

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 25-03442-KK-MBK**

Date: December 23, 2025

Title: ***Modesta Araujo-Contreras v. James Janecka et al.***

Present: The Honorable **KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE**

Dominique Carr
Deputy Clerk

Not Reported
Court Reporter

Attorney(s) Present for Plaintiff(s):
None Present

Attorney(s) Present for Defendant(s):
None Present

**Proceedings: (In Chambers) Order GRANTING Petitioner's Ex Parte Application for
Temporary Restraining Order [Dkt. 5]**

**I.
INTRODUCTION**

On December 17, 2025, petitioner Modesta Araujo-Contreras ("Petitioner"), who is currently detained in the custody of Immigration and Customs Enforcement ("ICE"), filed a Petition for Writ of Habeas Corpus against respondents James Janecka, Pam Bondi, Todd Lyons, Kristi Noem, and Ernesto Santacruz. ("Respondents"). ECF Docket No. ("Dkt.") 1, Petition ("Pet."). On December 18, 2025, Petitioner filed an Ex Parte Application ("Application") seeking a Temporary Restraining Order ("TRO") enjoining Respondents from continuing to detain Petitioner, or in the alternative, ordering Respondents to provide Petitioner with an individualized bond hearing before an immigration judge ("IJ") pursuant to 8 U.S.C. § 1226(a) ("Section 1226(a)"). Dkt. 5, Application ("App."). On December 19, 2025, Respondents filed an Opposition. Dkt. 7, Opposition ("Opp."). This matter, thus, stands submitted. The central issue in this matter is whether Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2) ("Section 1225(b)(2)"). Petitioner argues her detention under Section 1225(b)(2) is unlawful, and instead, she is entitled to a bond hearing under Section 1226(a). App. at 11-17. Respondents appear to concede that a bond hearing before an IJ under Section 1226(a) is proper and subject to Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, of which Petitioner appears to be a member of the Bond Eligible Class. Opp. at 2.

The Court finds this matter appropriate for resolution without oral argument. See Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15. For the reasons set forth below, Petitioner's Application is **GRANTED.**

II. **BACKGROUND**

Petitioner has resided in the United States since 1996. App. at 3. On December 17, 2025, ICE apprehended Petitioner during Petitioner's adjustment of status interview, and Petitioner is currently detained at the ICE Adelanto Detention Center. Id. at 2, 32.

Petitioner alleges ICE is improperly detaining her under Section 1225(b)(2) and thus, denying her request for a bond hearing, consistent with Matter of Yajure Hurtado, 29 I&N Dec. 216 (B.I.A. 2025). App. at 5-6. Petitioner argues her detention should be under Section 1226(a), which would afford her an individualized bond hearing. Id. at 12-16.

III. **LEGAL STANDARD**

The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction. See Stuhlberg Int'l Sales Co. v. John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001). Under Federal Rule of Civil Procedure 65, the Court may grant a preliminary injunction to prevent "immediate and irreparable injury." Fed. R. Civ. P. 65(b). Like a preliminary injunction, a temporary restraining order 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).

The party seeking such relief must establish: (1) it is likely to succeed on the merits; (2) it is likely to suffer irreparable harm absent preliminary relief; (3) the balance of equities weighs in its favor; and (4) the injunction is in the public interest ("Winter factors"). See id. at 20. Courts in the Ninth 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) (citation modified). Under the serious questions standard, the four Winter factors 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 that tips sharply toward the plaintiff," and so long as the other Winter factors are also met. Id. at 1132.

IV. **THE WINTER FACTORS WEIGH IN FAVOR OF GRANTING THE TEMPORARY RESTRAINING ORDER**

A. THE LIKELIHOOD OF SUCCESS ON THE MERITS

The likelihood of success on the merits is the most important Winter factor, which "is especially true for constitutional claims." Junior Sports Mags. Inc. v. Bonta, 80 F.4th 1109, 1115 (9th Cir. 2023) (citing Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012)). Petitioner argues

her ongoing detention under Section 1225(b)(2) and the denial of an individualized bond hearing violate the Due Process Clause. App. at 18-21. The Court finds Petitioner is likely to succeed on the merits or has at least raised “serious questions” regarding the merits of her claim that she is wrongfully detained pursuant to Section 1225(b)(2)’s mandatory detention scheme rather than Section 1226(a)’s discretionary detention scheme.

