

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Arostegui Castellon v. Kaiser

No. 1:25-cv-00968 JLT EPG (E.D. Cal. Aug. 14, 2025) · No. 1:25-cv-00968 JLT EPG · Decided August 14,
2025

SUMMARY

The United States District Court for the Eastern District of California grants a preliminary injunction in a habeas action brought by Maidel Arostegui Castellon, an immigration detainee who had previously been released on parole and was later arrested by ICE. The court concludes that she is entitled to judicial review of the termination of her parole and that due process requires a hearing before her bond is revoked. The order converts her motion for a temporary restraining order into a motion for a preliminary injunction.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 14, 2025
DOCKET	1:25-cv-00968 JLT EPG
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 and moved ex parte for a temporary restraining order challenging her immigration detention. With the parties' agreement, the court converted the TRO motion into a motion for preliminary injunction and granted preliminary injunctive relief.
STANDARD OF REVIEW	Preliminary injunctive relief requires a showing of likely success on the merits, likely irreparable harm, that the balance of equities favors the movant, and that an injunction is in the public interest. The court applied the Mathews v. Eldridge procedural-due-process balancing test to determine whether a pre-deprivation hearing was required.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Maidel Arostegui Castellon v. Polly Kaiser, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office, Todd Lyons, Acting Director of United States Immigration and

Customs Enforcement, Kristi Noem, Secretary of the United States
Department of Homeland Security, Pamela Bondi, Attorney General of
the United States, Minga Wofford, Mesa Verde ICE Processing Center
Facility Administrator

TOPICS

immigration detention removal proceedings procedural due process federal habeas corpus equitable relief

PRACTICE AREAS

immigration immigration detention federal habeas corpus constitutional law administrative law
remedies

QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241 to review Petitioner's detention and the termination of her parole.
2. Whether Petitioner was entitled to preliminary injunctive relief against her detention and re-detention.
3. Whether due process required pre-deprivation notice and a timely hearing before the government could revoke Petitioner's release and re-detain her.
4. Whether the government must prove by clear and convincing evidence at such a hearing that re-detention is necessary because Petitioner poses a danger to the community or a risk of flight.
5. Whether Petitioner could be released without additional restrictions and whether the government could re-arrest or re-detain her absent constitutionally adequate procedures.

HOLDINGS

1. The court had jurisdiction under 28 U.S.C. § 2241 to review Petitioner's claim that her custody violated the Constitution and to review the termination of her parole because no removal order was at issue and 8 U.S.C. § 1252(g) did not bar review of the challenged detention.
2. Petitioner satisfied the requirements for a preliminary injunction because she demonstrated a likelihood of success on her procedural due process claim, irreparable harm, and that the balance of equities and public interest favored relief.
3. Due process required the government to provide Petitioner with pre-deprivation notice describing the changed circumstances necessitating arrest and detention, followed by a timely hearing before a neutral decisionmaker, before re-arresting or re-detaining her after her prolonged release.
4. At any future hearing concerning Petitioner's re-detention, the government must establish by clear and convincing evidence that she poses a danger to the community or a risk of flight, and Petitioner must be permitted to have counsel present.

KEY QUOTATIONS

“due process clearly requires that Petitioner be given a hearing before her bond is revoked.” (at 14)

“Respondents are PERMANENTLY ENJOINED AND RESTRAINED from re-arresting or re-detaining Ms. Arostegui Castellon 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.” (at 22-23)

“At any such hearing, the Government SHALL bear the burden of establishing, by clear and convincing evidence, that Ms. Arostegui Castellon poses a danger to the community or a risk of flight, and Ms. Arostegui Castellon SHALL be allowed to have her counsel present.” (at 23)

FACTUAL BACKGROUND

Maidel Arostegui Castellon, a Nicaraguan national, entered the United States in January 2022, expressed fear of return, and was released on her own recognizance while removal proceedings remained pending. For more than three years she complied with immigration requirements, maintained employment and community ties, attended college and church, and incurred no criminal history. ICE arrested her after a July 30, 2025 immigration-court hearing and detained her without first providing notice or a hearing regarding revocation of her release, despite her medical conditions and the government's concession that there had been no change warranting a finding that she was a flight risk or danger.

