

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. 2:25-cv-10027-AH-PD Date December 27, 2025

Title *Yuri Decyatnik v. Kristi Noem et al.*

Present: The Honorable Anne Hwang, United States District Judge

Yolanda Skipper
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (IN CHAMBERS) ORDER GRANTING APPLICATION FOR A
TEMPORARY RESTRAINING ORDER (DKT. NOS. 3, 21)**

Before the Court is an application for a temporary restraining order (“TRO”) and a preliminary injunction filed by Petitioner Yuri Decyatnik (“Petitioner”).¹ Appl., Dkt. No. 21. Respondents Kristi Noem, Pamela J. Bondi, Thomas Giles, and James Pilkington (“Respondents”) did not file an opposition.² The Court deems this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); L.R. 7-15. For the following reasons, the Court GRANTS the application for a TRO.

¹ This is Petitioner’s second application for a TRO and preliminary injunction, submitted with assistance of counsel. Petitioner’s first motion for a TRO and preliminary injunction, submitted pro se, remains pending. Dkt. No. 3. This Order rules on both requests for a TRO together.

² The Court ordered Respondents to file any opposition by December 24, 2025, at 10:00 a.m. Dkt. No. 23. Respondents have not filed any opposition as of the current date. According to Petitioner’s proposed counsel, as of December 19, 2025, Respondents were reviewing the case to determine whether they would oppose but were unable to stipulate to relief. Ogden Decl. ¶ 6, Dkt. No. 22.

I. BACKGROUND³

Petitioner is a citizen of the former USSR, born in the region that is now Ukraine. Pet. at 3. Petitioner entered the United States as a refugee in 1990 and has been detained by immigration authorities three times. *Id.* Petitioner was first taken into custody on June 18, 2001, and was released after he filed a petition challenging his indefinite detention and a magistrate judge issued a report and recommendation ordering his release. *Id.* at 4; Appl. at 2–3. Petitioner was ordered removed on February 26, 2002. Pet. at 4. Petitioner was again detained on August 10, 2003, and was released after he filed another petition. *Id.* at 3; Appl. at 3. Finally, Petitioner was detained for the third time on May 16, 2025, and is being held at the Adelanto Detention Facility. Pet. at 3–4.

On October 17, 2025, Petitioner filed a petition for writ of habeas corpus. *See generally* Pet. Petitioner concurrently filed a motion for a TRO and a Preliminary Injunction. Dkt. No. 3. Respondents opposed this first motion for a TRO, asserting that the government of Ukraine had agreed to repatriate Petitioner and that Petitioner was scheduled to depart the United States via ICE charter flight to Ukraine on November 3, 2025. Opp’n at 3, Dkt. No. 7. Respondents also confirmed that Petitioner was not detained to assess or pursue potential removal to a third country other than Ukraine. *Id.* at 7.

Based on Respondents’ representations, the Court ordered Respondents to file a status report confirming that Petitioner had departed the United States to Ukraine. Dkt. No. 10. On November 10, 2025, Respondents filed a status report indicating that Petitioner’s flight had been rescheduled to November 17, 2025. Dkt. No. 11. On November 20, 2025, Respondents filed a supplemental status report stating that the Ukrainian government refused to issue Petitioner a travel document and that Respondents anticipated another flight to Ukraine would be scheduled in approximately six months. Dkt. No. 12. On December 16, 2025, Respondents filed another supplemental status report indicating that Petitioner is still detained at the Adelanto Processing Center, and Respondents have no updates concerning Petitioner’s travel documents or the next scheduled charter flight to Ukraine. Dkt. No. 18.

³ The Court summarizes the relevant facts based on the allegations in Petitioner’s petition for writ of habeas corpus (“Petition”). Pet., Dkt. No. 1.

On December 19, 2025, Petitioner filed the instant application for a TRO and a preliminary injunction. Dkt. No. 21. Petitioner seeks an order for Respondents to release Petitioner from custody and reinstate his prior order of supervision, to refrain from removing Petitioner from the United States or the Central District of California, and to show cause why Petitioner's application for a preliminary injunction should not be granted. Appl. at 4–5.

