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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

REYES ZAMORA VASQUEZ,

Petitioner,

v.

JAMES JANECKA, Warden of the
Adelanto Detention Center,
ERNESTO SANTACRUZ, Jr., Acting
Director of the Los Angeles Field
Office, United States Immigration
and Customs Enforcement,
PAM BONDI, Attorney General,
United States Department of Justice,
KRISTI NOEM, Secretary, United
States Department of Homeland
Security,
TODD LYONS, Acting Director of
United States Immigration and
Customs Enforcement, and
DOES 1-5, inclusive,

Respondents.

Case No. 5:25-cv-03317-JWH-SK

**ORDER GRANTING
PETITIONER'S *EX PARTE*
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER [ECF No. 3]**

1 Before the Court is the unopposed *ex parte* Application of Petitioner Reyes
2 Zamora Vasquez for a Temporary Restraining Order (“TRO”) to enjoin
3 Respondents James Janecka, Ernesto Santacruz Jr., Pam Bondi, Kristi Noem,
4 and Todd Lyons from continuing to detain him without a bond hearing. The
5 Court concludes that this matter is appropriate for resolution without a hearing.
6 *See Fed. R. Civ. P. 78*; L.R. 7-15. After considering the papers filed in support
7 and the lack of opposition,¹ the Court **GRANTS** Vasquez’s Application as set
8 forth below.

9 I. BACKGROUND

10 Vasquez, a citizen of Mexico, entered the United States without
11 inspection in 1992, and he has continuously resided in the United States ever
12 since.² Vasquez has no immigration record and no criminal arrests nor
13 convictions—his only criminal history is a citation for driving without a license.³
14 On November 3, 2025, Respondents initiated removal proceedings for Vasquez
15 that are ongoing. At some point before November 3, 2025, Respondents
16 arrested and detained Vasquez, eventually transferring him to the Immigration
17 and Customs Enforcement (“ICE”) Adelanto Detention Facility where he
18 remains.⁴ On December 9, 2025, Vasquez filed the instant Petition seeking the
19 following relief:

21 ¹ The Court considered the documents of record in this action, including
22 the following papers: (1) Pl.-Pet.’s *Ex Parte* Appl. for a TRO (the
23 “Application”) [ECF No. 3]; (2) Pl.-Pet.’s Suppl. Brief (the “Supplemental
24 Brief”) [ECF No. 7]; and (3) Resps.-Defs.’ Notice of Non-Opp’n to the
25 Application [ECF No. 9].

26 ² Pl.-Pet.’s Pet. for Writ of *Habeas Corpus* (the “Petition”) [ECF No. 1]
¶¶ 18 & 19.

27 ³ *Id.* at ¶¶ 18 & 20.

28 ⁴ *Id.* at ¶ 24.

- 1 • a temporary restraining order ordering the release of Vasquez pending the
2 resolution of this case or, in the alternative, an order that Respondents
3 provide Vasquez with a constitutionally valid bond hearing before an
4 Immigration Judge;
- 5 • a writ of *habeas corpus* on the ground that Vasquez’s continued detention
6 violates the Due Process Clause and an order directing Vasquez’s
7 immediate release;
- 8 • injunctive relief ordering Respondents to release Vasquez immediately, on
9 the ground that his continued detention violates his constitutional due
10 process rights;
- 11 • an injunction ordering Respondents not to arrest and detain Vasquez
12 without a proper finding that he has committed a violation of the
13 conditions of release or bond;
- 14 • an injunction ordering Respondents not to revoke Vasquez’s grant of
15 release without providing prior written notice and an opportunity to
16 respond, and that he be represented by counsel prior to the deprivation of
17 his liberty;
- 18 • an injunction prohibiting the transfer of Vasquez outside of the
19 jurisdictional limits of this Court;
- 20 • a judgment declaring that Respondents’ detention of Vasquez is and will
21 be unauthorized by statute and contrary to law; and
- 22 • an award of reasonable costs and attorney fees.⁵

23 II. LEGAL STANDARD

24 A TRO preserves the *status quo* and prevents irreparable harm until a
25 hearing may be held on the propriety of a preliminary injunction. *See Reno Air*
26 *Racing Ass’n, Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006). The standard
27

28 ⁵ *Id.* at Prayer for Relief.

1 for issuing a TRO is identical to the standard for issuing a preliminary
2 injunction. *See Lockheed Missile & Space Co. v. Hughes Aircraft Co.*, 887 F. Supp.
3 1320, 1323 (N.D. Cal. 1995). “A preliminary injunction is an extraordinary and
4 drastic remedy; it is never awarded as of right.” *Munaf v. Geren*, 553 U.S. 674,
5 689 (2008) (citations omitted). An injunction is binding only on parties to the
6 action, their officers, agents, servants, employees, and attorneys and those “in
7 active concert or participation” with them. Fed. R. Civ. P. 65(d)(2).

