

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTONIO TEXIS ZECUA,
Petitioner,
v.
TODD LYONS, *et al.*
Respondents.

Case No. 2:25-cv-09794-CV (PDx)

**ORDER GRANTING EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION [3]**

On October 14, 2025, Petitioner Antonio Taxis Zecua filed an Ex Parte Application for a Temporary Restraining Order and Order to Show Cause Re: Preliminary Injunction (“Application”). Doc. # 3 (“App.”). On October 15, 2025, Respondents filed an Opposition, and on October 16, 2025, Petitioner filed a Reply. Doc. # 6 (“Opp.”); Doc. # 8 (“Reply”). Having reviewed and considered all the briefing filed with respect to the Application, the Court finds that oral argument is not necessary to resolve the Application, *see Fed. R. Civ. P. 78(b)*; Local Rule 7-15; *Willis v. Pac. Mar. Ass’n*, 244 F.3d 675, 684 n.2 (9th Cir. 2001), and concludes as follows.

I. INTRODUCTION

On October 13, 2025, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. section 2241 (the “Petition”) against the Acting Director of Immigration

1 Customs and Enforcement (“ICE”), Todd Lyons, and the Field Office Acting Director for
2 Enforcement and Removal Operation, Ernesto Santacruz, Jr. (collectively,
3 “Respondents”). Doc. #1 (“Pet.”). The Petition and Application seek a writ and Temporary
4 Restraining Order (“TRO”) that would require Respondents to either release Petitioner with
5 an order that Respondents may not re-detain him without a bond hearing on the merits
6 where the government must prove by clear and convincing evidence that Petitioner is a
7 danger to the community and a flight risk such that physical custody is required, or in the
8 alternative, a Court order that the immigration judge hold a bond hearing on the merits. *Id.*
9 at 7; App. at 2.

10 **II. FACTUAL BACKGROUND**

11 Petitioner is an individual currently held in the physical custody of Respondents at
12 the Adelanto Detention Facility in Adelanto, California. Pet. at 1–2. Petitioner was arrested
13 on June 6, 2025 in Los Angeles, California. *Id.* at 4, 6. Prior to his arrest, Petitioner was
14 residing in the United States for more than 20 years. *Id.* at 6.

15 Following his arrest, an immigration judge (“IJ”) determined that the court lacked
16 jurisdiction to consider Petitioner’s bond request in light of *Matter of Jonathan Javier*
17 *Yajure Hurtado*, 29 I.&N. Dec. 216 (BIA 2025) (*Matter of Yajure Hurtado*), and therefore
18 denied the bond request. *Id.* at 2, 6; Doc. # 3-1 (“Brooks Decl.”), Ex. D.

19 In *Matter of Yajure Hurtado*, the Board of Immigration Appeals (“BIA”) held that
20 an IJ does not have authority to consider bond requests for any person who entered the
21 United States without admission, because such individuals are detained pursuant to 8
22 U.S.C. section 1225(b)(2)(A). 29 I.&N. Dec. 216 (BIA 2025).

23 Petitioner asserts that he should be classified under 8 U.S.C. section 1226(a), and
24 that his detention therefore violates that section. Pet. at 6. Petitioner further asserts that his
25 Fourth and Fifth Amendment rights have been violated due to his arrest and detention
26 without due process. *Id.*

27 **III. LEGAL STANDARD**

28 The standard for issuing a temporary restraining order and preliminary injunction

under Federal Rule of Civil Procedure 65 is the same. *Six v. Newsom*, 462 F. Supp. 3d 1060, 1067 (C.D. Cal. 2020); *see also Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that a temporary restraining order and preliminary injunction involve “substantially identical” analysis). Like a preliminary injunction, a temporary restraining order is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

Under *Winter*, a plaintiff seeking a temporary restraining order must establish four elements: “(1) a likelihood of success on the merits, (2) that the plaintiff will likely suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tip in its favor, and (4) that the public interest favors an injunction.” *Wells Fargo & Co. v. ABD Ins. & Fin. Servs., Inc.*, 758 F.3d 1069, 1071 (9th Cir. 2014) (citing *Winter*, 555 U.S. at 20). Courts in this circuit also employ “an alternative ‘serious questions’ standard, also known as the ‘sliding scale’ variant of the *Winter* standard,” *Fraihat v. U.S. Immigr. & Customs Enf’t*, 16 F.4th 613, 635 (9th Cir. 2021), in which the four *Winter* elements are “balanced, so that a stronger showing of one element may offset a weaker showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Under this approach, a temporary restraining order may be warranted where there are “‘serious questions going to the merits’ and a hardship balance that tips sharply toward the plaintiff,” so long as the other *Winter* factors are also met. *Id.* at 1132.

