

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Hines Immigration Law, PLLC v. Executive Office for Immigration Review

Hines Immigration Law · No. 1:26-cv-01018 (CJN) · Decided April 10, 2026

SUMMARY

The United States District Court for the District of Columbia considers plaintiffs’ request for relief under Administrative Procedure Act § 705 against an alleged policy accelerating immigration proceedings for non-detained Somali nationals. The court concludes that plaintiffs likely can show injury in fact and causation but have not shown that their injuries are likely redressable, particularly because the Immigration and Nationality Act may bar the requested relief. The opinion also addresses whether the alleged policy constitutes final agency action subject to judicial review and denies preliminary relief.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Carl J. Nichols
JURISDICTION	United States District Court for the District of Columbia
DECIDED	April 10, 2026
DOCKET	1:26-cv-01018 (CJN)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs sought a stay under 5 U.S.C. § 705 and related preliminary equitable relief against an alleged EOIR policy accelerating removal proceedings for non-detained Somali noncitizens.
STANDARD OF REVIEW	A party seeking a stay under 5 U.S.C. § 705 must satisfy the preliminary-injunction factors: likelihood of success on the merits, likely irreparable harm, balance of the equities, and the public interest. When the Government is the opposing party, the last two factors merge. The movant bears the burden of showing that the circumstances justify relief.
PRECEDENTIAL VALUE	Published district-court memorandum opinion; persuasive within the district but not binding precedent outside the court.

PARTIES

Hines Immigration Law, PLLC, Advocates for Human Rights v.
Executive Office for Immigration Review

TOPICS

immigration

removal proceedings

administrative procedure act

judicial review of agency action

injunctions

PRACTICE AREAS

immigration law

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equitable remedies

civil procedure

QUESTIONS PRESENTED

1. Whether plaintiffs were likely to establish Article III organizational standing, including injury in fact, causation, and redressability.
2. Whether 8 U.S.C. § 1252(f)(1) likely barred the requested relief because reverting hearing schedules would restrain the operation of the INA's removal-proceedings provisions.
3. Whether 8 U.S.C. § 1252(b)(9) likely deprived the district court of jurisdiction over claims arising from the scheduling of removal proceedings.
4. Whether the alleged Somali Fast-Track Policy was likely final agency action reviewable under the APA.
5. Whether plaintiffs demonstrated likely irreparable harm and that the balance of equities and public interest favored a stay.

HOLDINGS

1. Plaintiffs were likely able to establish injury in fact and causation, but they had not shown that their injuries were likely redressable by relief the district court had authority to enter.
2. The stronger relief plaintiffs sought—an order requiring all affected non-detained Somali cases to revert to their January 26, 2026 hearing schedules—was likely barred by § 1252(f)(1).
3. Section 1252(b)(9) likely deprived the district court of jurisdiction over plaintiffs' claims because they arose from the scheduling and conduct of removal proceedings.
4. Plaintiffs had not shown a likelihood that the alleged Somali Fast-Track Policy was final agency action subject to APA review.
5. Plaintiffs failed to establish entitlement to a stay because they had not shown likely success on the merits, likely irreparable harm, or that the equities and public interest favored relief.

KEY QUOTATIONS

“In other words, such a stay would do “nothing to redress [Plaintiffs]’ injuries” because a “judicial decree rendering the [policy] a nullity does nothing to change the fact that federal officials possess the same underlying [scheduling] discretion,” and nothing would “require federal officials to change how they exercise that discretion in the [policy’s] absence.”” (at 13)

“Like the injunction held improper in Aleman Gonzalez, if the Court were to grant Plaintiffs the strong form of relief they propose, it would be ordering immigration officials to “refrain from actions that . . . are allowed by” the statute.” (at 15)

“The Court therefore concludes that § 1252(b)(9) likely bars claims arising from the Government’s decision to schedule removal proceedings more rapidly.” (at 20)

“On the current record, Plaintiffs have not shown that equitable relief is so clearly indispensable to entitle them to that “extraordinary remedy.”” (at 27)

FACTUAL BACKGROUND

Hines Immigration Law, a Minnesota immigration firm, represented 113 non-detained asylum applicants before EOIR, including 73 Somalis. Plaintiffs alleged that beginning in late January 2026 EOIR accelerated master-calendar and merits hearings for non-detained Somali nationals, sometimes moving hearings scheduled for 2027 or 2028 to dates in 2026 and concentrating cases before a subset of immigration judges. Plaintiffs claimed that the accelerated schedules impaired their ability to provide legal services and forced them to divert resources, while the Government denied that any Somali Fast-Track Policy existed.

