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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANASTASIYA UZZHINA, Petitioner, v. CHRISTOPHER CHESTNUT, et al.; Respondents.	CASE NO. 1:25-cv-01594-DAD-SCR **OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER**

INTRODUCTION

Respondents oppose Petitioner's motion for a temporary restraining order ("TRO"). (ECF No. 2). Petitioner is detained pending removal pursuant to 8 U.S.C. § 1231(a)(2)(A). Petitioner provides insufficient justification for intervention by this Court. Therefore, Respondents respectfully request that the Court deny Petitioner's motion for a TRO.

FACTUAL BACKGROUND

On February 18, 2005, an immigration judge ordered Petitioner removed to Russia or, in the alternative, Kazakhstan. Decl. of Deportation Officer Ana L. Juarez ("Juarez Decl.") ¶ 6. On August 9, 2005, the Board of Immigration Appeals ("BIA") affirmed the immigration judge's denial of Petitioner's application for asylum. *Id.* ¶ 7. On July 9, 2007, the Ninth Circuit Court of Appeals denied Petitioner's petition for review. *Id.* ¶ 8.

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On November 14, 2025, U.S. Immigration and Customs Enforcement ("ICE") arrested Petitioner after she was convicted of driving under the influence. *Id.* ¶ 13. On November 19, 2025, ICE interviewed Petitioner to obtain the information necessary to apply for Petitioner's travel documents to Russia or Kazakhstan. *Id.* ¶ 14. ICE is currently preparing the application. *Id.*

On November 19, 2025, Petitioner filed a petition for a writ of habeas corpus with this Court, seeking, *inter alia*, immediate release from immigration detention. (ECF No. 1.) On the same date, Petitioner filed a motion for a TRO, in which she also seeks release from immigration detention. (ECF No. 2.) On November 20, 2025, the Court ordered Respondents to file an opposition to the motion by November 21, 2025. (ECF No. 6.)

LEGAL ARGUMENT

A. Standard for Temporary Restraining Order

Temporary restraining orders are governed by the same standard applicable to preliminary injunctions. *See Cal. Indep. Sys. Operator Corp. v. Reliant Energy Servs., Inc.*, 181 F. Supp. 2d 1111, 1126 (E.D. Cal. 2001). Preliminary injunctions are "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 omitted). A plaintiff's burden is aptly described as "heavy." *Id.* A preliminary injunction requires "substantial proof" and a "clear showing." *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis omitted). "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) (internal quotation omitted). 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).

As the purpose of preliminary injunctive relief is to preserve the status quo pending final adjudication on the merits, there is "heightened scrutiny" for mandatory preliminary injunctions, which is what Petitioner seeks here.[1] *Dahl v. HEM Pharms. Corp.* 7 F.3d 1399, 1403 (9th Cir. 1993). Where "a party seeks mandatory preliminary relief that goes well beyond maintaining the status quo *pendente lite*, courts should be extremely cautious about issuing a preliminary injunction." *Martin v. International Olympic Committee*, 740 F.2d 670, 675 (9th Cir. 1984); *see also Committee of Cent. American Refugees v. Immigration and Naturalization Serv.*, 795 F.2d 1434, 1442 (9th Cir. 1986).

B. Petitioner's TRO Motion Should be Denied

The Immigration and Nationality Act (INA) governs detention and release during and following removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). When someone has received a final removal order, as Petitioner has, detention is mandatory for 90 days. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE's discretion under 8 U.S.C. § 1231(a)(6).

However, in *Zadvydas v. Davis*, 533 U.S. 678 (2001) the Supreme Court held that the above statute "does not permit indefinite detention" and instead "limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. Put differently, "an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701. The Supreme Court approximated this period to be six months, after which, if the detainee provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to respond with evidence sufficient to rebut that showing. *Id.* This limitation is linked to the statute's "basic purpose," which is to "assur[e] the alien's presence at the moment of removal." *Id.* at 699.

Here, Petitioner has been detained for one week, pursuant to a final order of removal. *See* Juarez Decl. ¶¶ 6-13. ICE has interviewed Petitioner to obtain the information necessary to apply for Petitioner's travel documents, and it is currently preparing the application to obtain said documents. *Id.* ¶ 14. Thus, Petitioner's length of confinement has not come close to approaching the "presumptively reasonable period of detention" of six months. *Zadvydas*, 533 U.S. at 701. Given changed circumstances

[1] "A mandatory injunction orders a responsible party to take action, while [a] prohibitory injunction prohibits a party from taking action and preserves the status quo pending a determination of the action on the merits." *Ariz Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1060-61 (9th Cir. 2014) (internal quotation omitted).

over the past thirteen years, ICE believes that it will be able to obtain travel documents to Russia or Kazakhstan, which will allow it to effectuate the order of removal. *See id.* ¶ 14

CONCLUSION

For the reasons set forth above, Respondents respectfully request that the Court deny Petitioner's motion.

Dated: November 21, 2025

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United States Attorney

/s/ Robert A. Fuentes
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