

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

OLEG BELACH,

Petitioner,

v.

DAVID MARIN, Warden, Adelanto ICE
Processing Center; THOMAS GILES,
Director of the Los Angeles ICE Field
Office; TODD LYONS, Acting Director of
ICE; KRISTI NOEM, Secretary of the
Department of Homeland Security;
PAMELA BONDI, Attorney General of
the United States,

Respondents.

Case No. 5:25-cv-03452-SPG-RAO

**ORDER GRANTING, IN PART,
PETITIONER'S EX PARTE
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER [ECF NO. 3]**

Before the Court is Petitioner Oleg Belach's ("Petitioner") unopposed *Ex Parte* Application for a Temporary Restraining Order. *See (ECF No. 3 ("Application"))*. The Court finds the matter suitable for resolution without oral argument. *See Fed. R. Civ. P. 78(b); C.D. Cal. L.R. 7-15*. Having considered the parties' submissions, the relevant law, and the record in this case, the Court GRANTS the Application in part.

1 **I. BACKGROUND**

2 Petitioner is a noncitizen detained at the Immigration and Customs Enforcement
3 (“ICE”) Processing Center in Adelanto, California. *See* (Application at 2). He has
4 requested that the Court order his immediate release from custody. *See (id. at 12)*. He also
5 requests that the Court enjoin Respondents David Marin, in his official capacity as Warden
6 at the Adelanto ICE Processing Center; Thomas Giles, in his official capacity as the
7 Director of the Los Angeles ICE Field Office; Todd Lyons, in his official capacity as the
8 Acting Director of ICE; Kristi Noem, in in her official capacity as Secretary of the U.S.
9 Department of Homeland Security (“DHS”); and Pamela Bondi, in her official capacity as
10 Attorney General of the United States (collectively, “Respondents”), from detaining him
11 unless they obtain travel documents to facilitate his deportation. *See (id. at 13)*.

12 **A. Factual Background**

13 The factual background of this case is set out in the Petition for a Writ of Habeas
14 Corpus, *see* (ECF No. 1 (“Petition)), as well as the instant Application.

15 Petitioner is a Russian citizen of Ukrainian descent. *See* (Application at 4–5). He
16 was born in Kazakhstan, which, at the time, was a republic within the Union of Soviet
17 Socialist Republics (“USSR”). *See (id. at 2, 4)*. Following the USSR’s dissolution,
18 Petitioner became a Russian citizen. *See (id. at 5)*. Russia did not immediately issue its
19 own passports, and Petitioner therefore only possesses a USSR passport. *See (id.)*.

20 Petitioner fled from Russia to Canada in 1996, after a criminal enterprise threatened
21 his family. *See* (Petition at 14–15). However, in 1997, the criminal enterprise contacted
22 him in Canada and threatened him again. *See (id. at 15)*. In response, Petitioner’s father-
23 in-law contacted the Canadian police. *See (id.)*. However, Petitioner felt that the Canadian
24 government could not protect him and, therefore, relocated to Los Angeles in 1998. *See*
25 *(id.)*. In 2000, Petitioner applied for political asylum in the United States. *See* (Petition at
26 15). Since Petitioner moved to the United States, he has had a son and a daughter, both of
27 whom are now United States citizens. *See (id. at 17, 19)*; *see also* (Application at 6).
28

1 Petitioner has three criminal convictions. In June 2012 and, again, in February 2015,
2 Petitioner was convicted of commercial burglary. *See* (Application at 3). In 2020,
3 Petitioner pleaded guilty to “driving a car without [the] owner’s permission.” (*Id.*).
4 Following Petitioner’s initial commercial burglary conviction, he was detained by
5 immigration authorities for a single day, then released on a \$5,000 bond. *See (id.)*. Neither
6 of Petitioner’s two subsequent convictions carried immigration consequences. *See (id.)*.

