

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sanjiv Kakkar v. Chestnut et al.

Case No. 1:25-CV-1627 JLT SAB (E.D. Cal. Dec. 15, 2025) · No. 1:25-CV-1627 · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California granted in part Sanjiv Kakkar’s request for a temporary restraining order concerning his detention under 8 U.S.C. § 1226(c). The court concluded that Kakkar had shown a protected liberty interest and was likely entitled to a bond hearing under an as-applied Fifth Amendment due process challenge. The court referred the matter to the assigned magistrate judge for a determination on the merits.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:25-CV-1627
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 and motion for temporary restraining order challenging immigration detention.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sanjiv Kakkar v. Chestnut et al.

TOPICS

immigration detention due process procedural due process habeas corpus injunctions

PRACTICE AREAS

immigration law constitutional law civil procedure remedies

QUESTIONS PRESENTED

- Whether petitioner has a protected liberty interest under the Due Process Clause arising from his post-conviction community integration prior to re-detention.

2. Whether the procedures afforded to petitioner prior to re-detention under 8 U.S.C. § 1226(c) satisfy due process as applied.
3. Whether petitioner is entitled to a pre-deprivation bond hearing before a neutral adjudicator.

HOLDINGS

1. Petitioner has a protected liberty interest arising from his four years of post-conviction freedom and integration into the community prior to re-detention.
2. The *Matthews v. Eldridge* balancing test weighs in favor of requiring a pre-deprivation bond hearing because: (1) petitioner has a significant private interest in freedom; (2) the risk of erroneous deprivation is high where no bond or custody redetermination hearing has been provided; and (3) the government's interest is low given custody hearings are routine and the government waited four years to detain petitioner without identifying changed circumstances.

KEY QUOTATIONS

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”

“Civil immigration detention, which is supposed to be 'nonpunitive in purpose and effect,' is justified when a non-citizen presents a risk of flight or danger to the community.”

FACTUAL BACKGROUND

Petitioner, a lawful permanent resident, was convicted of fraud-related aggravated felonies in 2016. After serving his sentence, he was released from prison in 2021 and not detained by ICE. He lived and worked in the community for over four years, complied with supervised release, and applied for adjustment of status. Upon returning from international travel in August 2025, he was detained by CBP and transferred to ICE custody under mandatory detention provisions due to his aggravated felony conviction.

PROCEDURAL HISTORY

Petitioner filed a habeas petition and TRO motion challenging his detention under 8 U.S.C. § 1226(c). The court granted the TRO in part, ordering a bond hearing.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Petitioner shall be provided a substantive parole revocation hearing no later than December 29, 2025, at which the Immigration Judge will determine whether Petitioner poses a risk of flight or a danger to the community if he is released. The government bears the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight, and Petitioner shall be allowed to have counsel present. The

matter is referred to the assigned magistrate judge for consideration of the merits of the petition as quickly as possible.

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475 (1973)
- Jennings v. Rodriguez, 583 U.S. 281 (2018)
- Reno v. American-Arab Anti-Discrimination Comm., 525 U.S. 471 (1999)
- Stuhlberg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832 (9th Cir. 2001)
- Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7 (2008)
- Alliance for the Wild Rockies v. Cottrell, 632 F.3d 1127 (9th Cir. 2011)
- Mazurek v. Armstrong, 520 U.S. 968 (1997)
- Hecox v. Little, 104 F.4th 1061 (9th Cir. 2023)
- Tanner Motor Livery, Ltd. v. Avis, Inc., 316 F.2d 804 (9th Cir. 1963)
- Kuzmenko v. Phillips, No. 25-CV-00663, 2025 WL 779743 (E.D. Cal. Mar. 10, 2025)
- Baird v. Bonta, 81 F.4th 1036 (9th Cir. 2023)
- Demore v. Kim, 538 U.S. 510 (2003)
- Nielsen v. Preap, 586 U.S. 392 (2019)
- Matter of Sugay, 17 I&N Dec. 637 (BIA 1981)
- Perera v. Jennings, No. 21-cv-04136-BLF, 2021 WL 2400981 (N.D. Cal. June 11, 2021)
- Pham v. Becerra, No. 23-cv-01288-CRB, 2023 WL 2744397 (N.D. Cal. March 31, 2023)
- Carballo v. Andrews, No. 1:25-cv-00978-KES-EPG, 2025 WL 2381464 (E.D. Cal. Aug. 15, 2025)
- Garcia v. Andrews, No. 2:25-cv-01884-TLN-SCR, 2025 WL 1927596 (E.D. Cal. July 14, 2025)
- Kentucky Dep't of Corrections v. Thompson, 490 U.S. 454 (1989)
- Morrissey v. Brewer, 408 U.S. 471 (1972)
- Matthews v. Eldridge, 424 U.S. 319 (1976)
- Zadvydas v. Davis, 533 U.S. 678 (2001)
- A.E. v. Andrews, No. 1:25-cv-00107-KES-SKO, 2025 WL 1424382 (E.D. Cal. May 16, 2025)
- Hernandez v. Sessions, 872 F.3d 976 (9th Cir. 2017)
- Barker v. Wingo, 407 U.S. 514 (1972)
- Diaz v. Kaiser, No. 3:25-cv-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025)
- Preminger v. Principi, 422 F.3d 815 (9th Cir. 2005)
- Duong v. Kaiser, No. 25-cv-07598-JST, 2025 WL 2689266 (N.D. Cal. Sept. 19, 2025)
- Pham v. Becerra, 717 F. Supp. 3d 877 (N.D. Cal. 2024)