UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:26-cv-00835-FWS-E Date: February 24, 2026
Title: Hani Labib Karas v. David Marin

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Rolls Royce Paschal	N/A
Deputy Clerk	Court Reporter

Attorneys Present for Petitioner:	Attorneys Present for Respondent:
Not Present	Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER GRANTING PETITIONER'S APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION [2]

Petitioner Hani Labib Karas brings this Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 against Respondent Hani Labib Karas, Warden of Adelanto Immigration and Customs Enforcement Detention Facility. (Dkt. 1 ("Pet.").) Before the court is Petitioner's Application for Temporary Restraining Order and Preliminary Injunction. (Dkt. 2 ("Application").) Respondent did not file any response to the Application, and the deadline to do so has passed. (*See* Dkt. 6.) The court finds this matter appropriate for resolution without oral argument. *See* Fed. R. Civ. P. 78(b) ("By rule or order, the court may provide for submitting and determining motions on briefs, without oral hearings."); C.D. Cal. L.R. 7-15 (authorizing courts to "dispense with oral argument on any motion except where an oral hearing is required by statute"). Based on the record, as applied to the relevant law, the Application is **GRANTED.**

I. Background

Petitioner alleges the following. Plaintiff entered the United States from Egypt on December 18, 1972. (Pet. at 2.) In 1982, Petitioner was convicted of second-degree robbery without a firearm and was sentenced to two years of imprisonment. (*Id.*) In the following years, "Petitioner sustained several drug-use related convictions, including possession offenses." (*Id.*) In April 1997, an Immigration Judge ordered Petitioner removed to Egypt, but

Petitioner was subsequently released from the Immigration and Naturalization Services custody under an Order of Supervision ("OSUP"). (*Id.* at 2-3.)

On January 27, 2026, Petitioner was arrested by the United States Immigration and Customs Enforcement ("ICE"). (*Id.* at 3-4.) During Petitioner's arrest, he was not served with a notice of revocation, or similar documents, stating why his OSUP was being revoked. (*Id.* at 4.) ICE did provide Petitioner with an informal interview addressing his travel documents, but the interview did not provide Petitioner with an opportunity to address the reason for his detention. (*Id.*) Petitioner alleges claims for violation of the federal regulations and due process. (Pet. at 5-14.)

II. Legal Standard

The "opportunities for legitimate *ex parte* applications are extremely limited," *Horne v. Wells Fargo Bank, N.A.*, 969 F. Supp. 2d 1203, 1205 (C.D. Cal. 2013), and such applications are "rarely justified," *Mission Power Eng'g Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 490 (C.D. Cal. 1995). To justify *ex parte* relief, the moving party must show (1) that their cause of action will be irreparably prejudiced if the underlying motion is heard according to regular noticed procedures, and (2) that they are without fault in creating the crisis that requires *ex parte* relief, or that the crisis occurred as a result of excusable neglect. *Id.* at 492-93.

The analysis for granting a temporary restraining order ("TRO") is "substantially identical" to that for a preliminary injunction. *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). Either "is an extraordinary remedy that may be awarded only if the plaintiff clearly shows entitlement to such relief." *See Am. Beverage Ass'n v. City & Cnty. of San Francisco*, 916 F.3d 749, 754 (9th Cir. 2019) (en banc) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008)). A plaintiff seeking a TRO must demonstrate (1) they are "likely to succeed on the merits"; (2) they are "likely to suffer irreparable harm in the absence of preliminary relief"; (3) that "the balance of equities tips in [their] favor"; and (4) that "an injunction is in the public interest." *Id.* (quoting *Winter*, 555 U.S. 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 that approach, "'serious questions going to the merits' and a hardship balance that tips sharply toward the plaintiff can support issuance of an injunction, assuming the other two elements of the *Winter* test are also met." *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011).