7 On February 15, 2024, an immigration judge denied Petitioner’s asylum application
8 and ordered Petitioner’s removal to Ukraine. *See (id. at 4)*. Petitioner claims that the
9 immigration judge denied his asylum application because the judge determined Petitioner
10 “had lied” on his asylum application “by claiming he was a national from Ukraine but later
11 saying he was a Russian citizen.” (*Id.*). On March 17, 2024, Petitioner received a final
12 Order of Removal. *See (id.)*. On May 2, 2024, ICE placed Petitioner under an Order of
13 Supervision. (*Id.*). As conditions of the Order of Supervision, Petitioner was required to
14 wear an electronic ankle monitor and to report to ICE on a monthly basis. *See (id.)*.

15 Beginning in May 2024, ICE repeatedly threatened to arrest Petitioner if he did not
16 leave the country. *See (id. at 5)*. In response, Petitioner told ICE that he was willing to
17 comply with the Order of Removal but that he lacks travel documents that would allow
18 him to leave the country. *See (id.)*. From approximately May 2024 through June 2025,
19 Petitioner attempted to secure a Russian passport. *See (id.)*. However, Petitioner
20 understood that he needed an appointment with the sole Russian embassy in the United
21 States to obtain a Russian passport. *See (id.)*. Petitioner claims that the Russian embassy
22 requires individuals to make an appointment online and only allows individuals to apply
23 for an appointment once a month. *See (id.)*.

24 Petitioner and his wife both attempted to book an appointment with the Russian
25 embassy every month until June 4, 2025, when ICE revoked the Order of Supervision and
26 detained Petitioner. *See (id.)*. During his time in detention, Petitioner has applied for travel
27 documents from Russia, Ukraine, and Kazakhstan. *See (id. at 4–5)*. Petitioner indicates
28

1 that he is “willing to be deported” but, to date, he has been unable to secure travel
2 documents to leave the country. *See (id. at 6).*

3 **B. Procedural Background**

4 Petitioner filed the Petition on December 19, 2025, and, on December 29, 2025, filed
5 the instant Application. The Application seeks a temporary restraining order on the ground
6 that Petitioner’s continued detention violates 8 U.S.C. § 1231(a)(6), as well as Petitioner’s
7 right to substantive and procedural due process, as Petitioner has been detained for more
8 than 160 days and is unlikely to be removed in the reasonably foreseeable future. *See*
9 *(Application at 8–10)*.¹ Respondents concede that they “do not have an opposition
10 argument that they are able to present” and have filed a Notice of Non-Opposition to the
11 Application. *See (ECF No. 6 (“Non-Opposition”) at 2).*

12 **II. LEGAL STANDARD**

13 A temporary restraining order is “an extraordinary remedy that may only be awarded
14 upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def.*
15 *Council, Inc.*, 555 U.S. 7, 22 (2008). The standard for issuing a temporary restraining order
16 is essentially the same as that for issuing a preliminary injunction. *See Washington v.*
17 *Trump*, 847 F.3d 1151, 1159 n.3 (9th Cir. 2017) (“[T]he legal standards applicable to TROs
18 and preliminary injunctions are substantially identical.” (internal quotation marks and
19 citation omitted)). A plaintiff may secure a temporary restraining order upon establishing
20 that: (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in
21 the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an
22 injunction is in the public interest. *See Farris v. Seabrook*, 677 F.3d 858, 864 (9th Cir.
23 2012) (citing *Winter*, 555 U.S. at 20).

24
25
26 ¹ In the Petition, Petitioner also argues that, by revoking the Order of Supervision, ICE
27 violated the Administrative Procedure Act and his right to due process. *See (Petition at*
28 *27–34)*. However, Petitioner does not raise these arguments in the Application. *See*
generally (Application).

