

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Rohit K. v. Kristi Noem, et al.

No. 1:26-cv-00232-TLN-CSK · No. No. 1:26-cv-00232-TLN-CSK · Decided January 13, 2026

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ROHIT K., 12 Petitioner, No. 1:26-cv-00232-TLN-CSK 13 14 v. ORDER
KRISTI NOEM, et al., 15 Respondents. 16 17 18 This matter is before the Court on Petitioner
Rohit K.’s 1 (“Petitioner”) Motion for a 19 Temporary Restraining Order (“TRO”). (ECF No. 2.)

For the reasons set forth below, 20 Petitioner’s Motion is GRANTED and Respondents are
ORDERED TO SHOW CAUSE why a 21 preliminary injunction should not issue. 22 /// 23 /// 24
25 1 As recommended by the Committee on Court Administration and Case Management of the
Judicial Conference of the United States, the Court omits petitioner’s full name, using only his 26
first name and last initial, to protect sensitive personal information.

See Memorandum re: Privacy Concern Regarding Social Security and Immigration Opinions,
Committee on Court 27 Administration and Case Management, Judicial Conference of the United
States (May 1, 2018), https://www.uscourts.gov/sites/default/files/18-cv-l-suggestion_cacm_0.pdf.

The Clerk of Court 28 is directed to update the docket to reflect this change accordingly. 1 I.
FACTUAL AND PROCEDURAL BACKGROUND 2 Petitioner is a citizen of India who entered
the United States without inspection on 3 November 22, 2021. (ECF No. 2 at 2.) Upon his entry,
Petitioner claimed a fear to return to 4 India due to political persecution and he was detained by
U.S. Immigration and Customs 5 Enforcement (“ICE”).

(Id.) Petitioner has a pending asylum claim. (Id.) On June 14, 2025, 6 Petitioner was re-detained
by ICE. (Id.) 7 On January 12, 2026, Petitioner filed a petition for writ of habeas corpus. (ECF
No. 1.) 8 The same day, Petitioner filed the instant TRO. (ECF No. 2.) 9 II. STANDARD OF
LAW 10 For a TRO, courts consider whether Petitioner has established: “[1] that he is likely to 11
succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary
12 relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public
13 interest.” *Winter v. Nat.*

Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). Petitioner must “make a 14 showing on all four
prongs” of the *Winter* test. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 15 1127, 1135 (9th
Cir. 2011). In evaluating a petitioner’s motion, a district court may weigh 16 petitioner’s showings
on the *Winter* elements using a sliding-scale approach. *Id.* A stronger 17 showing on the balance

of the hardships may support issuing a TRO even where the petitioner 18 shows that there are “serious questions on the merits... so long as the [petitioner] also shows 19 that there is a likelihood of irreparable injury and that the injunction is in the public interest.” Id. 20 Simply put, Petitioner must demonstrate, “that [if] serious questions going to the merits were 21 raised [then] the balance of hardships [must] tip[] sharply” in petitioner’s favor in order to 22 succeed in a request for a TRO.

Id. at 1134–35. 23 /// 24 /// 25 /// 26 /// 27 28 1 III. ANALYSIS2 2 A. Likelihood of Success on the Merits 3 Petitioner has established a likelihood of success on his due process claim.3 The Fifth 4 Amendment Due Process Clause prohibits government deprivation of an individual’s life, liberty, 5 or property without due process of law. *Hernandez v. Session*, 872 F.3d 976, 990 (9th Cir.

2017). 6 The Due Process Clause applies to all “persons” within the borders of the United States, 7 regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[T]he Due 8 Process Clause applies to all “persons” within the United States, including noncitizens, whether 9 their presence here is lawful, unlawful, temporary, or permanent.”).

These due process rights 10 extend to immigration proceedings. Id. at 693–94. 11 Courts examine procedural due process claims in two steps: the first asks whether there 12 exists a protected liberty interest under the Due Process Clause, and the second examines the 13 procedures necessary to ensure any deprivation of that protected liberty interest accords with the 14 Constitution.

See *Kentucky Dep’t of Corrections v. Thompson*, 490 U.S. 454, 460 (1989). 15 As for the first step, the Court finds Petitioner has raised serious questions as to whether 16 he has protectable liberty interest. See *Rico-Tapia v. Smith*, No. CV 25-00379 SASP-KJM, 2025 17 WL 2950089, at *8 (D. Haw. Oct. 10, 2025) (noting “[e]ven where the revocation of a person’s 18 freedom is authorized by statute, that person may retain a protected liberty interest under the Due 19 Process Clause”).