IV. DISCUSSION

The Court finds that Petitioner is entitled to the requested TRO. The Court is not persuaded by Respondents’ arguments that (1) the Court lacks jurisdiction over this case, and (2) Petitioner fails to meet the standard for injunctive relief. *See generally*, Opp. Instead, the Court agrees with the numerous federal courts, including many in this District, that have addressed the exact same legal issues presented here and have granted TROs in nearly identical circumstances. *See, e.g., Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Ceja Gonzalez v. Noem*, No. 5:25-cv-2054-

1 ODW-BFM (C.D. Cal. Aug. 13, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-
 2 ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Benitez v. Noem*, No. 5:25-
 3 cv-2190-RGK-AS (C.D. Cal. Aug. 26, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-cv-
 4 02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Arreola Armenta v.*
 5 *Noem*, No. 5:25-cv-2416-JFW(SP) (C.D. Cal. Sept. 16, 2025); *Sandoval Hernandez v.*
 6 *Noem*, No. 5:25-cv-02563-FMO (AGRx) (C.D. Cal. Oct. 9, 2025).¹

7 In particular, the Court finds the reasoning set forth in *Zaragoza Mosqueda* to be
 8 persuasive. Accordingly, for the reasons stated in that decision and the other decisions cited
 9 above, the Court finds that: (1) 8 U.S.C. section 1252(b)(9) and section 1252(g) do not
 10 present jurisdictional bars, *see Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018); (2)
 11 Petitioner is likely to succeed on the merits of his claim that his ongoing detention
 12 mandated by 8 U.S.C. section 1225(b)(2) is unlawful because 8 U.S.C. section 1226(a)
 13 properly governs his detention²; (3) Petitioner is likely to suffer irreparable injury in the
 14 absence of a TRO because his detention constitutes a loss of liberty that is irreparable, *see*
 15 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (“It is well established that the
 16 deprivation of constitutional rights unquestionably constitutes irreparable injury.”)
 17 (internal quotation marks omitted); and (4) the balance of equities and public interest weigh
 18 in favor of granting Petitioner’s request for a TRO because Petitioner challenges a policy
 19 that is likely in violation of federal law, *see Valle del Sol Inc. v. Whiting*, 732 F.3d 1006,
 20 1029 (9th Cir. 2013) (“[I]t is clear that it would not be equitable or in the public’s interest
 21 to allow the [government] . . . to violate the requirements of federal law[.]”).

22
 23
 24 ¹ Notably, Respondents acknowledge that the arguments made in their Opposition reiterate the same legal
 position taken in the *Bautista*, *Ceja Gonzalez*, *Arrazola-Gonzalez*, and *Benitez* cases. Opp. at 7.

25 ² The Court notes that *Zaragoza Mosqueda* did not consider the *Matter of Yajure Hurtado*, and was instead
 26 related to a DHS Policy with the same holding—that anyone arrested within the United States and being
 27 inadmissible is treated as an “applicant for admission” under 8 U.S.C. section 1225(b)(2)(A), rather than
 28 being detained pursuant to 8 U.S.C. section 1226(a). However, this Court is not bound by *Matter of Yajure*
Hurtado, and is not persuaded by its reasoning. *See Lepe v. Andrews*, No. 1:25-cv-01163-KES-SKO (HC),
2025 WL 2716910, at *4 n.5 (E.D. Cal. Sept. 23, 2025).

1 **V. CONCLUSION**

2 For the foregoing reasons, the court GRANTS Petitioner's Application and
3 ORDERS as follows:

4 1. Respondents are enjoined from continuing to detain petitioner unless he is
5 provided with an individualized bond hearing before an IJ pursuant to 8 U.S.C. section
6 1226(a) within seven calendar days of the filing date of this Order.

7 2. To preserve the Court's jurisdiction, respondents are enjoined from
8 transferring, relocating, or removing petitioner outside of the Central District of California
9 pending final resolution of this case or further order of the Court.

10 3. This temporary restraining order shall take immediate effect and expires at
11 5:00 p.m. PT on October 31, 2025. The temporary restraining order may be extended for
12 good cause or upon Respondents' consent.

13 4. Respondents are ordered to show cause why a preliminary injunction should
14 not issue. *See* C.D. Cal. L. R. 65-1. Respondents must file any written response to the Order
15 to Show Cause no later than October 24, 2025. Failure to file a response by this deadline
16 shall be deemed as consent to the granting of a Preliminary Injunction. Petitioner shall file
17 a reply no later than October 29, 2025.

18 5. The Court shall decide, after reviewing the parties' papers, whether to hold a
19 hearing on the Order to Show Cause or to take the Order to Show Cause under submission.

20
21 **IT IS SO ORDERED.**

22
23 Dated: OCTOBER 17, 2025

24 
25 _____
26 HON. CYNTHIA VALENZUELA
27 UNITED STATES DISTRICT JUDGE
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