1 “[S]erious questions going to the merits and a balance of hardships that tips sharply
2 towards the plaintiff can support issuance of a preliminary injunction, so long as the
3 plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is
4 in the public interest.” *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th
5 Cir. 2011) (internal quotation marks omitted). “In each case, courts ‘must balance the
6 competing claims of injury and must consider the effect on each party of the granting or
7 withholding of the requested relief.’” *Winter*, 555 U.S. at 24 (citing *Amoco Prod. Co. v.*
8 *Gambell*, 480 U.S. 531, 542 (1987)). “‘In exercising their sound discretion, courts of
9 equity should pay particular regard for the public consequences in employing the
10 extraordinary remedy of injunction.’” *Id.* (citing *Weinberger v. Romero-Barcelo*, 456 U.S.
11 305, 312 (1982)).

12 The court is permitted to consider the parties’ pleadings, declarations, affidavits, and
13 exhibits submitted when deciding an application for a temporary restraining order. *See*
14 *Earth Island Inst. v. Nash*, No. 1:19-cv-01420-DAD-SAB, 2020 WL 1936701, at *6 (E.D.
15 Cal. Apr. 21, 2020) (“[I]n considering a motion for preliminary injunction, a court may
16 consider and rely upon declarations, affidavits, and exhibits submitted by the parties.”
17 (citations omitted)); *Harper v. Poway Unified Sch. Dist.*, 345 F. Supp. 2d 1096, 1119–20
18 (S.D. Cal. 2004) (considering declarations submitted by defendants to deny plaintiff’s
19 request for a preliminary injunction). “The trial court may give even inadmissible evidence
20 some weight, when to do so serves the purpose of preventing irreparable harm before trial.”
21 *Flynt Distrib. Co., Inc. v. Harvey*, 734 F.2d 1389, 1394 (9th Cir. 1984) (citations omitted).
22 The urgency of the relief sought necessitates a prompt determination and can make it
23 difficult to obtain admissible evidence. *See id.*

24 **III. DISCUSSION**

25 Petitioner argues that he is entitled to injunctive relief because his removal under
26 § 1231(a)(6) is not reasonably foreseeable, and his continued, indefinite detention violates
27 the Fifth Amendment’s Due Process Clause. *See* (Application at 8–10). Respondents have
28 not submitted argument or evidence in opposition and, instead, have filed a notice that they

do not oppose the Application. *See* (Non-Opposition). As explained below, the Court finds that the *Winter* factors weigh in favor of Petitioner regarding his claim under § 1231(a)(6), as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and therefore GRANTS the Application in part.²

A. *Winter* Factors

1. Likelihood of Success on the Merits

Likelihood of success on the merits is “the most important” factor when evaluating a TRO request, and this is “especially true for constitutional claims.” *Junior Sports Mags, Inc. v. Bonta*, 80 F.4th 1109, 1115 (9th Cir. 2023) (internal quotation marks and citation omitted). Plaintiff contends that his detention exceeds the permissive removal period set forth in § 1231(a)(6), based on the Supreme Court’s interpretation in *Zadvydas*, and that he should therefore be immediately released from immigration detention.

Section 241(a) of the Immigration and Nationality Act, codified at 8 U.S.C. § 1231(a), “authorizes the detention of noncitizens who have been ordered removed from the United States.” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575 (2022). Specifically, § 1231(a)(1)(A) requires the government to secure the removal of a noncitizen ordered removed within ninety days. *See* 8 U.S.C. § 1231(a)(1)(A). Known as the “removal period,” the ninety-day period commences on the latest of the following:

- (i) The date the order of removal becomes administratively final.
- (ii) If the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- (iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

² The Court declines to address Petitioner’s due process claim at this juncture. *See Sun v. Santacruz*, No. 5:25-cv-02198-JLS-JC, 2025 WL 2730235, at *5 (C.D. Cal. Aug. 26, 2025) (“[A] showing of a likelihood of success on even just one claim is sufficient for injunctive relief as long as that claim would support the injunctive relief sought.” (internal quotation marks and alteration omitted)).

1 *Id.* §§ 1231(a)(1)(B)(i)–(iii).

