

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 25-03475 PA (ASx)	Date	January 12, 2026
Title	Ashraf Farhan Husny Sulaiman		

Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE

Kamilla Sali-Suleyman

N/A

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS — COURT ORDER

Before the Court is a second Ex Parte Application for Temporary Restraining Order (“Second TRO Application”) filed by petitioner Ashraf Farhan Husny Sulaiman (“Petitioner”). (Docket No. 20.) Petitioner has been in the custody of the Immigration and Customs Enforcement (“ICE”) since December 8, 2025, and his Second TRO Application seeks his release from ICE detention. The Second TRO Application was filed in connection with a First Amended Habeas Petition that amended the original Petition to seek that same relief. (Docket No. 19.) The Court previously granted Petitioner’s First TRO Application (Docket No. 8) seeking to prevent Petitioner’s deportation to Palestine and removal to a third country without due process, and entered a Preliminary Injunction extending this relief throughout the pendency of these proceedings on January 9, 2026. (Docket No. 9.) Petitioner’s First TRO Application and initial Petition (Docket No. 1) did not seek the relief he now requests for the first time – immediate release from ICE detention.^{1/}

The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction. See Lockheed Missile & Space Co., Inc. v. Hughes Aircraft Co., 887 F. Supp. 1320, 1323 (N.D. Cal. 1995). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” Winter v. Nat. Res. Def. Council, 555 U.S. 7, 20, 129 S. Ct. 365 (2008). “A preliminary injunction is an extraordinary remedy never awarded as of right.” Id. at 24.

A moving party faces an exceedingly high burden when seeking affirmative relief on an ex parte basis. See Mission Power Eng’g Co. v. Cont’l Cas. Co., 883 F. Supp. 488, 492 (C.D.

^{1/} The Court also notes that Petitioner again filed his request for emergency relief outside of normal business hours, on a Sunday afternoon, with no apparent justification for doing so.

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Cal. 1995) (to justify ex parte relief, “the evidence must show that the moving party’s cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures”). Indeed, the Ninth Circuit has stressed that “courts have recognized very few circumstances justifying the issuance of an ex parte TRO.” Reno Air Racing Ass’n, Inc. v. McCord, 452 F.3d 1126, 1131 (9th Cir. 2006). Here, Petitioner has not shown that he will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures. Instead, Petitioner merely asserts that his continued detention constitutes irreparable injury because it is unlawful. (TRO App. at pp. 21-22.) While the Court recognizes the serious nature of Petitioner’s detention, his assertion does not suffice to show that Petitioner “should be allowed to go to the head of the line in front of all other litigants and receive special treatment.” Mission Power Eng’g, 883 F. Supp. at 492.

Moreover, mandatory injunctions, where the party seeks to alter the status quo rather than merely preserve it, are “particularly disfavored,” and a party seeking a mandatory injunction, as Petitioner is here, “must establish that the law and facts clearly favor [the moving party’s] position, not simply thta [the moving party] is likely to succeed.” Garcia v. Google, Inc., 786 F.3d 733, 740 (9th Cir. 2015) (en banc) (emphasis in original). “In general, mandatory injunctions ‘are not granted unless extreme or very serious damage will result and are not issued in doubtful cases or where the injury complained of is capable of compensation in damages.’” Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 897 (9th Cir. 2009).

This is especially true given that this second attempt to obtain relief on an emergency basis is not premised on any new facts or circumstances that were not present at the time Petitioner filed his original Petition and TRO Application. The fact that the relief sought in the Second TRO Application could have been included and considered along with the original TRO Application weighs heavily against any finding of irreparable, and does not support the issuance of a temporary restraining order mandatory or otherwise.

The Court therefore denies the Second TRO Application.

IT IS SO ORDERED.