UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **ED CV 25-3205-JFW(BFM)** Date: December 19, 2025

Title: Garo Vartanyan -*v*- Kristi Noem, et al.

PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly	**None Present**
Courtroom Deputy	**Court Reporter**

ATTORNEYS PRESENT FOR PLAINTIFFS:	**ATTORNEYS PRESENT FOR DEFENDANTS:**
None	None

PROCEEDINGS (IN CHAMBERS): **ORDER GRANTING PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER; AND REQUEST FOR AN ORDER TO SHOW CAUSE OF WHY A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED [filed 12/14/25 No. 5; refiled 12/16/25 No. 10]**

On December 14, 2025, Petitioner Garo Vartanyan ("Petitioner") filed an Ex Parte Application for Temporary Restraining Order; and Request for an Order to Show Cause of why a Preliminary Injunction Should Not be Granted ("Application"). Respondents Kristi Noem, Todd Lyons, and Fereri Semaia (collectively, "Respondents") did not file an Opposition. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for December 29, 2025, is hereby vacated and the matter taken off calendar. After considering the moving papers, and the arguments therein, the Court rules as follows:

The standard for issuing a TRO 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) (citation omitted); *see also Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that a TRO and preliminary injunction involve "substantially identical" analysis). Like a preliminary injunction, 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

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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 TRO may be warranted where there are "'serious questions going to the merits' and a hardship balance . . . tips sharply toward the plaintiff," and so long as the other *Winter* factors are also met. *Id.* at 1132.

The Ninth Circuit distinguishes between "mandatory" and "prohibitory" injunctions. *Hernandez v. Sessions*, 872 F.3d 976, 997–98 (9th Cir. 2017). Prohibitory injunctions maintain the status quo, preventing further constitutional violations. *Id.* at 997. By contrast, mandatory injunctions go further, ordering "a responsible party to 'take action.'" *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 879 (9th Cir. 2009) (*quoting Meghrig v. KFC W., Inc.*, 516 U.S. 479, 484 (1996)). A mandatory injunction "'goes well beyond simply maintaining the status quo [and is thus] . . . particularly disfavored.'" *Id.* (*quoting Anderson v. United States*, 612 F.2d 1112, 1114 (9th Cir. 1980)). Accordingly, the Ninth Circuit has held that mandatory injunctions "should not be approved in the absence of a risk of 'extreme or very serious damage.'" *Hernandez*, 872 F.3d at 997 (*quoting Marlyn Nutraceuticals, Inc.*, 571 F.3d at 879). Mandatory injunctions are most likely to be appropriate when "the status quo . . . is exactly what will inflict the irreparable injury upon complainant." *Id.* (*quoting Friends for All Children, Inc. v. Lockheed Aircraft Corp.*, 746 F.2d 816, 830 n.21 (D.C. Cir. 1984)).

The Court ordered Respondents to file an Opposition on or before December 18, 2025, at 4:00 p.m. Local Rule 7-12 provides that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting . . . of the motion." *See* Local Rule 7-12. Respondents have failed to file a timely Opposition to Petitioner's Application. Pursuant to Local Rule 7-12, the Court deems Respondents' failure to file an Opposition or to otherwise comply with the Court's Order as consent to the granting of Petitioner's Application.

In addition, the Court has reviewed Petitioner's Application on the merits and concludes that, for the reasons stated in Petitioner's Application, Petitioner is entitled to injunctive relief.[1] Accordingly, Petitioner's Application is **GRANTED**. The Court orders that: (1) Petitioner is to be released immediately and not re-detained unless and until he receives adequate notice and a hearing to determine the legality of his re-detention; and (2) if Petitioner is to be removed to a third country, Petitioner must be informed of ICE's intention to do so and he must receive an individualized opportunity to challenge removal through a reasonable fear interview. The Court concludes that, under the particular circumstances of this case, it is proper to waive the requirement for Petitioner give an amount of security in connection with issuance of an injunctive order.

IT IS SO ORDERED.

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[1] In his Application, Petitioner seeks a temporary restraining order ("TRO") and an Order to Show Cause why an order for a preliminary injunction should not be granted. Because Respondents had notice and an opportunity to respond, Petitioner briefed the issues extensively, and the standard for a TRO and a preliminary injunction are the same, the Court will treat Petitioner's Application as a motion for preliminary injunction.