2 After this ninety-day removal period, a noncitizen “may be released under terms of
3 supervision,” or may be detained under the categories delineated under § 1231(a)(6).
4 *Johnson*, 596 U.S. at 575, 578–79. These categories are: “(1) those who are ‘inadmissible’
5 on certain specified grounds; (2) those who are ‘removable’ on certain specified grounds;
6 (3) those [the government] determines ‘to be a risk to the community’; and (4) those it
7 determines to be ‘unlikely to comply with the order of removal.’” *Id.* at 578–79 (quoting
8 8 U.S.C. § 1231(a)(6)). However, it “would raise a serious constitutional problem” to
9 interpret § 1231(a) to permit “indefinite detention.” *Zadvydas*, 533 U.S. at 689. Therefore,
10 the Supreme Court has interpreted this provision to only authorize detention beyond the
11 90-day removal period for “a period reasonably necessary to bring about [an] alien’s
12 removal from the United States.” *Id.* at 689. Under *Zadvydas*, an alien’s detention for up
13 to six months is “presumptively reasonable.” *Id.* at 701. “After this 6-month period, once
14 the alien provides good reason to believe that there is no significant likelihood of removal
15 in the reasonably foreseeable future, the Government must respond with evidence
16 sufficient to rebut that showing.” *Id.* If the government fails to rebut that showing, the
17 noncitizen must be released. *See Jennings v. Rodriguez*, 583 U.S. 281, 298–99 (2018)
18 (describing the government’s burden as articulated in *Zadvydas*).

19 Petitioner has been continuously detained since June 4, 2025. *See* (Application).
20 Further, Petitioner has shown good reason to believe there is no significant likelihood of
21 his removal in the reasonably foreseeable future. Petitioner lacks valid travel
22 documentation and, despite his efforts over the course of a year and a half, has been unable
23 to obtain a Russian passport. *See* (Application at 5–6). Approximately six months ago,
24 Petitioner also applied for Ukrainian and Kazakh travel documentation, although he is not
25 a citizen of either country. *See (id.)*. To date, it appears from the record that Petitioner has
26 not received any information indicating that Russia, Ukraine, or Kazakhstan is likely to
27 issue Petitioner travel documents in the foreseeable future. Nor have Respondents
28 demonstrated any such documents are forthcoming. Therefore, under *Zadvydas*, the Court

1 finds that Petitioner is likely to succeed on the merits of his § 1231(a)(6) claim. *See, e.g.,*
2 *Luu v. Bowen, et al.*, No. 5:25-cv-03145-MEMF-SP, 2025 WL 3552298, at *7–8 (C.D.
3 Cal. Dec. 11, 2025) (finding that the petitioner was likely to succeed on the merits of his
4 *Zadvydas* claim because it was unclear when the travel documents for his designated
5 country of removal would be issued); *see also Asfestani v. Current or Acting Field Office*
6 *Director, San Francisco Field Office, United States Immigration and Customs*
7 *Enforcement*, No. 1:25-cv-1562-SCR, 2025 WL 3677321, at *5 (E.D. Cal. Dec. 18, 2025)
8 (the government’s lack of explanation as to the “steps ICE has been taking to attempt to
9 secure petitioner’s removal since it redetained him nearly six months ago” indicated that
10 “there [was] no significant likelihood of petitioner’s removal in the reasonably foreseeable
11 future”).

12 2. Irreparable Harm

13 Petitioner has shown that absent injunctive relief in the form of his immediate
14 release, he continues to suffer irreparable injury. “The irreparable harms imposed on
15 anyone subject to immigration detention (or other forms of imprisonment) are self-
16 evident.” *Guillermo M. R. v. Kaiser*, 791 F. Supp. 3d 1021, 1037 (N.D. Cal. 2025) (internal
17 quotation marks, alterations, and citation omitted); *see also Padilla v. Bowen*, No. 2:25-
18 CV-10780-CAS-SK, 2025 WL 3251368, at *9 (C.D. Cal. Nov. 21, 2025) (“The Ninth
19 Circuit has recognized ‘the irreparable harms imposed on anyone subject to immigration
20 detention’” (quoting *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017))). Further,
21 beyond depriving Petitioner of his liberty, Petitioner’s continued detention is likely to
22 impact his physical and emotional health. *See Barker v. Wingo*, 407 U.S. 514, 532–33
23 (1972) (incarceration “has a detrimental impact on the individual” because “it often means
24 loss of a job” and “disrupts family life.”). According to Petitioner, he has experienced
25 various medical issues since he was detained, including trouble breathing, muscular
26 spasms, and spinal pain. *See* (Petition at 20–21). Petitioner also claims that his family has
27 suffered emotional and financial harm from his continued detention, as his wife has had
28 trouble caring for their son in his absence and he previously earned the majority of his