8 A party seeking a TRO or a preliminary injunction must establish four
9 elements: “(1) a likelihood of success on the merits, (2) that the plaintiff will
10 likely suffer irreparable harm in the absence of preliminary relief, (3) that the
11 balance of equities tip in its favor, and (4) that the public interest favors an
12 injunction.” *Wells Fargo & Co. v. ABD Ins. & Fin. Servs., Inc.*, 758 F.3d 1069,
13 1071 (9th Cir.), *as amended* (Mar. 11, 2014) (citing *Winter v. Natural Res. Def.*
14 *Council, Inc.*, 555 U.S. 7, 22 (2008)). When the nonmoving party is a
15 governmental entity, the last two *Winter* factors “merge.” *Nken v. Holder*, 556
16 U.S. 418, 435 (2009).

17 If the court issues a TRO, it must also issue an order to show cause why a
18 preliminary injunction should not issue. *See* L.R. 65-1.

19 III. ANALYSIS

20 The Court begins by noting that numerous federal courts in this District,
21 including this Court, have addressed the same legal issues presented here and
22 have granted the petitioners’ requests for TROs. *See, e.g., Pelaez Calderon v.*
23 *Noem*, Case No. 5:25-cv-02633-JWH-AS (C.D. Cal. Oct. 24, 2025); *Arreola*
24 *Armenta v. Noem*, Case No. 5:25-cv-02416-JFW-SP (C.D. Cal. Sept. 16, 2025);
25 *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025);
26 *Benitez v. Noem*, Case No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025);
27 *Ceja Gonzalez v. Noem*, Case No. 5:25-cv-2054-ODW-BFM (C.D. Cal. Aug. 13,
28 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025);

1 and *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM (C.D.
2 Cal. July 28, 2025). The Court agrees with those opinions, and, for the
3 following reasons, it **GRANTS** Vasquez’s Application for a TRO.

4 First, the Court is satisfied that it possesses jurisdiction over Vasquez’s
5 Petition. The Court, here—as in *Pelaez Calderon*—concludes that neither §
6 U.S.C. § 1252(b)(9) nor 8 U.S.C. § 1252(g) divests the Court of jurisdiction
7 because Vasquez is “not asking for review of an order of removal; [is] not
8 challenging the decision to detain [him] in the first place or to seek removal; and
9 [is] not even challenging any part of the process by which [his] removability will
10 be determined.” *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018). Instead,
11 Vasquez raises a question of law regarding whether his right to a bond hearing is
12 determined by § 1226(a) or § 1225(b)(2).

13 Turning to the *Winter* factors, the Court Concludes that Vasquez is likely
14 to succeed on the merits of his argument that his detention is governed by
15 § 1226(a) and that he is therefore unlawfully subject to mandatory detention
16 without a bond hearing under § 1225(b)(2). The Court agrees with the vast
17 majority of other courts in this District that have considered this issue and
18 concludes that § 1226(a) applies to Vasquez’s detention and that there is no
19 conflict between § 1226(a) and § 1225(b)(2).

20 Section 1226 “provides the general process for arresting and detaining
21 [noncitizens] who are present in the United States and eligible for removal” but
22 who are awaiting “a decision on whether [they] are to be removed from the
23 United States,” such as Vasquez. *See Rodriguez Diaz v. Garland*, 53 F.4th 1189,
24 1196 (9th Cir. 2022). It is well established that “[f]ederal regulations provide
25 that aliens detained under § 1226(a) receive bond hearings at the outset of
26 detention.” *Jennings*, 583 U.S. at 306 (citing 8 C.F.R. § 1236.1(d)(1)).

27 Section 1226 expressly subjects noncitizens who have been convicted of certain
28 crimes to mandatory detention without eligibility for bond. *See* 8 U.S.C.

1 § 1226(c). A 2025 amendment expanded the group of noncitizens subject to
2 mandatory detention for criminal reasons under § 1226 by providing that even if
3 a noncitizen has never been convicted of a crime, he is ineligible for bond if he:
4 (1) is inadmissible for, *inter alia*, being present in the United States without
5 being admitted or paroled; and (2) has been arrested for or charged with “any
6 burglary, theft, larceny, shoplifting, or assault of a law enforcement officer
7 offense, or any crime that results in death or serious bodily injury to another
8 person.” 8 U.S.C. § 1226(c)(1)(E)(ii). Vasquez has been charged with no
9 crimes; therefore, he is eligible for a bond hearing under § 1226(a).

10 Thus, the question is whether § 1225(b)(2) also applies to Vasquez’s
11 detention, creating an irreconcilable conflict with § 1226(a). Section 1225(b)(2)
12 provides that “in the case of an alien who is an applicant for admission, if the
13 examining immigration officer determines that *an alien seeking admission* is not
14 clearly and beyond a doubt entitled to be admitted, the alien shall be detained for
15 a [removal proceeding].” 8 U.S.C. § 1225(b)(2)(A) (emphasis added).

