

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**United States District Court
Central District of California**

YEMANE BERHANE
WOLDEGABRIEL,

Petitioner,

v.

KRISTI NOEM et al.,

Respondents.

Case No 5:25-cv-03369-ODW (PVCx)

**ORDER GRANTING UNOPPOSED
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE [5]**

I. INTRODUCTION

Petitioner Yemane Berhane Woldegabriel moves the Court *ex parte* for a temporary restraining order requiring his immediate release from custody. (Ex Parte Appl. (“TRO”), Dkt. No. 5.) Respondents Kristi Noem, Secretary of the Department of Homeland Security (“DHS”); Pamela Bondi, U.S. Attorney General; Todd Lyons, Acting Director of Immigration and Customs Enforcement (“ICE”); Jaime Rios, Director, Los Angeles ICE Field Office; and Fereti Semaia, Warden of Adelanto ICE Processing Center failed to oppose the request. For the reasons discussed below, the Court **GRANTS** the TRO.

II. BACKGROUND

1
2 Woldegabriel is a resident of Marina Del Rey, California, and has been residing
3 in the United States since 1985. (Pet. ¶¶ 12, 19, Dkt. No. 1.) He is not a United States
4 citizen but became a lawful permanent resident on October 7, 1986. (*Id.* ¶ 19.) He is
5 married and has two children, ages thirteen and fifteen. (*Id.* ¶ 20.)

6 In 2001, Woldegabriel was convicted of felony Grand Theft, and the conviction
7 was later reduced to a misdemeanor. (*Id.* ¶ 21.) In 2007, upon his return from travels
8 in Mexico, Customs and Border Patrol stopped Woldegabriel and took him into
9 secondary inspection. (*Id.* ¶ 22.) Respondents issued Woldegabriel a Notice to
10 Appear, placed him into removal proceedings, and ordered him to appear before an
11 Immigration Judge (“IJ”). (*Id.*) Woldegabriel was nevertheless paroled into the
12 United States. (*Id.*)

13 Woldegabriel, believing that the Notice to Appear was a “release document,”
14 failed to appear before an IJ and moved to a new address without informing the
15 immigration court. (*Id.* ¶ 23.) Consequently, Woldegabriel did not receive hearing
16 notices and an IJ ordered him removed, in absentia, to Ethiopia. (*Id.* ¶ 24.)

17 On November 15, 2013, DHS detained Woldegabriel and held him at Adelanto
18 Detention Center. (*Id.* ¶ 25.) Between November 2013 and May 2014, DHS
19 attempted to obtain travel documents to remove Woldegabriel to Ethiopia or Eritrea.
20 (*Id.* ¶¶ 26–29.) After 194 days in detention, on May 28, 2014, Woldegabriel filed a
21 petition for writ of habeas corpus, challenging his continued detention. (*Id.* ¶ 32);
22 Pet., *Woldegabriel v. Marin*, No. 5:14-cv-01073-ODW (JPRx) (C.D. Cal. May 28,
23 2014), Dkt. No. 1. The following day, an IJ ordered Woldegabriel’s release on bond
24 and ordered him to report to immigration authorities once a year. (*Id.* ¶¶ 33, 35.)

25 After ten years of regular reporting, on December 1, 2025, Woldegabriel was
26 detained when he appeared for his scheduled check-in. (*Id.* ¶¶ 35–36.) As of
27 December 12, 2025, Woldegabriel has not been informed of the reasons for the
28

1 revocation of release or whether Respondents have obtained travel documents to
2 remove Woldegabriel from the United States. (*Id.* ¶ 37.)

3 III. LEGAL STANDARD

4 A temporary restraining order (“TRO”) is an “extraordinary remedy that may
5 only be awarded upon a clear showing that the plaintiff is entitled to such relief.”
6 *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The standard for issuing a
7 TRO is “substantially identical” to that for issuing a preliminary injunction. *Stuhlberg*
8 *Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
9 Pursuant to Federal Rule of Civil Procedure (“Rule”) 65, a court may grant
10 preliminary injunctive relief to prevent “immediate and irreparable injury.” Fed. R.
11 Civ. P. 65(b). To obtain this relief, a plaintiff must establish the “*Winter*” factors:
12 (1) the plaintiff “is likely to succeed on the merits”; (2) the plaintiff “is likely to suffer
13 irreparable harm in the absence of preliminary relief”; (3) “the balance of equities tips
14 in [the plaintiff’s] favor”; and (4) “an injunction is in the public interest.” *Am.*
15 *Trucking Ass’ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009)
16 (quoting *Winter*, 555 U.S. at 20).

17 The Ninth Circuit uses a sliding scale approach to preliminary injunctions, such
18 that “a stronger showing of one element may offset a weaker showing of another.”
19 *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Under the
20 sliding scale approach, a plaintiff is entitled to a preliminary injunction if he has raised
21 “serious questions going to the merits . . . and the balance of hardships tips sharply in
22 [his] favor,” “so long as the plaintiff also shows that there is a likelihood of irreparable
23 injury and that the injunction is in the public interest.” *Id.* at 1135 (citation modified).

