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

YENY CAROLINA IRAHETA LOPEZ,

Petitioner,

v.

**SECRETARY OF U.S. DEPARTMENT
OF HOMELAND SECURITY *et al.*,**

Respondents.

Case No. ED CV 26-01261-VBF-E

ORDER

**Declining to Hold Respondents in
Contempt**

Issuing a Preliminary Injunction

On March 18, 2026, petitioner’s counsel filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. section 2241 and requested a temporary restraining order (“TRO”) within the body and exhibits of the petition. *See* CM/ECF Document (“Doc”) 1, then filed a corrected and amended TRO application (Docs 5 and 6).

On Friday, March 20, 2026, this Court submitted for docketing an order granting petitioner’s TRO application and stating in pertinent part as follows:

Pending further order of this Court, the respondents are temporarily restrained from removing petitioner from the United States of America or otherwise moving petitioner outside this federal judicial district, the Central District of California.

1 **No later than 11:59 p.m. on Wednesday, March 25, 2026, the respondents MAY**
2 **SHOW CAUSE, in writing, why a preliminary injunction should not issue** that
3 (1) extends the terms of this TRO and (2) requires Petitioner’s release from detention
4 or, in the alternative, requires a prompt individualized bond hearing before a neutral
5 decisionmaker at which the government shall bear the burden of establishing a lawful
6 basis for detention.

7
8 **No later than 12:00 noon on Friday, March 27, 2026, petitioner MAY FILE a**
9 **reply** in further support of a preliminary injunction.

10
11 Doc 6 at 1-2. The TRO (Doc 6) was not docketed until 9:26 a.m. on Monday, March 23,
12 2026. Also on March 23, 2026, at 11:36 p.m., about thirteen hours after the Court’s TRO
13 was docketed, petitioner’s counsel filed an emergency request to enforce the TRO (Doc 7)
14 and a Notice of Violation of TRO (Doc 8), alleging that the respondents had violated the
15 TRO by transferring petitioner to Texas earlier that same day, Monday, March 23, 2026.

16 The Court agrees with petitioner that if the respondents had read the TRO and then
17 still arranged or allowed the transfer of petitioner outside this federal judicial district, the
18 Central District of California, that would have been a willful violation of the TRO.

19 Having read the respondents’ response to the enforcement/contempt motion, however,
20 the Court finds that the respondents’ counsel was still not aware of the content of the Court’s
21 TRO when the transfer occurred. It is not always reasonable to expect counsel to check for
22 new filings, then immediately read those filings, even court orders, as soon as the order is
23 docketed, depending on a variety of factors including *inter alia* when the item was filed,
24 where counsel was and what he or she was doing at the time with regard to other cases and
25 matters, how quickly counsel could realistically reach people in other agencies or entities to
26 convey a court order and ask that it be followed, etc.

27 Next, on Tuesday, March 24, 2026, this Court issued an order requiring, *inter alia*, that
28 the respondents immediately bring petitioner back into this federal judicial district and then

1 file a notice of compliance no later than 11:59 p.m. on Friday, March 27, 2026. The Court
2 finds that respondents complied with this provision because they brought petitioner back to
3 the Adelanto, California ICE facility by the afternoon of March 26, 2026. *See* Doc 3 at 4-5.

4 On March 25 and 26, 2026, respondents timely filed a brief, and a declaration by
5 DHS-ICE deportation officer Miguel Russi, opposing the imposition of contempt sanctions
6 and opposing the issuance of a preliminary injunction, *see* Docs 12 and 13. **The Court is**
7 **satisfied with respondents' counsel's explanation that they acted with reasonableness**
8 **promptness under the circumstances, especially given the unusual volume of non-**
9 **citizen habeas corpus cases pending and being filed in federal courts in recent months:**

10
11 The TRO order in question, having been entered on the docket at 9:26 a.m., was
12 initially forwarded from the USAC-Civil email box at 11:07 a.m. on March 23, 2026.
13 After AUSA review, it was sent to ICE at 5:59 p.m. on March 23, 2026, identifying
14 the order as containing a removal and transfer bar for the Petitioner.

15
16 Doc 13 at 3. **Accordingly, the Court finds that the respondents did not willfully or**
17 **recklessly violate this Court's TRO, and the Court declines to hold the respondents**
18 **and/or their counsel in contempt of court.**

19
20 Next, upon consideration of the above papers and petitioner's March 26-27, 2026
21 reply brief (Doc 15 at 2-8), **the Court hereby issues a preliminary injunction.**

22 **Pending the entry of final judgment in this matter and the conclusion of any**
23 **ensuing appeals, the respondents remain enjoined from transferring petitioner out of**
24 **this federal judicial district.**

25
26 **No later than Tuesday, April 7, 2026, the respondents shall either (1) release from**
27 **ICE detention on appropriate conditions of supervision or (2) hold an individualized**
28 **detention hearing before an impartial judge at which the government bears the burden**

1 **of establishing, by clear and convincing evidence, a lawful justification for continuing**
2 **to detain petitioner pending attempts to remove her from this country.**

3
4 In favor of the respondents, the Court finds that petitioner has not yet shown serious
5 questions going to the merits of the argument that it would be substantively unlawful to
6 remove her from this country even after providing all constitutionally or statutorily required
7 due process of law.

8
9 **Document 9 is GRANTED in part and denied in part as described above.**

10 **Document 10 is GRANTED in part and denied in part as described above.**

11 **Document 16, petitioner's second motion to enforce the TRO, is DENIED** because
12 petitioner misunderstood the clear language of the TRO, which did not require that a hearing
13 be held by March 27, 2026 or that petitioner be released if a hearing was not held by then.
14 *See Respondent' Response (Doc 17).*

15
16 Finally, petitioner's counsel is admonished to review and follow this district's local
17 civil rules. Counsel SHALL NOT continue filing motions without first consulting with
18 respondents' counsel to the extent practicable and providing the Court with proof of such
19 consultation or consultation efforts.

20 IT IS SO ORDERED.

21
22 Dated: March 30, 2026



Honorable Valerie Baker Fairbank
Senior United States District Judge