PROCEDURAL HISTORY

Petitioner had been released on her own recognizance after entering the United States in January 2022 and remained in section 240 removal proceedings for more than three years. ICE arrested and detained her after a July 30, 2025 immigration-court hearing without providing a pre-deprivation hearing concerning revocation of her release. Petitioner filed this habeas action and sought immediate release and an injunction against further detention. The district court granted a preliminary injunction, ordered her immediate release, and required constitutional procedures before any re-arrest or re-detention.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Petitioner must be released immediately. Respondents may not re-arrest or re-detain her absent constitutionally adequate pre-deprivation notice and a timely hearing. At any such hearing, the government must prove by clear and convincing evidence that she poses a danger to the community or a risk of flight, and she must be allowed to have counsel present. The parties were directed to brief the merits on specified schedules.

CASES CITED

- Coalition for Humane Immigrant Rights v. Noem, No. 25-CV-872 (JMC), 2025 WL 2192986 (D.D.C. Aug. 1, 2025)
- Ortega-Cervantes v. Gonzales, 501 F.3d 1111, 1115, 1119-1120 (9th Cir. 2007)

- Y-Z-H-L v. Bostock, 2025 WL 1898025, at *10-*13 (D. Or. July 9, 2025)
- Mata Velasquez v. Kurzdorfer, No. 25-CV-493-LJV, 2025 WL 1953796, at *11 (W.D.N.Y. July 16, 2025)
- Pinchi v. Noem, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025)
- Romero v. Kaiser, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022)
- Jorge M. F. v. Wilkinson, No. 21-cv-01434, 2021 WL 783561, at *2-*3 (N.D. Cal. Mar. 1, 2021)
- Ortiz Vargas v. Jennings, No. 20-cv-5785, 2020 WL 5074312, at *3-*4 (N.D. Cal. Aug. 23, 2020)
- Doe v. Becerra, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *4, *6 (E.D. Cal. Mar. 3, 2025)
- Padilla v. U.S. Immigration & Customs Enforcement, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Jennings v. Rodriguez, 583 U.S. 281, 294 (2018)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999)
- Stuhlbarg International Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20, 24 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1135 (9th Cir. 2011)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)
- Hecox v. Little, 104 F.4th 1061, 1073 (9th Cir. 2024)
- Lackey v. Stinnie, 604 U.S. ___, 145 S. Ct. 659, 667 (2025)
- Tanner Motor Livery, Ltd. v. Avis, Inc., 316 F.2d 804, 809 (9th Cir. 1963)
- Westinghouse Electric Corp. v. Free Sewing Machine Co., 256 F.2d 806, 808 (7th Cir. 1958)
- Kuzmenko v. Phillips, No. 25-CV-00663, 2025 WL 779743, at *3 (E.D. Cal. Mar. 10, 2025)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 879 (9th Cir. 2009)
- Heckler v. Lopez, 463 U.S. 1328, 1333 (1983)
- Meghrig v. KFC Western, Inc., 516 U.S. 479, 484 (1996)
- Senate of California v. Mosbacher, 968 F.2d 974, 978 (9th Cir. 1992)
- University of Texas v. Camenisch, 451 U.S. 390, 395 (1981)
- Doe v. Noem, 778 F. Supp. 3d 1151, 1167 (W.D. Wash. 2025)
- Mendez v. U.S. Immigration & Customs Enforcement, No. 23-CV-00829-TLT, 2023 WL 2604585, at *3 (N.D. Cal. Mar. 15, 2023)
- Keo v. Warden of Mesa Verde ICE Processing Center, No. 1:24-cv-00919-HBK, 2024 WL 3970514 (E.D. Cal. Aug. 28, 2024)
- Young v. Harper, 520 U.S. 143, 147-149 (1997)
- Morrissey v. Brewer, 408 U.S. 471, 481-484 (1972)
- Trump v. J.G.G., 604 U.S. ___, 145 S. Ct. 1003 (2025)
- Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)
- Elrod v. Burns, 427 U.S. 347, 373 (1976)
- Hernandez v. Sessions, 872 F.3d 976, 995-996 (9th Cir. 2017)
- Leiva-Perez v. Holder, 640 F.3d 962, 969-970 (9th Cir. 2011)

- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005)
- *Zepeda v. U.S. Immigration & Naturalization Service*, 753 F.2d 719, 727 (9th Cir. 1985)
- *Aroldo Rodriguez Diaz v. Merrick Garland, Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1212 (9th Cir. 2022)
- *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)

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