1 family's household income. *See (id. at 19–20)*. Therefore, the Court finds Petitioner has
2 shown he will suffer irreparable harm absent injunctive relief.

3 3. Balance of the Equities and Public Interest

4 When the government is the nonmoving party on a TRO application, the Court's
5 consideration of the balance of the equities and public interest merge. *See Nken v. Holder*,
6 556 U.S. 418, 435 (2009). As noted, Respondents do not oppose the Application. Further,
7 although there is a "public interest in prompt execution of removal orders," *Nken*, 556 U.S.
8 at 436, "our system does not permit agencies to act unlawfully even in pursuit of desirable
9 ends," *Alabama. Ass'n of Realtors v. Dep't of Health & Hum. Servs.*, 594 U.S. 758, 766
10 (2021). Thus, the Court finds that all the *Winter* factors weigh in Petitioner's favor and
11 therefore GRANTS the Application, insofar as Petitioner seeks relief under 8 U.S.C.
12 § 1231(a)(6).

13 **B. Bond**

14 Petitioner also requests the Court waive the bond requirement under Federal Rule of
15 Civil Procedure 65(c). *See* (Application at 12). Under Rule 65(c), "[t]he court may issue
16 a preliminary injunction or a temporary restraining order only if the movant gives security
17 in an amount that the court considers proper to pay the costs and damages sustained by any
18 party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c); *see*
19 *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (recognizing that district courts
20 have "discretion as to the amount of security required, if any"). Here, Respondents are
21 unlikely to incur significant costs, and requiring a bond "would have a negative impact on
22 plaintiff's constitutional rights." *Los Angeles Press Club v. City of Los Angeles*, No. 2:25-
23 cv-05423-HDV-E, 2025 WL 2640421, at *17 n.16 (C.D. Cal. Sept. 10, 2025) (quoting
24 *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996)). The
25 Court therefore waives the bond requirement, and no security is required. *See, e.g.*,
26 *Delkash v. Noem*, No. 5:25-cv-01675-HDV-AGR, 2025 WL 2683988, at *6 n.3 (C.D. Cal.
27 Aug. 28, 2025) (dispensing of bond requirement in issuing a preliminary injunction order
28 to release petitioner from immigration detention); *Aceros v. Kaiser*, No. 25-cv-06924-

1 RMI-EKL, 2025 WL 2453968, at *3 (N.D. Cal. Aug. 16, 2025) (dispensing of bond
2 requirement in granting a temporary restraining order).

3 **IV. CONCLUSION**

4 For the foregoing reasons, the Court partially GRANTS the Application and
5 ORDERS as follows:

- 6 1. Respondents are ORDERED to release Petitioner from custody as soon as
7 reasonably practicable and return him to the Order of Supervision issued on
8 May 2, 2024.
- 9 2. Respondents are ORDERED TO SHOW CAUSE why a preliminary
10 injunction should not issue at an in-person hearing on Wednesday, January 14
11 at 9:00 a.m. in Courtroom 5C. Petitioner shall file an opening brief and related
12 submissions no later than Friday, January 9, 2026, at 5:00 p.m. Respondents
13 shall file an opposition no later than Monday, January 12, 2026, at 12:00 p.m.
- 14 3. The parties may file and the Court will consider a stipulation requesting an
15 extension of the briefing schedule so long as the parties also agree to an
16 extension of the TRO.

17
18 **IT IS SO ORDERED.**

19
20 DATED: January 5, 2026

21 
22 C A
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28