First, the Court finds Section 1225 does not apply to Petitioner because it “applies primarily to [noncitizens] seeking entry into the United States.” Jennings v. Rodriguez, 583 U.S. 281, 297 (2018). Here, Petitioner has been in the United States for almost three decades. App. at 3. Under Section 1225(a), a noncitizen who “arrives in the United States” or is “present” in the United States but “has not been admitted” is treated as “an applicant for admission.” 8 U.S.C. § 1225(a)(1). Applicants for admission must “be inspected by immigration officers” to ensure that they can be admitted into the country consistent with immigration law. Id. § 1225(a)(3). “That process of decision generally begins at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” Jennings, 583 U.S. at 287. Hence, while Section 1225(b)(2) mandates detention for a removal proceeding, see 8 U.S.C. § 1225(b)(2)(A), Section 1225 does not apply to Petitioner, who has been continuously present in the United States for over two decades and is not seeking admission.

Further, Matter of Yajure Hurtado, 29 I&N Dec. 216 (B.I.A. 2025), does not control this issue. In Matter of Yajure Hurtado, the BIA issued a new and novel interpretation of Section 1225, rejecting the argument that the noncitizen was not “seeking admission” under Section 1225(b)(2) because he had been residing within the United States. See 29 I&N Dec. 216 (2025). However, the Court need not defer to the BIA to interpret ambiguity in statutes. See Singh v. Bowen, No. EDCV 25-03034-CAS-PDX, 2025 WL 3251437, at *5-6 (C.D. Cal. Nov. 21, 2025) (declining to follow Matter of Yajure Hurtado’s novel interpretation of Section 1225). In addition, the BIA’s recent decision “merit[s] little deference due to its inconsistency with earlier BIA decisions” and its reasoning being “at odds with the text of [Section 1225 and Section 1226].” Valencia Zapata v. Kaiser, No. 25-CV-07492-RFL, 2025 WL 2741654, at *10 (N.D. Cal. Sep. 26, 2025). Hence, like most other district courts, the Court declines to adopt Matter of Yajure Hurtado’s interpretation of Section 1225. See, e.g., Lepe v. Andrews, No. 1:25-CV-01163-KES-SKO (HC), 2025 WL 2716910, at *4 n.5 (E.D. Cal. Sep. 23, 2025) (declining to follow Matter of Yajure Hurtado’s novel interpretation of Section 1225); Guerrero Orellana v. Moniz, No. 25-CV-12664-PBS, 2025 WL 2809996, at *8 n.4 (D. Mass. Oct. 3, 2025) (noting “the Court does not find the BIA’s analysis of the issue to be persuasive”); S.D.B.B. v. Johnson, No. 1:25-CV-882, 2025 WL 2845170, at *5 (M.D.N.C. Oct. 7, 2025) (holding the BIA decision conflicts with “virtually every district court nationwide that has addressed these sections and found that [Section] 1225 either does not or likely does not broadly apply to [noncitizens] already present within the United States”).

Second, the Court finds Petitioner is subject to Section 1226(a), which entitles her to a bond hearing. Section 1226(a) “applies to [noncitizens] already present in the United States.” Jennings, 583 U.S. at 303. Individuals detained under Section 1226(a) are entitled to “receive bond hearings at the outset of detention.” Id. at 306 (citing 8 C.F.R. § 236.1(d)(1)). Section 1226(c) does create a “carve[] out” for categories of individuals “who may not be released under [Section] 1226(a),” id. at 289 (emphasis removed), and this subsection specifically mandates detention for a noncitizen “who falls into one of several enumerated categories involving criminal offenses and terrorist activities,” id. (citing 8 U.S.C. § 1226(c)(2)). However, Respondents do not argue, and it does not appear Petitioner falls into one of the enumerated categories.

