under the Fifth Amendment Due Process Clause.
STANDARD OF REVIEW	To obtain preliminary injunctive relief, 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. The court applied the Mathews v. Eldridge balancing test to the procedural due process claim and treated the temporary-restraining-order and preliminary-injunction standards as substantially similar.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- immigration detention
- procedural due process
- injunctions
- removal proceedings
- immigration

PRACTICE AREAS

immigration detention

constitutional law

civil procedure

civil rights

remedies

QUESTIONS PRESENTED

1. Whether petitioner was likely to succeed on her claim that re-detention after release under section 1226, without prior notice and a timely hearing, violated the Fifth Amendment Due Process Clause.
2. Whether petitioner satisfied the requirements for a temporary restraining order.
3. Whether security should be required under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. A noncitizen released on her own recognizance under section 1226 has a protected liberty interest in continued freedom and is entitled to procedural safeguards before re-detention, including pre-deprivation notice and a timely hearing before a neutral decisionmaker.
2. Petitioner satisfied the requirements for temporary injunctive relief because she showed a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favored relief.
3. No security was required for the temporary restraining order.

KEY QUOTATIONS

“To conclude, Petitioner has a liberty interest, she is entitled to process, and that process should have been immediately afforded to her prior to re-detention.” (Discussion § I)

“Respondents are ENJOINED AND RESTRAINED from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, which include, at a minimum, pre-deprivation notice — describing the change of circumstances necessitating her arrest, and detention, and a timely hearing.” (Conclusion ¶ 3)

FACTUAL BACKGROUND

Petitioner, a Brazilian national, entered the United States in October 2024 and was initially detained under expedited-removal procedures. DHS later released her on her own recognizance under section 1226, and she complied with her immigration requirements while living with her spouse in the United States. ICE re-detained her at an annual check-in after mistakenly accusing her of missing a hearing, without providing written notice of the revocation or a hearing before a neutral decisionmaker. She had no criminal history and had applied for asylum.

PROCEDURAL HISTORY

Petitioner entered the United States in October 2024, was detained under expedited-removal procedures, and was later released on her own recognizance under section 1226. After she was re-detained at an ICE check-in without written revocation notice or a hearing, she filed a habeas petition and moved for a temporary restraining order. The court submitted the motion without oral argument, granted the motion, ordered her immediate release,

enjoined re-detention absent specified constitutional protections, and ordered respondents to show cause why a preliminary injunction should not issue.

DISPOSITION

other

CASES CITED

- Stuhlberg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)
- Lopez v. Lyons, No. 2:25-cv-03174-DJC-CSD, 2025 WL 3124116, at *2–3 (E.D. Cal. Nov. 7, 2025)
- Morillo v. Albarran, No. 1:25-cv-01533-DJC-AC, 2025 WL 3190899, at *2–4 (E.D. Cal. Nov. 15, 2025)
- Ortega-Cervantes v. Gonzales, 501 F.3d 1111, 1115 (9th Cir. 2007)
- Ramirez Clavijo v. Kaiser, No. 2:25-cv-06248-BLF, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025)
- Valencia Zapata v. Kaiser, --- F. Supp. 3d ---, 2025 WL 2741654, at *8–9 (N.D. Cal. Sept. 26, 2025)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Hernandez v. Sessions, 872 F.3d 976, 995 (9th Cir. 2017)
- Baird v. Bonta, 81 F.4th 1036, 1040, 1042 (9th Cir. 2023)
- Pinchi v. Noem, 792 F. Supp. 3d 1025, 1037 (N.D. Cal. 2025)
- Zepeda v. U.S. Immigr. & Nat. Serv., 753 F.2d 719, 727 (9th Cir. 1983)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)

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