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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CARLOS LOPEZ CONTRERAS,

Petitioner,

v.

TODD LYONS, et al.,

Respondents.

CASE NO. 1:25-CV-01851-TLN-EFB

UNITED STATES' OPPOSITION TO MOTION
FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION

The Court should deny petitioner Carlos Lopez Contreras's motion for a temporary restraining order. Lopez Contreras is unlikely to succeed on the merits of his underlying petition for a writ of habeas corpus because he is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and never lawfully gained admission to the United States.

I. FACTUAL AND PROCEDURAL BACKGROUND

Lopez Contreras is a citizen and national of Honduras who entered the United States illegally when he was a child. *See* Decl. Carlos Absalon Lopez Contreras ¶ 1, Dkt. No. 4-1. He appears to have an application for admission pending in immigration court. *Id.* ¶ 4. He is currently detained in the custody of immigration authorities pursuant to 8 U.S.C. § 1225(b)(2). *See id.* ¶¶ 15–16.

On December 15, 2025, Lopez Contreras filed a petition seeking a writ of habeas corpus and a motion for a temporary restraining order or preliminary injunction. The Court issued a minute order requiring the United States to respond to Lopez Contreras's petition and to indicate (i) whether it

opposes converting Lopez Contreras’s request for a temporary restraining order into a request for a preliminary injunction, as well as (ii) whether it is requesting a hearing. Mins., Dkt. No. 11.¹

II. LEGAL STANDARDS

A. Standards for Temporary Relief

Temporary restraining orders and preliminary injunctions are governed by the same standard, which requires a plaintiff to demonstrate “(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) (quoting *Farris v. Seabrook*, 677 F.3d 858, 864 (9th Cir. 2012)). The first of these four factors is the most important—where a plaintiff fails to establish likely success on the merits, a district court need not consider the remaining three elements of the analysis. *Id.*

B. Relevant Immigration, Detention, and Due Process Standards

“[A]n 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.’” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (quoting 8 U.S.C. § 1225(a)(1)). This definition applies to “all immigrants who have not been lawfully admitted, regardless of their physical presence in the country.” *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020).

If an “examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a [removal] proceeding.” 8 U.S.C. § 1225(b)(2)(A). Section 1225(b)(2)(A) “applies to an alien who is physically present in the United States but not lawfully admitted, regardless of how long they have been physically present here.” *Altamirano Ramos v. Lyons*, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872, at *8 (C.D. Cal. Nov. 12, 2025) (collecting cases). Pursuant to this statutory scheme, detention pending removal proceedings is mandatory. *See Jennings*, 583 U.S. at 299 (holding that “§ 1225(b)(2) requires detention ‘for a [removal] proceeding’” (alteration in original)); *In re Li*, 29 I. & N. Dec. 66, 68 (B.I.A. 2025) (noting that for

¹ The United States does not oppose converting Lopez Contreras’s motion for a temporary restraining order into a motion for a preliminary injunction. The United States is not requesting a hearing.

1 applicants for admission “who are placed directly in full removal proceedings, section 235(b)(2)(A) of
2 the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded’”
3 (quoting *Jennings*, 583 U.S. at 299)). The only relevant statutory exception to such mandatory detention
4 is that “the Attorney General may ‘for urgent humanitarian reasons or significant public benefit’
5 temporarily parole aliens detained under §§ 1225(b)(1) and (b)(2).” *Jennings*, 583 U.S. at 300.

6 **III. ARGUMENT**

7 The Court should deny Lopez Contreras’s request for a temporary restraining order and
8 preliminary injunction because he is an applicant for admission to the United States. *Id.* at 287.
9 Accordingly, despite the humanitarian realities that arguably weigh in favor of Lopez Contreras’s
10 release, he is subject to mandatory detention under statutory immigration law. 8 U.S.C. § 1225(b)(2)(A);
11 *but see generally Dominguez v. Noem*, No. 1:25-CV-1577-JDP, 2025 WL 3268507 (E.D. Cal. Nov. 24,
12 2025) (finding § 1226 to be applicable statutory section in case of petitioners detained pending removal
13 proceedings); *but see Ortiz Donis v. Chestnut*, No. 1:25-CV-01228-JLT-SAB, 2025 WL 2879514, at *6–
14 *11 (E.D. Cal. Oct. 9, 2025) (holding § 1225(b)(2)(A) inapplicable to aliens living in United States for
15 years).

16 Because Lopez Contreras is unlikely to prevail on his underlying habeas petition, the Court
17 should deny his motion for temporary restraining order and preliminary injunction. *See Garcia*, 786 F.3d
18 at 740.

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21 Dated: December 18, 2025

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23 By: /s/ SAM STEFANKI
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