

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Yon Kervis U. v. Christopher Chestnut, Warden of California City
Detention Facility; Sergio Albarran; Todd Lyons; Kristi Noem; and
Pamela Bondi**

Yon Kervis U. v. Chestnut · No. 1:25-cv-2066-KES-SAB (HC) · Decided January 12, 2026

OPINION

Chestnut

PER CURIAM.

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5 UNITED STATES DISTRICT COURT

6 EASTERN DISTRICT OF CALIFORNIA

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8 YON KERVIS U., No. 1:25-cv-2066-KES-SAB (HC)

9 Petitioner,

ORDER GRANTING MOTION FOR

10 v. PRELIMINARY INJUNCTION

11 CHRISTOPHER CHESTNUT, Warden of Doc. 5 California City Detention Facility; SERGIO
12 ALBARRAN, Field Office Director of the San Francisco Field Office of U.S. 13 Immigration
and Customs Enforcement; TODD LYONS, Acting Director of United 14 States Immigration and
Customs Enforcement; KRISTI NOEM, Secretary of 15 the United States Department of
Homeland Security; and PAMELA BONDI, Attorney 16 General of the United States, 17
Respondents. 18 19 This habeas action concerns the re-detention of petitioner Yon Kervis U., a
noncitizen 20 who was detained and released in 2023 but was recently re-detained. Before the
Court is 21 petitioner's motion for temporary restraining order.¹ Doc. 5. The Court has addressed
the legal 22 issues raised by petitioner's motion for temporary restraining order in prior cases. See,
e.g., 23 *Clene C.D. v. Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2025 WL 3492118 (E.D.
Cal. Dec. 24 25 1 As recommended by the Committee on Court Administration and Case
Management of the Judicial Conference of the United States, the Court omits petitioner's full
name, using only his 26 first name and last initial, to protect sensitive personal information. See
Memorandum re: Privacy 27 Concern Regarding Social Security and Immigration Opinions,
Committee on Court Administration and Case Management, Judicial Conference of the United
States (May 1, 2018), 28 [https://www.uscourts.gov/sites/default/files/18-cv-l-](https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf)
suggestion_cacm_0.pdf. 1 4, 2025); *Carmen G.C. v. Robbins*, No. 1:25-CV-01648-KES-HBK
(HC), 2025 WL 3521304 2 (E.D. Cal. Dec. 8, 2025); *Bilal A. v. Wofford*, No. 1:25-CV-01715-

KES-HBK (HC), 2025 WL 3 3648366 (E.D. Cal. Dec. 16, 2025); W.V.S.M. v. Wofford, No. 1:25-CV-01489-KES-HBK (HC), 4 2025 WL 3236521 (E.D. Cal. Nov. 19, 2025). 5 The Court ordered respondents to show cause as to whether there are any factual or legal 6 issues in this case that render it distinguishable from the Court’s prior orders in Clene C.D. v. 7 Robbins, Carmen G.C. v. Robbins, Bilal A. v. Wofford, and W.V.S.M. v. Wofford, and that would 8 justify denying the motion. Doc. 4. The Court also ordered respondents to state their position on 9 whether the motion should be converted to a motion for preliminary injunction and whether they 10 request a hearing. Id. Respondents filed a response on January 8, 2026. Doc. 11.2 Respondents 11 state that the “legal issues in this case regarding detention under § 1225 versus § 1226 are not 12 substantively distinguishable from those in the cases the Court has referenced.” Doc. 11 at 2. 13 They also did not object to converting the motion or request a hearing. See id. 14 Respondents assert however, that this case is factually distinguishable from the Court’s 15 prior decisions because, they assert, “[p]etitioner sustained an arrest, on or about January 19, 16 2024, for two misdemeanors: driving under the influence of alcohol/drugs (VC § 23152(b) and 17 driving without a license (VC § 12500(a)). Doc. 11 at 2; Doc. 11-1 at 4. Respondents argue that 18 a “conviction for either of the misdemeanors would be a violation of the condition of Petitioner’s 19 release that he ‘not violate any local, State, or Federal laws or ordinances.’” Doc. 11 at 3 20 (quoting Doc. 1-5 at 1) (emphasis added). Respondents do not argue that petitioner has been 21 convicted of any crime, nor do they provide a “rap sheet” or other documentation reflecting a 22 conviction of either misdemeanor. 3 See id. “The contention that an arrest, without more, 23 constitutes evidence of criminal activity is without merit.” Duncan v. California, No. S-04-523 24 2 Although respondents captioned their response as “Motion to Dismiss Petition for Writ of 25 Habeas Corpus under 28 U.S.C. § 2254 and Rule 4; Response to Petition for Writ of Habeas Corpus; Opposition to Preliminary Injunction; Opposition to Temporary Restraining Order,” the 26 body of the response does not move to dismiss the petition. 27 3 Instead, respondents cite to an ICE Form I-213 that does not establish the foundation for ICE’s 28 information concerning the arrest. See Doc. 11-1 at 4. 1 | LKK/PAN, 2006 WL 1883385, at *2 (E.D. Cal. July 7, 2006). 2 As respondents have not identified any relevant factual or legal distinctions between this 3 | case and the Court’s prior decisions in Clene C.D. v. Robbins, No. 1:25-CV-01463-KES-SKO 4 | (HO), 2025 WL 3492118 (E.D. Cal. Dec. 4, 2025); Carmen G.C. v. Robbins, No. 1:25-CV- 5 | 01648-KES-HBK (HC), 2025 WL 3521304 (E.D. Cal. Dec. 8, 2025); Bilal A. v. Wofford, No. 6 1:25-CV-01715-KES-HBK (HC), 2025 WL 3648366 (E.D. Cal. Dec. 16, 2025); W.V.S.M. v. 7 | Wofford, No. 1:25-CV-01489-KES-HBK (HC), 2025 WL 3236521 (E.D. Cal. Nov. 19, 2025), 8 | and for the reasons stated in those prior orders, petitioner’s motion for temporary restraining order 9 | is converted to a motion for a preliminary injunction and is GRANTED. 10 Respondents are ORDERED to release petitioner immediately. Respondents are 11 | ENJOINED AND RESTRAINED from re-detaining petitioner unless they demonstrate, by clear 12 | and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that 13 | petitioner is a flight risk or danger to the

community such that his physical custody is legally 14 | justified. 15 The bond requirement of Federal Rule of Civil Procedure 65(c) is waived. Courts 16 || regularly waive security in cases like this one. See *Diaz v. Brewer*, 656 F.3d 1008, 1015 (9th Cir. 17 | 2011); *Pinchi v. Noem*, No. 25-CV-05632-RMI (RFL), 2025 WL 1853763, at *4 (N.D. Cal. July 18 4, 2025). 19 This matter is referred to the assigned magistrate judge for further proceedings including 20 | the preparation of findings and recommendations on the petition or other appropriate action. 21

92 | IT IS SO ORDERED. _

23 Dated: _ January 12, 2026 4h

UNITED STATES DISTRICT JUDGE

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