

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 5:25-cv-02916-RGK-AJR Date November 5, 2025

Title *Victor Manuel De Jesus Alas v. F. Semaia et al.*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Petitioner's Ex Parte Application for  
Temporary Restraining Order [DE 4]

**I. INTRODUCTION**

On November 1, 2025, Victor Manuel de Jesus Alas ("Petitioner") filed the present Application for Temporary Restraining Order ("Application") against F. Semaia, Ernesto M. Santacruz, Jr., Todd M. Lyons, Kristi Noem, and Pam Bondi ("Defendants"). Petitioner seeks to prevent Defendants from taking any further action towards his removal from the United States. For the following reasons, the Court **DENIES** the application.

**II. FACTUAL BACKGROUND**

Petitioner is a citizen and national of El Salvador. Since September 26, 2014, Petitioner has been under an Order of Supervision with the U.S. Immigration and Customs Enforcement ("ICE"). On October 28, 2025, Petitioner was taken to custody and transferred to Adelanto Detention Center. Petitioner alleges that he is scheduled for removal from the United States soon. Petitioner has a pending Violence Against Women ("VAWA") I-360 application with the U.S. Citizenship and Immigration Services.

**III. JUDICIAL STANDARD**

To justify *ex parte* relief, the movant must show: (1) "why the . . . ultimate relief requested cannot be calendared in the usual manner[;]" and (2) that he is "without fault in creating the crisis that requires *ex parte* relief." *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

While a preliminary injunction is intended to preserve the status quo pending a judgment on the merits, a Temporary Restraining Order ("TRO") is intended to preserve the status quo only until a preliminary injunction hearing can be held. *Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411,

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422 (4th Cir. 1999) (citing *Grammy Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974)).

Despite this difference, the standard for a TRO is “substantially identical” to the standard for a preliminary injunction. See *Stuhlberg Int’l Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). “[I]njunctive relief [is] an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). To obtain a TRO, the moving party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest. *Id.* at 20 (2008). The moving party bears the burden of persuasion. *Hill v. McDonough*, 547 U.S. 573, 584 (2006).

#### IV. DISCUSSION

Petitioner seeks to refrain Defendants from taking any additional action towards Petitioner’s removal. There are two main procedural issues with Petitioner’s Application.

First, Petitioner fails to comply with Central District of California Local Civil Rule 65-1. Local Rule 65-1 requires a party seeking a TRO to submit “a declaration setting forth the facts and certification required by Fed. R. Civ. P. 65(b)(1)(A) and (B).” The docket is devoid of any such declaration. This reason alone is enough to justify the denying the Application.

Second, Petitioner fails to meet the standard needed to justify *ex parte* relief. Petitioner must show: (1) “why the . . . ultimate relief requested cannot be calendared in the usual manner[.]” and (2) that he is “without fault in creating the crisis that requires *ex parte* relief.” *Mission Power Eng’g Co. v. Cont’l Cas. Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995). Petitioner asks the Court “to order ‘Respondents-Defendants to cease any ongoing actions and refrain from taking any additional actions towards effectuating Petitioner’s removal from the United States’ (Pet. *Ex Parte* Application at 6, ECF. No. 4.) However, Petitioner does not list a specific removal date, instead writing that his removal is scheduled to occur “soon.” (*Id.* at 7.) “Soon,” however, is vague and does not specify when Petitioner will be removed. Because there does not appear to be an impending deportation, Petitioner can calendar relief in the usual manner. Accordingly, Petitioner fails to meet the first element of the *Mission Power* test, and *ex parte* relief is not justified.

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**V. CONCLUSION**

For the foregoing reasons, Petitioner's Application is **DENIED**.

**IT IS SO ORDERED.**

Initials of Preparer

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