

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Aviles-Mena v. Kaiser

No. 25-cv-06783-RFL (N.D. Cal. Aug. 12, 2025) · No. 25-cv-06783-RFL · Decided August 12, 2025

SUMMARY

The United States District Court for the Northern District of California granted Pedro Joaquin Aviles-Mena’s ex parte motion for a temporary restraining order concerning his immigration detention. The court ordered his immediate release and enjoined his re-detention without notice and a pre-deprivation hearing before a neutral decisionmaker, as well as his removal from the United States. The order remained effective until August 26, 2025, and set a hearing on whether a preliminary injunction should issue.

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	August 12, 2025
DOCKET	25-cv-06783-RFL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner-Plaintiff moved ex parte for a temporary restraining order in connection with a petition for a writ of habeas corpus challenging immigration detention.
STANDARD OF REVIEW	A temporary restraining order is governed by the same standard as a preliminary injunction. The movant must show likelihood of success on the merits, likely irreparable harm, that the balance of equities favors relief, and that an injunction is in the public interest; alternatively, serious questions on the merits may suffice when the balance of hardships tips sharply in the movant's favor and the remaining factors are satisfied.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order
PARTIES	Pedro Joaquin Aviles-Mena v. Polly Kaiser, Todd M. Lyons, Kristi Noem, Pamela Bondi

TOPICS

immigration detention

procedural due process

injunctions

removal proceedings

civil procedure

PRACTICE AREAS

immigration

civil procedure

constitutional law

civil rights

remedies

QUESTIONS PRESENTED

1. Whether an ex parte temporary restraining order should issue to prevent irreparable harm from the petitioner's immigration detention and possible removal.
2. Whether due process requires notice and a hearing before a neutral decisionmaker before the government re-detains a noncitizen who had previously been released from immigration custody.
3. Whether the court should require security under Federal Rule of Civil Procedure 65(c).
4. Whether the court retained jurisdiction to protect the habeas petition notwithstanding a possible transfer by the government.

HOLDINGS

1. The petitioner satisfied the requirements for temporary injunctive relief because he raised serious questions concerning the legality of his detention, faced likely irreparable injury from the deprivation of liberty, and showed that the balance of hardships and public interest favored relief.
2. For purposes of the temporary restraining order, the petitioner demonstrated serious questions that due process requires notice and a hearing before a neutral decisionmaker before he may be re-detained after release from immigration custody.
3. The court exercised its discretion under Federal Rule of Civil Procedure 65(c) to dispense with security.

KEY QUOTATIONS

“A plaintiff seeking preliminary injunctive relief must establish “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.”” (Section II)

“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-Defendants are ORDERED to immediately release Petitioner-Plaintiff from Respondents-Defendants’ custody and are ENJOINED AND RESTRAINED from re-detaining Petitioner-Plaintiff without notice and a pre-deprivation hearing before a neutral decisionmaker, and from removing him from the United States.” (Section IV)

FACTUAL BACKGROUND

Aviles-Mena, a Nicaraguan national who entered the United States after fleeing alleged political persecution, was granted immigration parole in 2022 and later pursued asylum. USCIS dismissed his asylum application after

DHS placed him in expedited removal proceedings, while advising that his fear claim would be considered through credible-fear screening. ICE detained him without advance notice during a routine check-in on August 8, 2025, and no credible-fear interview had been scheduled when he filed his petition.

PROCEDURAL HISTORY

Immigration and Customs Enforcement detained Aviles-Mena during a routine check-in on August 8, 2025. He filed a habeas petition and ex parte motion for a temporary restraining order on August 11, 2025. The court granted temporary relief without notice, ordered his immediate release, prohibited re-detention without notice and a pre-deprivation hearing, prohibited removal, dispensed with a bond, and ordered the 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 (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)
- *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)
- *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)
- *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)
- *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003)
- *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004)
- *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 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)
- *Jorge M.F. v. Jennings*, 534 F. Supp. 3d 1050, 1055 (N.D. Cal. 2021)
- *Hernandez v. Sessions*, 872 F.3d 976, 994-99 (9th Cir. 2017)
- *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)
- *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)