24 IV. DISCUSSION

25 The Court has jurisdiction under 28 U.S.C. § 2241(c)(3), which gives district
26 courts the power to grant writs of habeas corpus where a petitioner demonstrates that
27 his custody violates “the Constitution or laws or treaties of the United States.” *See*
28 *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (holding that § 2241 confers jurisdiction

1 on federal courts to hear challenges to continued immigration-related detention); *see*
2 *also Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006) (holding that the
3 REAL ID Act of 2005 eliminates federal habeas corpus jurisdiction only over final
4 orders of removal).

5 Having determined that the Court has jurisdiction over Petitioner’s TRO, the
6 Court now turns to the merits of the TRO by discussing the *Winter* factors.

7 **A. Likelihood of Success on the Merits**

8 Woldegabriel argues that he is likely to succeed on his *Zadvydas* claim.
9 (TRO 3–6.)¹ Specifically, he argues that he is likely to succeed on his *Zadvydas* claim
10 because he has been detained for over 180 days and has shown good reason that there
11 is no significant likelihood of his removal. (*Id.* at 4–6.)

12 Federal immigration law requires that, once a removal order is final, the
13 government must “remove the alien from the United States within a period of
14 90 days.” 8 U.S.C. § 1231(a)(1)(A). During this initial “removal period,” the
15 government “shall detain the alien.” *Id.* § 1231(a)(2). However, under § 1231(a)(6),
16 the government may detain aliens for more than ninety days if they have been ordered
17 removed due to criminal convictions.

18 In *Zadvydas*, the Supreme Court addressed how long an alien may be detained
19 pursuant to § 1231(a)(6). First, the Supreme Court held that the government does not
20 have the power to “hold indefinitely in confinement an alien ordered removed.”
21 *Zadvydas*, 533 U.S. at 697. Second, and more pertinent here, the Supreme Court
22 established that a six-month period of detention is “presumptively reasonable.” *Id.*
23 at 701. However, after six months, if “the alien provides good reason to believe that
24 there is no significant likelihood of removal in the reasonably foreseeable future, the
25 Government must respond with evidence sufficient to rebut that showing.” *Id.*

26 _____
27 ¹ The Court need not reach Woldegabriel’s likelihood of success on his other claims. (TRO 6–8);
28 *see Commure, Inc. v. Canopy Works, Inc.*, 792 F. Supp. 3d 971, 978 (N.D. Cal. 2025) (“The
likelihood of success on a single claim is sufficient if that claim supports the injunctive relief
sought.”)

1 The Court begins with the question of whether the six-month period of
2 detention has passed, such that Woldegabriel may then show “no significant likelihood
3 of removal.” *Id.* Although Woldegabriel’s current detention has lasted less than a
4 month, Woldegabriel argues that his total detention—including the time spent in
5 custody in 2013 and 2014—totals well over 180 days for purposes of his *Zadvydas*
6 claim. (TRO 5–6.) Woldegabriel cites several out-of-district decisions that have held
7 that the *Zadvydas* clock does not reset on a petitioner’s latest detention. (*Id.*)

8 Courts in this District have similarly held that the *Zadvydas* clock does not reset
9 every time the government releases and redetains a petitioner. *See, e.g., Luu v. Bowen*,
10 No. 5:25-cv-03145-MEMF (SPx), 2025 WL 3552298, at *6 (C.D. Cal. Dec. 11, 2025).
11 Indeed, such a result would result in absurd results: it would allow the government to
12 “detain an individual for six months, release them, redetain them just outside the gates
13 of the detention facility, and redetain them for another six months, and do this
14 repeatedly without ever having to comply with its burden under *Zadvydas*.” *Id.* Thus,
15 the Court follows the weight of authority and finds that, for the purposes of his
16 *Zadvydas* claim, Woldegabriel has been in custody for over six months, including the
17 time he spent in custody in 2013 and 2014. Accordingly, his detention is no longer
18 presumptively reasonable, and the Court turns to whether he shows “good reason to
19 believe that there is no significant likelihood of removal in the reasonably foreseeable
20 future.” *Zadvydas*, 533 U.S. at 701.

21 Woldegabriel’s principal argument here is that Respondents have tried, and
22 failed, since 2013 to obtain the necessary travel documents to remove him, and
23 Respondent’s lack of progress demonstrates that there is no significant likelihood of
24 removal. (TRO 5–6.) It has been over a decade since DHS first began trying to
25 obtain travel documents to remove Woldegabriel. (Decl. Megan Brewer (“Brewer
26 Decl”) ISO TRO Ex. D (“Tolchin Decl.”) ¶ 3, Dkt. No. 5-1.) DHS first attempted to
27 remove Woldegabriel to Ethiopia, but after its attempts were unsuccessful, DHS then
28 attempted to remove Woldegabriel to Eritrea. (*Id.* ¶¶ 4–5.) When those efforts were

1 also unsuccessful, DHS represented that it was no longer trying to remove
2 Woldegabriel to Eritrea, but that it was still trying to obtain travel documents for
3 Ethiopia. (*Id.* ¶ 5.) Thus, the Court can only infer that Respondents are attempting to
4 remove Woldegabriel only to Ethiopia, an objective which Respondents have failed to
5 achieve for over a decade.

