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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.A.H.,

Petitioner,

v.

CHRISTOPHER CHESTNUT, et al.,

Respondents.

CASE NO. 1:25-CV-01758-DJC-EFB

**OPPOSITION TO MOTION FOR TEMPORARY
RESTRAINING ORDER**

COURT: Hon. Daniel J. Calabretta

I. INTRODUCTION

The Government submits this Opposition to Petitioner A.A.H. (the "Petitioner") Motion for Temporary Restraining Order ("TRO"). On December 5, 2025, Petitioner filed a writ of habeas corpus and a TRO on December 10, 2025, seeking an order releasing him from custody or providing a bond hearing. The Court should deny the TRO because the Petitioner is subjected to Section 1225's mandatory detention procedures and is unlikely to prevail on the merits of his petition for the reasons set forth below. The Government waives oral argument.

II. ARGUMENT

Petitioner is not a U.S. citizen. According to the habeas petition, he is an Afghani national who entered the United States in November 2022. ECF 1 at 7. Before coming to the United States, he worked for an American company in Afghanistan. *Id.* He was released in January 2023. *Id.* On December 31, 2024, he applied for asylum. *Id.* His asylum hearing is set for December 7, 2028. *Id.* The Petitioner is

therefore an “applicant for admission.” He received work authorization on June 29, 2025. ECF 1 at 8. ICE detained him on December 4, 2025, during a check-in. *Id.*

A. Section 1225 Applies to Petitioner because He is an Alien Who Has Not been Admitted.

Any alien who “is present” in the United States but “has not been admitted” to the United States is “an applicant for admission.” 8 U.S.C. § 1225(a)(1); *see also Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (“an alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has not been admitted,’ is treated as ‘an applicant for admission.’” § 1225(a)(1)).

Section 1225 defines that “applicant for admission” as “[a]n alien present in the United States who has not been admitted or who arrives in the United States ... whether or not at a designated port of arrival.” *Altamirano Ramos v. Lyons et al.*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *4 (C.D. Cal. Nov. 12, 2025) (citing 8 U.S.C. § 1225(a)(1)). “Thus, the statute identifies two categories of aliens: (1) those “present in the United States who ha[ve] not been admitted”; and (2) those “who arrive[] in the United States ... whether or not at a designated port of arrival.” *Id.* “The statute expressly treats a person in either category as an ‘applicant for admission.’ *Id.* (quoting *Matter of Lemus-Losa*, 25 I. & N. Dec. 734, 743 (BIA 2012) (“Congress has defined the concept of an ‘applicant for admission’ in an unconventional sense, to include not just those who are expressly seeking permission to enter, but also those who are present in this country without having formally requested or received such permission”).

“The suggestion that petitioner may evade the designation of ‘applicant for admission’ merely because he has already entered the United States elides the fact that he was never lawfully admitted, regardless of what steps he actually took to acquire that status.” *Oliverio Cortes Alonzo v. Kristi Noem et al.*, No. 1:25-CV-01519-WBS-SCR, 2025 WL 3208284, at *4 (E.D. Cal. Nov. 17, 2025).¹

Here, the Petitioner is present in the United States. He applied for asylum on December 31, 2024.

¹ The court in *Oliverio Cortes Alonzo* found that the petitioner had failed to establish that he was likely to succeed on the merits when it denied the TRO. *Oliverio Cortes Alonzo*, 2025 WL 3208284, at *5. The United States acknowledges that the court did not make an affirmative endorsement of the Government’s interpretation of Section 1225 and that this Court has rejected similar arguments in cases involving other aliens detained under § 1225(b)(1). *See, e.g., Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at *8 (E.D. Cal. Mar. 3, 2025); *M.V. v. Wofford, et al.*, No. 1:25-cv-01381-KES-SAB (E.D. Cal. Nov. 4, 2025); *Sabi Polo v. Chestnut et al.*, 1:25-cv-01342-JLT-HBK (E.D. Cal. Oct 17, 2025).

1 He has not been admitted. Under the plain language of 1225(b)(2), the government is required to detain
 2 all aliens, like the Petitioner, who are present in the United States without admission and subject to
 3 removal proceedings. The fact that the Petitioner was out of custody for over three years and worked for
 4 an American company in Afghanistan does not change the fact that he is present and not lawfully admitted.
 5 Section 1225 applies broadly to all aliens, including Petitioner here, who are “present in the United States
 6 who ha[ve] not been admitted” *Altamirano Ramos*, 2025 WL 3199872, at *4. Therefore, Petitioner is
 7 subject to detention under Section 1225, and not entitled to a bond hearing, because he is an “applicant
 8 for admission.”

9 **B. The TRO Should be Denied because Petitioner is Unlikely to Succeed on the Merits.**

10 Preliminary injunctions are “an extraordinary remedy that may only be awarded upon a clear
 11 showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20
 12 (2008) (citations omitted). “A plaintiff seeking a preliminary injunction must establish that he is likely to
 13 succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that
 14 the balance of equities tips in his favor, and that an injunction is in the public interest.” *Id.*

15 A plaintiff seeking a preliminary injunction must establish:

- 16 (1) that he is likely to succeed on the merits;
- 17 (2) that he is likely to suffer irreparable harm in the absence of preliminary relief;
- 18 (3) that the balance of equities tips in his favor; and
- 19 (4) that an injunction is in the public interest.

20 *Id.* at 20 (citations omitted); *See also Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

21 These factors apply to Petitioner’s TRO. *See Altamirano Ramos v. Lyons et al.*, No. 2:25-CV-
 22 09785-SVW-AJR, 2025 WL 3199872, at *1 (C.D. Cal. Nov. 12, 2025); *Oliverio Cortes Alonzo v. Kristi*
 23 *Noem et al.*, No. 1:25-CV-01519-WBS-SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025).

24 Here, Petitioner’s TRO should be denied because he has failed to establish that he is unlikely to
 25 prevail on the merits. “[A]n alien who ‘arrives in the United States,’ or ‘is present’ in this country but ‘has
 26 not been admitted,’ is treated as ‘an applicant for admission.’” *Oliverio Cortes Alonzo*, 2025 WL 3208284,
 27 at *4 (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018)). This applies to the Petitioner here
 28 because he is present in the United States without admission or inspection. Therefore, the TRO should be

denied because Petitioner is unlikely to succeed on the merits.

III. CONCLUSION

For the reasons set forth above, Petitioner A.A.H.'s Motion for a Temporary Restraining Order should be denied.

Dated: December 12, 2025

ERIC GRANT
United States Attorney

By: /s/ CODY S. CHAPPLE
CODY S. CHAPPLE
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1:25-cv-1758

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