Petitioner was released from custody in 2021. (ECF No. 2 at 5.) For more 20 than three years, he built a life and established a community in California. (Id.) As this Court has 21 found previously, along with many other courts in this district when confronted with similar 22 23 2 The Court finds Petitioner has sufficiently met the requirements for issuing a TRO without notice.

See Fed. R. Civ. P. 65(b). Petitioner notified Respondents via email that he would be 24 filing the motion. (See ECF No. 2 at 9.) See *R.D.T.M. v. Wofford*, No. 1:25-CV-01141-KES- SKO (HC), 2025 WL 2617255, at *3 (E.D. Cal. Sept. 9, 2025) (similarly finding requirements for 25 TRO were met without notice); *Pinchi v. Noem*, No. 25-cv-05632-RML, 2025 WL 1853763, at *4 (N.D.

Cal. July 4, 2025) (same). 26 3 Petitioner also claims that his continued detention constitutes a violation of the 27 Immigration and Nationality Act (“INA”). (ECF No. 2 at 3.) Because the Court finds relief warranted under Petitioner’s procedural due process claim, it declines to address cumulative 28 violations. 1 circumstances, Petitioner has a clear interest in his continued freedom.

See, e.g., *Doe v. Becerra*, 2 787 F. Supp. 3d 1083, 1093 (E.D. Cal. 2025) (noting the Government’s actions in allowing 3 petitioner to remain in the community for over five years strengthened petitioner’s liberty 4 interest). 5 As to the second step – what procedures or process is due – the Court considers three 6 factors: (1) “the private interest that will be affected by the official action;” (2) “the risk of an 7 erroneous deprivation of such interest through the procedures used, and the probable value, if any, 8 of additional or substitute procedural safeguards;” and (3) “the Government’s interest, including 9 the function involved and the fiscal and administrative burdens that the additional or substitute 10 procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

As set 11 forth below, the Court finds Petitioner has established his due process rights were likely violated. 12 First, Petitioner has a substantial private interest in remaining free from detention. As 13 discussed above, Petitioner was out of custody for more than three years and had built a life in 14 California. Despite that, Petitioner has now been detained for over seven months without being 15 afforded a hearing.

Accordingly, this factor weighs in favor of finding Petitioner’s private 16 interest has been impacted by his detention. See *Manzanarez v. Bondi*, No. 1:25-CV-01536-DC- 17 CKD (HC), 2025 WL 3247258, at *4 (E.D. Cal. Nov. 20, 2025) (finding similarly). 18 Second, the risk of erroneous deprivation is considerable given Petitioner has not received 19 any bond or custody redetermination hearing. “Civil immigration detention, which is nonpunitive 20 in purpose and effect is justified when a noncitizen presents a risk of flight or danger to the 21 community.” *R.D.T.M. v. Wofford*, No. 1:25-CV-01141-KES-SKO (HC), 2025 WL 2617255, at 22 *4 (E.D.

Cal. Sept. 9, 2025) (internal quotation and citation omitted). Without any procedural 23 safeguards to determine whether his detention was justifiable, the probative value of additional 24 procedural safeguards is high. *R.D.T.M.*, 2025 WL 2617255, at *4. 25 Finally, the Government’s interest is low, and the effort and cost required to provide 26 Petitioner with procedural safeguards are minimal.

See *Garcia v. Andrews*, No. 2:25-CV-01884- 27 TLN-SCR, 2025 WL 1927596, at *5 (E.D. Cal. July 14, 2025). As this Court has stated, it would 28 be less of a fiscal and administrative burden for the Government to return Petitioner home to 1 await a determination on his immigration petition than to continue to detain him. 2 On balance, the Court finds the *Mathews* factors demonstrate Petitioner is entitled to due 3 process – a hearing to determine whether his detention was warranted.

Accordingly, with respect 4 to his due process claim, Petitioner has shown he is likely to succeed on the merits. 5 B. Irreparable Harm 6 Petitioner has also established he will suffer irreparable harm in the absence of a TRO. 7 The Ninth Circuit recognizes “irreparable harms imposed on anyone subject to immigration 8 detention,” including “the economic burdens imposed on detainees and their families as a result 9 of detention[.]” *Hernandez*, 872 F.3d at 995.