6 Considering this more than a decade-long delay, the Court finds that
7 Woldegabriel is likely to succeed in showing that there is no “significant likelihood of
8 removal in the reasonably foreseeable future.” *Zadvydas*, 555 U.S. at 701; *see Chun*
9 *Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *5 (W.D. Wash. Apr. 25,
10 2012) (“An undue delay in removal for an individual alien beyond the typical removal
11 period would naturally suggest that removal is unlikely.”). Moreover, Woldegabriel
12 has demonstrated that nothing has changed since his most recent detention, noting
13 that, as of December 12, 2025, DHS has not informed him whether it has secured the
14 necessary travel documents to permit his removal. (Pet. ¶ 37); *see Min v. Santacruz*,
15 No. 2:25-cv-10971-MEMF (ASx), 2025 WL 3295564, at *4 (C.D. Cal. Nov. 26, 2025)
16 (finding that petitioner provides good reason that there is no significant likelihood of
17 removal in the reasonably foreseeable future because “[n]o travel documents have
18 been applied for, let alone secured”).

19 As Woldegabriel meets his initial burden, the burden shifted to Respondents to
20 show that removal is significantly likely. *Zadvydas*, 555 U.S. at 701. However,
21 Respondents failed to respond to the TRO. As such, Respondents failed to rebut
22 Woldegabriel’s showing that removal is not significantly likely in the reasonably
23 foreseeable future. Therefore, the first *Winter* factor weighs in favor of injunctive
24 relief because Woldebabriel shows that he is likely to prevail on his *Zadvydas* claim.

25 **B. Likelihood of Irreparable Harm**

26 Woldegabriel contends that he will suffer irreparable harm due to his continued
27 detention. (TRO 8.) Without reaching any potential deprivation of constitutional
28 rights or the corresponding harms, the Court agrees and finds that continued detention

1 here results in irreparable harm. The Ninth Circuit has recognized “the irreparable
2 harms imposed on anyone subject to immigration detention,” including “economic
3 burdens imposed on detainees and their families as a result of detention, and the
4 collateral harms to children of detainees whose parents are detained.” *Hernandez v.*
5 *Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Here, Woldegabriel’s continuous
6 detention results in harm to himself and to his wife and two minor children who also
7 face the risk of “economic burdens” and “collateral harms” attendant to
8 Woldegabriel’s detention. *Id.*; (Pet. ¶ 20.) As Respondents fail to rebut this showing,
9 the Court finds that Woldegabriel has demonstrated that his continued detention is
10 likely to result in irreparable harm.

11 **C. Balance of Equities and Public Interest**

12 The last two *Winter* factors “merge when the Government is the opposing
13 party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Here, the balance of equities tips
14 sharply in Woldegabriel’s favor as he would suffer great hardship if this Court were to
15 deny the TRO. *See Cottrell*, 632 F.3d at 1134–35 (requiring the balance of hardships
16 to “tip sharply” in the moving party’s favor). Specifically, Woldegabriel would
17 continue to suffer over six months of combined detention without removal,
18 considering his past and current detention. Moreover, there is nothing equitable or
19 just about detaining individuals who do not face a significant likelihood of removal in
20 the reasonably foreseeable future. Thus, given “[Woldegabriel’s] unlawful detention,
21 and without any reason to believe [Woldegabriel’s] removal or release will occur in
22 the reasonably foreseeable future, the Court finds ample reason to conclude that ‘the
23 balance of hardships tips decidedly in [Woldegabriel’s] favor.’” *See Min*, 2025 WL
24 3295564, at *6. Thus, the last two *Winter* factors also weigh in favor of an injunction.

25 **V. CONCLUSION**

26 For the reasons discussed above, the Court finds that all four *Winter* factors
27 weigh in favor of a TRO. Accordingly, the Court **GRANTS** the TRO. (Dkt. No. 5.)
28 It is hereby **ORDERED** that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Respondents shall **IMMEDIATELY RELEASE** Woldegabriel from their custody;
- Respondents are **ENJOINED** from redetaining Woldegabriel unless they have obtained travel documents for his removal, making his removal significantly likely in the reasonably foreseeable future;
- Respondents are **ENJOINED** from relocating Woldegabriel outside of the Central District of California pending final resolution of this case; and
- Respondents shall **SHOW CAUSE**, in writing only, to be received by the Court no later than **DECEMBER 26, 2025**, as to why the Court should not issue a preliminary injunction in this case. Woldegabriel may file a reply by **DECEMBER 28, 2025**. The Court **SETS** a hearing on the preliminary injunction on **DECEMBER 30, 2025**, at 9:00 a.m., via **ZOOM**.

IT IS SO ORDERED.

December 19, 2025



OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE