

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Lizbeth Morelis Ibanez Daza v. Sergio Albarran, et al.

Ibanez Daza v. Albarran · No. 25-cv-10214-RFL · Decided November 25, 2025

SUMMARY

The United States District Court for the Northern District of California granted an ex parte motion for a temporary restraining order concerning the immigration detention of Lizbeth Morelis Ibanez Daza. The court ordered her immediate release and enjoined re-detention without notice and a pre-deprivation hearing before a neutral decisionmaker. The order also set a show-cause hearing on whether a preliminary injunction should issue and dispensed with a bond.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Rita F. Lin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	November 25, 2025
DOCKET	25-cv-10214-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought an ex parte temporary restraining order in connection with a petition for writ of habeas corpus after ICE detained her during a periodic check-in appointment.
STANDARD OF REVIEW	A temporary restraining order is governed by the same standard as a preliminary injunction. The movant must show likely success on the merits, likely irreparable harm absent relief, that the balance of equities favors relief, and that an injunction is in the public interest; under the serious-questions sliding-scale approach, serious questions on the merits may suffice when the balance of hardships tips sharply in the movant's favor and the other factors are satisfied. When the government is the opposing party, the equities and public-interest factors merge.
PRECEDENTIAL VALUE	Unpublished district-court order granting temporary emergency relief; limited persuasive value and not a final merits decision.

PARTIES

Lizbeth Morelis Ibanez Daza v. Sergio Albarran, Todd M. Lyons, Kristi Noem, Pamela Bondi, et al.

TOPICS

immigration detention

procedural due process

injunctions

civil procedure

immigration

PRACTICE AREAS

immigration detention

constitutional law

civil procedure

civil rights

remedies

QUESTIONS PRESENTED

1. Whether petitioner was entitled to an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1).
2. Whether petitioner demonstrated serious questions that her re-detention without notice and a pre-deprivation hearing violated procedural due process under the Fifth Amendment.
3. Whether the balance of equities, public interest, and irreparable-harm factors supported immediate release and an injunction against re-detention without a pre-deprivation hearing.
4. Whether the court should require security under Federal Rule of Civil Procedure 65(c).

HOLDINGS

1. The requirements of Federal Rule of Civil Procedure 65(b)(1) were satisfied because petitioner submitted specific facts showing that immediate and irreparable injury could occur before respondents could be heard and demonstrated the required efforts to provide notice.
2. Petitioner demonstrated serious questions that due process requires notice and a hearing before a neutral decisionmaker before she may be taken back into immigration custody, with an individualized determination whether detention is necessary because she poses a flight risk or danger to public safety.
3. Petitioner satisfied the requirements for temporary injunctive relief because she showed serious questions on the merits, likely irreparable injury from unconstitutional detention, and that the balance of equities and public interest sharply favored relief.
4. The court exercised its discretion to dispense with security under Rule 65(c).

KEY QUOTATIONS

“Under the Due Process Clause of the Fifth Amendment to the United States Constitution, no person shall be “deprived of life, liberty, or property, without due process of law.”” (Section III)

“Respondents are ORDERED to immediately release Petitioner from Respondents’ custody and are ENJOINED AND RESTRAINED from re-detaining Petitioner without notice and a pre-deprivation hearing before a neutral decisionmaker in which an individualized determination is made that she poses a flight risk or danger to public safety such that she must be detained.” (Section IV)

FACTUAL BACKGROUND

Petitioner, a Colombian national who entered the United States in approximately November 2024 seeking asylum, was released on her own recognizance after immigration officials determined that she posed little or no flight risk or danger to the community. She applied for asylum and complied with required ICE check-ins. On November 25, 2025, ICE detained her at a San Francisco check-in appointment without informing her of the reason for the arrest, and the record presented to the court identified no new basis for detention.

PROCEDURAL HISTORY

Petitioner was released by immigration officials on her own recognizance after apprehension at the border and later applied for asylum. ICE detained her during a November 25, 2025, check-in appointment, and she filed a habeas petition and motion for a temporary restraining order the same day. The district court granted temporary relief, ordered her immediate release, prohibited re-detention without notice and a pre-deprivation hearing, dispensed with bond, and ordered respondents to show cause why a preliminary injunction should not issue.

DISPOSITION

other

CASES CITED

- Washington v. Trump, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 22 (2008)
- Friends of the Wild Swan v. Weber, 767 F.3d 936, 942 (9th Cir. 2014)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- E. Bay Sanctuary Covenant v. Trump, 932 F.3d 742, 779 (9th Cir. 2019)
- Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70, 415 U.S. 423, 439 (1974)
- Zadvydas v. Davis, 533 U.S. 678, 690 (2001)
- Foucha v. Louisiana, 504 U.S. 71, 80 (1992)
- Ortiz Vargas v. Jennings, No. 20-cv-05785, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020)
- Ortega v. Bonnar, 415 F. Supp. 3d 963, 969-70 (N.D. Cal. 2019)
- Romero v. Kaiser, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022)
- Garcia v. Bondi, No. 3:25-cv-05070, 2025 WL 1676855, at *3 (N.D. Cal. June 14, 2025)
- Pablo Sequen v. Kaiser, No. 25-cv-06487- PCP, 2025 WL 2203419, at *2-*3 (N.D. Cal. Aug. 1, 2025)
- Jorge M. F. v. Wilkinson, No. 21-cv-01434-JST, 2021 WL 783561, at *2-*3 (N.D. Cal. Mar. 1, 2021)
- Mathews v. Eldridge, 424 U.S. 319, 335 (1976)
- Morrissey v. Brewer, 408 U.S. 471, 482 (1972)
- Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021)
- Hernandez v. Sessions, 872 F.3d 976, 994-96, 999 (9th Cir. 2017)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)

- *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005)
- *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005)
- *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000)
- *Doe v. Noem*, No. 25-cv-00633, 2025 WL 1141279, at *9 (W.D. Wash. Apr. 17, 2025)
- *Kuzmenko v. Phillips*, No. 25-cv-00663, 2025 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025)
- *Garro Pinchi v. Noem*, No. 25-cv-05632 (N.D. Cal. July 4, 2025), converted to preliminary injunction at 792 F. Supp. 3d 1025 (N.D. Cal. 2025)
- *Singh v. Andrews*, No. 25-cv-00801, 2025 WL 1918679, at *9-*10 (E.D. Cal. July 11, 2025)
- *Doe v. Becerra*, No. 25-cv-00647, 2025 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025)
- *Diaz v. Kaiser*, No. 25-cv-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025)
- *Enamorado v. Kaiser*, No. 25-cv-04072-NW, 2025 WL 1382859, at *3 (N.D. Cal. May 12, 2025)
- *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)
- *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004)