II. LEGAL STANDARD

A TRO 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 TRO 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). When “the nonmovant is the government, the last two *Winter* factors merge.” *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023) (citation modified).

Courts in the Ninth Circuit also employ a “sliding scale” approach, also known as the “serious questions” test, 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, “‘serious questions going to the merits’ and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the *Winter* test are also met.” *Id.* Serious questions are those that “cannot be resolved one way or the other at the hearing on the injunction because they require more deliberative investigation. Thus, parties do not show serious questions when they raise a merely plausible claim.” *Assurance Wireless USA, L.P. v. Reynolds*, 100 F.4th 1024, 1031 (9th Cir. 2024) (internal quotation marks and citations omitted).

III. DISCUSSION

A. Likelihood of Success on the Merits

Petitioner argues there is no reasonable likelihood that Petitioner will be removed in the foreseeable future under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Pet. at 5; Appl. at 3. The Supreme Court in *Zadvydas* limited a non-citizen's "post-removal-period detention to a period reasonably necessary to bring about that [non-citizen's] removal from the United States." 533 U.S. at 689. After a presumptively reasonable six-month period of detention,⁴ "once [Petitioner] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701.

Petitioner argues there is no likelihood of removal to Ukraine in the foreseeable future because he is not a citizen of Ukraine and "Ukraine will not take him." Pet. at 6. Petitioner also argues that ICE is not deporting individuals to Ukraine and commercial flights cannot enter Ukraine due to the war. *Id.* In addition, the Court notes that ICE has not been able to remove Petitioner to Ukraine despite two prior arrests in 2001 and 2003. *See id.* at 3. ICE's recent efforts to remove Petitioner have also failed, as Respondents acknowledged that the Ukrainian government refused to issue Petitioner a travel document and Respondents have no updates concerning future scheduled charter flights to Ukraine. *See* Dkt. Nos. 12, 18. Respondents' own representations and demonstrated inability to remove Petitioner indicate there is no reasonable likelihood that Petitioner will be removed in the foreseeable future. Petitioner has therefore shown a likelihood of success on his *Zadvydas* claim.

B. Irreparable Harm

"It is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation modified); *see also Hernandez v. Sessions*, 872 F.3d 976, 995, 1000 (9th Cir. 2017) (describing the "irreparable harms imposed on anyone subject to immigration detention"). Petitioner, who remains in immigration detention, has therefore demonstrated irreparable harm in the absence of preliminary relief.

C. Balance of Equities and Public Interest

The remaining two factors for a preliminary injunction, the balance of equities and public interest, merge when the government is the opposing party. *Baird*, 81 F.4th at 1040. "[I]t is always in the public interest to prevent the

⁴ At the time of Petitioner's second request for a TRO, filed on December 19, 2025, Petitioner had been in custody for over six months (since May 16, 2025). Pet. at 6.

violation of a party's constitutional rights." *Melendres*, 695 F.3d at 1002 (citation omitted). Further, a party "cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations." *Zepeda v. U.S. Immigr. & Nat. Serv.*, 753 F.2d 719, 727 (9th Cir. 1983). The balance of equities and public interest therefore tip in Petitioner's favor.

D. Security Bond

The security bond requirement of Federal Rule of Civil Procedure 65(c) is waived. The Court has "discretion as to the amount of security required, if any," and "may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct." *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003).

IV. CONCLUSION

For the foregoing reasons, the Court GRANTS Petitioner's application for a TRO.

1. Respondents are ordered to immediately release Petitioner from custody and reinstate his prior order of supervision.
2. Respondents shall have until January 7, 2026, to show cause, in writing, as to why the Court should not issue a preliminary injunction in this case. Petitioner may file a response on or before January 8, 2026.

IT IS SO ORDERED.