16 Under § 1225(a)(1), an “applicant for admission” is any noncitizen
17 “present in the United States who has not been admitted or who arrives in the
18 United States.” While Vasquez may fit the statutory definition of “applicant for
19 admission,” the Court concludes that he is not “an alien seeking admission”
20 based upon the statute’s plain language and the presumption that Congress did
21 not intend to create a conflict between adjacent sections of the same statute.

22 A court must make “every effort not to interpret a provision in a manner
23 that renders other provisions of the same statute inconsistent, meaningless or
24 superfluous.” *Shulman v. Kaplan*, 58 F.4th 404, 410-11 (9th Cir. 2023). Here,
25 interpreting § 1225(b)(2) to apply to Vasquez would render it in conflict with
26 § 1226(a) and would make superfluous § 1226(c)(1)(E)(ii)’s additional
27 exclusions. Instead, the Court concludes that conflicts are avoided by
28 interpreting § 1225(b)(2) and § 1226(a) to apply to different sets of

1 noncitizens—those “seeking admission” compared to those already in the
2 country who are arrested and detained. *See, e.g., Jennings*, 583 U.S. at 281, 297
3 (noting that § 1226 applies to “certain aliens already in the country,” while
4 § 1125(b) “applies primarily to aliens seeking entry into the United States”).

5 Accordingly, because § 1226(a) likely governs Vasquez’s detention, the
6 Court concludes that he is likely to succeed on the merits of his claim requesting
7 a bond hearing.

8 With regard to likelihood of irreparable harm, the Court notes that
9 Vasquez—a man with no criminal arrests or convictions—has been detained
10 without a bond hearing for at least a month and a half. “It is well established
11 that the deprivation of constitutional rights ‘unquestionably constitutes
12 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)
13 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). The Court finds that
14 Vasquez would be immediately and irreparably harmed by continued deprivation
15 of his liberty without a bond hearing to which he is entitled under § 1226(a). *See*
16 *Hernandez v. Sessions*, 872 F.3d 976, 994-95 (9th Cir. 2017) (finding that
17 irreparable harm was likely to result from the Government’s policy of not
18 considering financial ability to pay immigration bonds); *see also Rodriguez v.*
19 *Robbins*, 715 F.3d 1127, 1144-45 (9th Cir. 2013) (finding that irreparable harm
20 was likely to result from the Government’s reading of immigration detention
21 statutes as not requiring a bond hearing for noncitizens subject to prolonged
22 detention).

23 Finally, with regard to the balance of the equities and public interest, the
24 Court concludes that, because Vasquez challenges a policy that is likely in
25 violation of federal law, both the equities and the public interest favor a
26 temporary restraining order. *See Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir.
27 2022) (“[N]either equity nor the public’s interest are furthered by allowing
28 violations of federal law to continue.”). Furthermore, “[g]enerally,

1 public interest concerns are implicated when a constitutional right has been
2 violated, because all citizens have a stake in upholding the Constitution.” *Xuyue*
3 *Zhang v. Barr*, 612 F. Supp. 3d 1005, 1017 (C.D. Cal. 2020). Accordingly, the
4 Court finds that both factors weigh in favor of Vasquez.

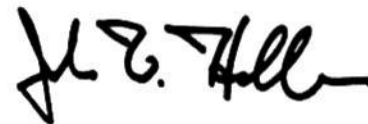
5 **IV. DISPOSITION**

6 For the foregoing reasons, the Court hereby **ORDERS** as follows:

- 7 1. Vasquez’s instant Application for a TRO is **GRANTED**.
- 8 2. Respondents are **TEMPORARILY ENJOINED** from continuing
9 to detain Vasquez unless he is provided with an individualized bond hearing
10 before an immigration judge pursuant to 8 U.S.C. § 1226(a) no later than
11 December 23, 2025.
- 12 3. Respondents are **DIRECTED** to show cause in writing by
13 December 26, 2025, at 12:00 noon why the Court should not issue a preliminary
14 injunction in this case.
- 15 4. Vasquez may file an optional response no later than December 29,
16 2025, at 12:00 noon.
- 17 5. A hearing on the preliminary injunction is **SET** for December 30,
18 2025, at 10:00 a.m. Counsel for all parties are **DIRECTED** to appear in person
19 at that date and time in Courtroom 9D of the Ronald Reagan Federal Building
20 and U.S. Courthouse, 411 W. 4th Street, Santa Ana, California.
- 21 6. This Temporary Restraining Order is issued at 2:25 p.m. on
22 December 16, 2025. It shall remain in effect until the conclusion of the hearing
23 on December 30, 2025.

24 **IT IS SO ORDERED.**

25
26 Dated: December 16, 2025



27 John W. Holcomb
28 UNITED STATES DISTRICT JUDGE