Such harm is present here. Petitioner is detained 10 and has been separated from his community. Additionally, he is unable to work, support himself, 11 or meaningfully participate in the preparation of his asylum claim. (ECF No. 2 at 9.) Even if this 12 was not sufficient to establish irreparable harm, “[i]t is well established that the deprivation of 13 constitutional rights ‘unquestionably constitutes irreparable injury.’” *Melendres v. Arpaio*, 695 14 F.3d 990, 1002 (9th Cir.

2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). 15 C. Balance of Equities and Public Interest 16 As to the final two Winter factors, “[w]hen the government is a party, the analysis of the 17 balance of the hardships and the public interest merge.” *Nat’l Urban League v. Ross*, 484 F. 18 Supp. 3d 802, 807 (N.D. Cal. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 19 (9th Cir.

2014)). The Court finds there is no equitable reason that would tip the balance in the 20 Government’s favor. First, it is clear on this record that the balance of equities tips decidedly in 21 Petitioner’s favor as the Government “cannot reasonably assert that it is harmed in any legally 22 cognizable sense by being enjoined from constitutional violations.” *Zepeda v. U.S. Immigr. & 23 Nat.*

Serv., 753 F.2d 719, 727 (9th Cir. 1983). Second, “it is always in the public interest to 24 prevent the violation of a party’s constitutional rights.” *Melendres*, 695 F.3d at 1002. Moreover, 25 “the Ninth Circuit has recognized that the costs to the public of immigration detention are 26 staggering.” *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D.

Cal. June 14, 27 2025) (internal citation omitted). 28 In sum, these last two factors also weigh in Petitioner’s favor. Therefore, the Court 1 GRANTS Petitioner’s Motion for a TRO. (ECF No. 2.) 2 IV. CONCLUSION 3 Accordingly, IT IS HEREBY ORDERED: 4 1. Petitioner’s Motion for a Temporary Restraining Order (ECF No. 2) is GRANTED. 5 2.

The bond requirement of Federal Rule of Civil Procedure 65(c) is waived. Courts 6 regularly waive security in cases like this one. See *Diaz v. Brewer*, 656 F.3d 1008, 1015 7 (9th Cir. 2011). 8 3. Petitioner Rohit K. shall be RELEASED IMMEDIATELY from Respondents’ custody. 9 Respondents shall not impose any additional restrictions on him, unless such restrictions 10 are determined to be necessary at a future pre-deprivation/custody hearing.

11 4. Respondents are ENJOINED and RESTRAINED from re-arresting or re-detaining 12
Petitioner absent compliance with constitutional protections, including seven-days' notice 13 and
a hearing before a neutral fact-finder where: (a) Respondents show there are material 14 changed
circumstances which demonstrate that there is a significant likelihood of 15 Petitioner's removal
in the reasonably foreseeable future, or (b) Respondents demonstrate 16 by clear and convincing
evidence that Petitioner poses a danger to the community or a 17 flight risk.

At any such hearing, Petitioner shall be allowed to have his counsel present. 18 5. Respondents
are ORDERED TO SHOW CAUSE why this Court should not issue a 19 preliminary injunction
requiring Respondents to continue to abide by this Court's Order. 20 Respondents shall file
responsive papers by January 19, 2026 by 5 p.m. Petitioner may 21 file a reply, if any, by January
22, 2026.

If the parties agree upon a less demanding 22 briefing schedule, the Court will consider the
parties' proposal. The parties shall 23 indicate in their briefing whether they request a hearing.
Fed. R. Civ. P. 65(b)(3). 24 6. Petitioner is ordered to serve this Temporary Restraining Order and
Order to Show Cause 25 and all supporting pleadings and papers on Respondents at
usacae.ecf2241- 26 imm@usdoj.gov by 9:00 a.m. on January 14, 2026.

Petitioner shall file proof of such 27 service no later than 10:00 a.m. on January 14, 2026. 28 7.
Respondents are hereby notified of their right to apply to the Court for modification or 1
dissolution of the Temporary Restraining Order on two days' notice to Petitioner. Fed. R. 2 Civ. P.
65(b)(4). 3 8.

The Clerk of Court is DIRECTED to update the docket to only list Petitioner's first name 4 and
last initial. 5 IT IS SO ORDERED. 6 Date: January 13, 2026 7 8 9 10 11 12 13 14 15 16 17 18 19
20 21 22 23 24 25 26 27 28