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6
7 IN THE UNITED STATES DISTRICT COURT

8
9 EASTERN DISTRICT OF CALIFORNIA

10 HARMANPREET SINGH,

11 Petitioner,

12 v.

13 SERGIO ALBARRAN, Field Office Director of
14 Enforcement and Removal Operations,

15 Respondents.

CASE NO. 1:25-CV-01821-DAD-SCR

OPPOSITION TO MOTION FOR A TEMPORARY
RESTRAINING ORDER

I. PRELIMINARY MATTERS

Although it appears from the proofs of service attached to the habeas petition and motion for a temporary restraining order that the petitioner placed these documents *in the mail* on December 11, 2025, the U.S. Attorney's Office has not received these documents. Moreover, the petitioner has not filed a proof of service, as directed by the Court's minute order (Docket No. 4). The U.S. Attorney's Office became aware of this proceeding when it received the Court's minute order electronically at usacae.ecf2241@usdoj.gov at 4:00 p.m. yesterday and the case was assigned to the undersigned today. The undersigned left a voicemail message and sent an email to petitioner's counsel this afternoon (December 12, 2025) asking him to meet and confer, but has not heard back as of the time of the filing of this Opposition.

II. BACKGROUND

Petitioner is a native and citizen of India who entered the United States at an unknown location on or about December 2, 2021, without a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document. Docket No. 1-3. Piecing the attachments to the habeas petition together, it appears the petitioner was apprehended shortly after entry. Docket No. 1-3; 1-4. Although an alien under these circumstances would normally be removed via an expedited removal process under 8 U.S.C. § 1225(b)(1), the petitioner was instead paroled into the United States pending what is known as a credible fear interview with an asylum officer from the United States Citizenship and Immigration Services ("USCIS"). Recently, that interview occurred; the asylum officer concluded that the petitioner's claim of fear of persecution in India was credible (as indicated in the Notice to Appear attached to the habeas petition – the box checked: "This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture."); and the petitioner was placed in a standard removal proceeding (as opposed to an expedited removal proceeding as would be the case if the claim of persecution were not found to be credible). Under this scenario, an alien is subject to mandatory detention for the duration of the standard removal proceeding under 8 U.S.C. § 1225(b)(1), not 8 U.S.C. § 1225(b)(2).

III. LEGAL STANDARD

The standard for issuing a temporary restraining order is “substantially identical” to that for a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Preliminary injunctions are extraordinary remedies “never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted). “[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are entitled to this extraordinary remedy.” *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469 (9th Cir. 2010) (internal quotation marks omitted). This burden is aptly described as “heavy.” *Id.*

“A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Alternatively, a plaintiff can show “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third . . . factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

IV. DISCUSSION

Petitioner filed this habeas petition alleging that he is being wrongly detained under 8 U.S.C. § 1225(b)(2) and that he is a member of the class certified in *Bautista Maldonado v. Salazar*, No. 5:25-cv-01873 (C.D. Cal.), a case that involves the application of 8 U.S.C. § 1225(b)(2). In that case, the court certified the following class:

Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *9.

The petitioner’s discussion of 8 U.S.C. § 1225(b)(2) and his reliance on *Maldonado Bautista* are wholly misplaced, however, because he is being detained under 8 U.S.C. § 1225(b)(1), not 8 U.S.C. § 1225(b)(2). In light of the fact that the habeas petition is based on what appears to be a mistaken

1 belief that the petitioner is being detained under 8 U.S.C. § 1225(b)(2), the Court should deny the
2 motion for a restraining order.

3 **V. CONCLUSION**

4 For the foregoing reasons, Petitioner's Motion for a Temporary Restraining Order should be
5 denied.

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7 Dated: December 12, 2025

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