PROCEDURAL HISTORY

Plaintiffs filed an Administrative Procedure Act challenge alleging that EOIR implemented an unwritten Somali Fast-Track Policy. They moved for a stay and requested that affected hearing schedules revert to their status as of January 26, 2026. The district court denied the motion on the present record, concluding that plaintiffs had not shown a likelihood of success, likely irreparable harm, or entitlement to equitable relief.

DISPOSITION

other

CASES CITED

- *Nken v. Holder*, 556 U.S. 418, 433-35 (2009)
- *District of Columbia v. Department of Agriculture*, 444 F. Supp. 3d 1, 15 (D.D.C. 2020)
- *Sherley v. Sebelius*, 644 F.3d 388, 392 (D.C. Cir. 2011)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008)
- *League of Women Voters v. Newby*, 838 F.3d 1, 6 (D.C. Cir. 2016)
- *Food & Water Watch, Inc. v. Vilsack*, 808 F.3d 905, 913, 919 (D.C. Cir. 2015)
- *Electronic Privacy Information Center v. Department of Commerce*, 928 F.3d 95, 100-01 (D.C. Cir. 2019)
- *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992)
- *Food & Drug Administration v. Alliance for Hippocratic Medicine*, 602 U.S. 367, 380-81, 383, 394 (2024)
- *United States v. Texas*, 599 U.S. 670, 676, 691, 700 (2023)
- *Robert F. Kennedy Human Rights v. Department of State*, No. 25-cv-1774 (JEB), 2026 WL 820811, at *5, *10, *12-*18 (D.D.C. Mar. 25, 2026)

- *Humane Society of the United States v. Department of Agriculture*, 41 F.4th 564, 567-68 (D.C. Cir. 2022)
- *Competitive Enterprise Institute v. FCC*, *Competitive Enterprise Institute v. FCC*, 970 F.3d 372, 383-84 (D.C. Cir. 2020)
- *Renal Physicians Association v. Department of Health & Human Services*, 489 F.3d 1267, 1278 (D.C. Cir. 2007)
- *Florida Audubon Society v. Bentsen*, 94 F.3d 658, 663-64 (D.C. Cir. 1996) (en banc)
- *Make the Road New York v. Noem*, No. 25-5320, 2025 WL 3563313, at *16 (D.C. Cir. Nov. 22, 2025)
- *American Great Lakes Ports Association v. Schultz*, 962 F.3d 510, 518 (D.C. Cir. 2020)
- *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 482-83 (1999)
- *Garland v. Aleman Gonzalez*, *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550-51 & n.2 (2022)
- *O.A. v. Trump*, 404 F. Supp. 3d 109, 128, 130-32 (D.D.C. 2019)
- *National Immigration Project of National Lawyers Guild v. Executive Office of Immigration Review*, 456 F. Supp. 3d 16, 20, 24, 29-30 (D.D.C. 2020)
- *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1029, 1033 (9th Cir. 2016)
- *Massachusetts Coalition for Immigration Reform v. Department of Homeland Security*, 621 F. Supp. 3d 84, 97-99 (D.D.C. 2022)
- *Jennings v. Rodriguez*, 583 U.S. 281, 293-95 & n.3 (2018)
- *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997)
- *Brotherhood of Locomotive Engineers & Trainmen v. Federal Railroad Administration*, 972 F.3d 83, 100 (D.C. Cir. 2020)
- *National Association of Home Builders v. Norton*, 415 F.3d 8, 15 (D.C. Cir. 2005)
- *Centro de Trabajadores Unidos v. Bessent*, 167 F.4th 1218, 1223, 1228, 1236 (D.C. Cir. 2026)
- *Ohio v. EPA*, 603 U.S. 279, 291, 322 (2024)
- *Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 297 (D.C. Cir. 2006)
- *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985)
- *Ardelyx, Inc. v. Becerra*, No. 24-cv-2095, 2024 WL 5186613, at *12 (D.D.C. Dec. 20, 2024)
- *Achagzai v. Broadcasting Board of Governors*, No. 14-cv-768, 2016 WL 471274, at *4 (D.D.C. Feb. 8, 2016)
- *Experience Works, Inc. v. Chao*, 267 F. Supp. 2d 93, 97 (D.D.C. 2003)
- *Hanson v. District of Columbia*, 120 F.4th 223, 243 (D.C. Cir. 2024)
- *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47, 52 n.2 (2006)
- *Cummings v. Missouri*, 71 U.S. 277, 325 (1866)

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