Accordingly, the first Winter factor weighs in favor of Petitioner.

B. THE LIKELIHOOD OF IRREPARABLE HARM

“It is well established that the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir. 2017) (citation modified) (quoting Melendres, 695 F.3d at 1002). “Deprivation of physical liberty by detention constitutes irreparable harm.” Arevalo v. Hennessy, 882 F.3d 763, 767 (9th Cir. 2018) (citing Hernandez, 872 F.3d at 994). Indeed, Petitioner “suffers potentially irreparable harm every day that [she] remains in custody without a hearing, which could ultimately result in [her] release from detention.” Cortez v. Sessions, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) (citation modified).

Here, as stated above, Petitioner has been detained improperly under Section 1225 and deprived of a bond hearing pursuant to Section 1226(a), which Petitioner alleges violates her Due Process rights. App. at 18-21. Hence, there can be no doubt Petitioner is – and will continue to be – irreparably harmed absent relief from this Court. See, e.g., Singh, 2025 WL 3251437, at *8 (finding irreparable harm from a petitioner’s “continued deprivation of liberty without due process and his continued detention without access to a bond redetermination hearing”).

Accordingly, the second Winter factor weighs in favor of Petitioner.

C. BALANCE OF EQUITIES AND PUBLIC INTEREST

The final two Winter factors “merge when the Government is the opposing party.” Nken v. Holder, 556 U.S. 418, 435 (2009). The Ninth Circuit has recognized that “neither equity nor the public’s interest are furthered by allowing violations of federal law to continue.” Galvez v. Jaddou, 52 F.4th 821, 832 (9th Cir. 2022) (citation modified) (affirming the balance of hardships weighed in favor of plaintiffs alleging the government violated the INA).

Here, because Petitioner has demonstrated a likelihood of success on her claims, the balance of equities and public interest “tips sharply” in her favor. All. for the Wild Rockies, 632 F.3d at 1135. In addition, Respondents’ interest in enforcing immigration laws is not persuasive because “our system does not permit agencies to act unlawfully even in pursuit of desirable ends.” Ala. Ass’n of Realtors v. Dep’t of Health & Hum. Servs., 594 U.S. 758, 766 (2021) (citing Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 582, 585-586 (1952)); see also Cnty. Legal Servs. in E. Palo Alto v. U.S. Dep’t of Health & Hum. Servs., 777 F. Supp. 3d 1039, 1045-46 (N.D. Cal. 2025), appeal dismissed, No. 25-2358, 2025 WL 1189827 (9th Cir. Apr. 18, 2025) (“[C]ourts regularly find that ‘[t]here is generally no public interest in the perpetuation of unlawful agency action.’”) (quoting League of Women Voters of U.S. v. Newby, 838 F.3d 1, 12 (D.C. Cir. 2016)).

Accordingly, the third and fourth Winter factors weigh in favor of Petitioner.

* * * * *

Thus, because all four Winter factors weigh in favor of Petitioner, Petitioner is entitled to a Temporary Restraining Order. See Zecua v. Lyons, No. CV 25-09794-CV-PDx, 2025 WL 3150680, at *2 (C.D. Cal. Oct. 17, 2025) (collecting cases in this District in which courts have granted TROs

to enjoin the government from detaining petitioners pursuant to Section 1225 rather than Section 1226).

V.
CONCLUSION

For the reasons set forth above, the Court orders as follows:

1. Petitioner's Ex Parte Application for Temporary Restraining Order is **GRANTED**;
2. Respondents are enjoined from relocating Petitioner outside the Central District of California pending final resolution of this case;
3. Respondents are enjoined from continuing to detain Petitioner unless they provide her with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days; and
4. Respondents are **ORDERED TO SHOW CAUSE in writing no later than seven (7) days from the date of this order** why the Court should not issue a preliminary injunction. Petitioner may file a Reply **no later than ten (10) days from the date of this order**.

IT IS SO ORDERED.