

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

SD Student Doe #1 v. Noem

SD Student Doe #1 · No. 25-cv-926-RSH-BLM · Decided April 24, 2025

SUMMARY

The United States District Court for the Southern District of California granted an international F-1 student’s application for a temporary restraining order after ICE terminated the student’s SEVIS record based on a prior arrest and/or visa-related information. The court found that the plaintiff was likely to succeed on an Administrative Procedure Act claim and likely to suffer irreparable harm. The court ordered reinstatement of the SEVIS record, prohibited further termination action, and allowed the plaintiff to proceed under a pseudonym with identifying information filed under seal.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	April 24, 2025
DOCKET	25-cv-926-RSH-BLM
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought a temporary restraining order, permission to proceed under a pseudonym, and protective measures after ICE terminated his SEVIS record. The district court granted the TRO, permitted pseudonymous litigation and filing under seal, waived a bond, and construed the TRO application as a noticed motion for a preliminary injunction.
STANDARD OF REVIEW	A TRO requires a clear showing that the movant is entitled to extraordinary relief. The court applied the Winter factors: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and the public interest. The court reviewed the alleged agency action under the APA’s arbitrary-and-capricious standard.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only

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QUESTIONS PRESENTED

1. Whether plaintiff was entitled to a temporary restraining order under the Winter factors.
2. Whether termination of plaintiff's SEVIS record was likely unlawful under the APA because the agency failed to show compliance with the governing regulations.
3. Whether termination of the SEVIS record constituted final agency action reviewable under the APA.
4. Whether the Privacy Act supplied an exclusive and adequate alternative remedy barring plaintiff's APA claim.
5. Whether plaintiff could proceed under a pseudonym and file identifying information under seal.
6. Whether the court should require a bond under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. Plaintiff established the Winter factors and was entitled to a TRO preserving his SEVIS record and protecting him from specified immigration enforcement actions pending further proceedings.
2. Plaintiff was likely to succeed on his APA claim because the record did not show that ICE terminated his SEVIS record for a reason authorized by the applicable statutes and regulations.
3. Termination of plaintiff's SEVIS record was final agency action reviewable under the APA.
4. The Privacy Act did not provide an exclusive or adequate alternative remedy and therefore did not bar plaintiff's APA claim.
5. Plaintiff was permitted to proceed under the pseudonym SD Student Doe No. 1, and identifying information was required to be redacted from public filings and lodged under seal.
6. The court waived the Rule 65(c) bond requirement because there was no realistic likelihood of harm to defendants from the injunction.

KEY QUOTATIONS

"The Court concludes that the termination was a final agency action." (III.A.2)

"For the above reasons, the Court determines Plaintiff has established he is likely to succeed on the allegation that Defendants' termination of his SEVIS record was a violation of the APA." (III.A.2)

"Defendants shall reinstate Plaintiff's SEVIS record, retroactive to April 4, 2025." (IV.1)

"Defendants are enjoined from taking any further action to terminate Plaintiff's SEVIS record." (IV.1)

FACTUAL BACKGROUND

Plaintiff is an international graduate student who had studied in San Diego under F-1 status since September 2022. He had previously been arrested for a misdemeanor domestic-violence offense, but no charges were brought and he was not convicted; after receiving a new visa in 2023, he returned to the United States and resumed his studies. ICE terminated his SEVIS record on April 4, 2025, citing a criminal-record identification and/or visa revocation, which threatened his education, graduate-study employment, and ability to remain in the United States.

PROCEDURAL HISTORY

Plaintiff filed the action on April 18, 2025, asserting Administrative Procedure Act and procedural-due-process claims arising from termination of his SEVIS record. He filed the TRO application on April 21 and an amended complaint the same day. The court denied defendants' venue-transfer motion as moot after the amended pleading, held a TRO hearing on April 24, and granted the requested preliminary relief.

DISPOSITION

other

CASES CITED

- Wash. All. of Tech. Workers v. United States Dep't of Homeland Sec., 50 F.4th 164, 169, 196 (D.C. Cir. 2022)
- Jie Fang v. Dir. United States Immigration & Customs Enf't, 935 F.3d 172, 175, 182, 185 n.100 (3d Cir. 2019)
- Awuku-Asare v. Garland, 991 F.3d 1123, 1126 (10th Cir. 2021)
- King v. Cty. of Los Angeles
- Villegas Lopez v. Brewer, 680 F.3d 1068, 1072 (9th Cir. 2012)
- Babaria v. Jaddou, 87 F.4th 963, 976 (9th Cir. 2023)
- Winter v. NRDC, Inc., 555 U.S. 7, 20 (2008)
- Wallace v. Christensen, 802 F.2d 1539, 1552 n.8 (9th Cir. 1986)
- Zhuoer Chen v. Noem, No. 25-CV-03292-SI, 2025 WL 1150697, at *5 (N.D. Cal. Apr. 18, 2025)
- Doe v. Noem, No. 2:25-CV-00633-DGE, 2025 WL 1141279, at *5, *7–9 (W.D. Wash. Apr. 17, 2025)
- Doe v. Noem, 2025 WL 1134977, at *6 (E.D. Cal. Apr. 17, 2025)
- Daou v. Noem, No. 8:25-cv-976-MSS-AEP, 2025 WL 1148687, at *2 (M.D. Fla. Apr. 18, 2025)
- Roe v. Noem, No. CV 25-40-BU-DLC, 2025 WL 1114694, at *3–4 (D. Mont. Apr. 15, 2025)
- Int'l Bhd. of Teamsters v. United States DOT, 861 F.3d 944, 952 (9th Cir. 2017)
- Bennett v. Spear, 520 U.S. 154, 177–78 (1997)
- United Aeronautical Corp. v. United States A.F., 80 F.4th 1017, 1022 (9th Cir. 2023)
- All. for Retired Americans v. Bessent, No. CV 25-0313 (CKK), 2025 WL 740401, at *19 (D.D.C. Mar. 7, 2025)
- Yunwei Chen v. Noem, No. 1:25-CV-00733-TWP-MG, 2025 WL 1163653, at *5 (S.D. Ind. Apr. 21, 2025)
- Soto v. United States Dep't of State, 244 F. Supp. 3d 207, 208 (D.D.C. 2017)
- Raven v. Panama Canal Co., 583 F.2d 169, 171 (5th Cir. 1978)

- Baird v. Bonta, 81 F.4th 1036, 1040 (9th Cir. 2023)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Jorgensen v. Cassiday, 320 F.3d 906, 919 (9th Cir. 2003)
- Doe v. Kamehameha Sch., 596 F.3d 1036, 1042 (9th Cir. 2010)
- Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067–68 (9th Cir. 2000)
- Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1095 (9th Cir. 2016)
- Roe v. Noem, No. CV 25-40-BU-DLC, 2025 WL 1114694, at *4 (D. Mont. Apr. 15, 2025)
- W.B. v. Noem, No. 25-cv-3407-EMC, 2025 WL 1180296, at *1 n.1 (N.D. Cal. Apr. 23, 2025)

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