A party seeking preliminary injunctive relief must make a "certain threshold showing" on "each [*Winter*] factor." *Leiva-Perez v. Holder*, 640 F.3d 962, 966 (9th Cir. 2011). "The most important among these factors is the likelihood of success on the merits." *Junior Sports Mags. Inc. v. Bonta*, 80 F.4th 1109, 1115 (9th Cir. 2023). "This is especially true for constitutional claims, as the remaining *Winter* factors typically favor enjoining laws thought to be unconstitutional." *Id.*

III. Analysis

The court finds Petitioner has adequately demonstrated that *ex parte* relief is warranted and has also met the burden to show that he is entitled to a TRO under the *Winter* factors. Respondent does not argue otherwise; indeed, Respondent failed to file any response at all to the Application within the court's deadline. (Dkt. 6 (setting deadline of February 24, 2026, at 9:00 a.m.).) In this District, the Local Rules state that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion." C.D. Cal. L.R. 7-12. The court could grant the Application on this basis alone. Nevertheless, the court turns to the merits.

Petitioner moves for a temporary restraining order releasing Petitioner from custody; refraining from removing Petitioner from the United States or transferring him from the Central District of California; reinstating his OSUP; and issuing an order for Respondent to show cause as to why the court should not issue a preliminary injunction. (Mot. 4-5.) The court considers whether Petitioner adequately demonstrates (1) likelihood of success on the merits, (2) irreparable harm, and (3) that the balance of equities and public interest weigh in his favor.

A. Likelihood of Success on the Merits

The Due Process Clause prohibits deprivations of life, liberty, and property without due process of law. U.S. Const. amend. V. Due process rights extend to noncitizens present in the United States, including those subject to final removal orders. *Zadyvadas v. Davis*, 533 U.S. 678, 693-94 (2001) ("[T]he Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent. Indeed, this Court has held that the Due Process Clause protects an alien subject to a final order of deportation, though the nature of that protection may vary depending upon status and circumstance." (citation modified)). "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (citation modified).

Title 8, United States Code, Section 1231 governs the detention and removal of noncitizens who have been ordered removed. This statute directs the Attorney General to remove the noncitizen "within a period of 90 days" and authorizes detention during this removal period. 8 U.S.C. § 1231(a). However, if "removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Zadvydas*, 533 U.S. at 699.

If released, an alien subject to a final order of removal must comply with certain conditions of release. 8 U.S.C. § 1231(a)(3), (6). The revocation of release is governed by 8 C.F.R. §§ 241.13(i)(3) and 241.4(l), which require that "upon revocation" the alien "be notified of the reasons for revocation of his or her release" and given "an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. §§ 241.13(i)(3) and 241.4(l); *Constantinovici v. Bondi*, 806 F. Supp. 3d 1155, 1162 (S.D. Cal. 2025). "Both 8 C.F.R. § 241.13 and 8 C.F.R. § 241.4 were intended to 'provide due process protections to [noncitizens] following the removal period as they are considered for continued detention, release, and then possible revocation of release[.]'" *Constantinovici*, 806 F. Supp. 3d at 1163 (quoting *Santamaria Orellano v. Baker*, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025)).

The court finds the record before the court is sufficient to show that Petitioner is likely to succeed on the merits of his claims for failure to comply with C.F.R. §§ 241.13(i)(3) and

241.4(l). *See Winter*, 555 U.S. at 20. "It is well-established that government agencies are required to follow their own regulations." *Constantinovici*, 806 F. Supp. 3d at 1164 (citing *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)); *United States v. Ramos*, 623 F.3d 672, 683 (9th Cir. 2010) ("It is a well-known maxim that agencies must comply with their own regulations."). "Numerous district courts, including courts in the Ninth Circuit, 'have determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered.'" *Constantinovici*, 806 F. Supp. 3d at 1164 (quoting *Rokhfirooz v. Larose*, 2025 WL 2646165, at *4 (S.D. Cal. Sept. 15, 2025)) (collecting cases). Petitioner alleges, in summary, that he did not receive adequate due process when he was arrested or had his OSUP revoked. (Pet. at 3-4.) Critically, Respondent did not respond to the Application by the deadline. (*See generally* Dkt.) Based on the undisputed record, the court finds that Petitioner demonstrates he is likely to succeed on the merits of his claims under these regulations. *See Winter*, 555 U.S. at 20.

B. Irreparable Harm

First, "[i]t is well established that the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (citation modified); *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (explaining that a party seeking preliminary injunctive relief for violation of a constitutional right can establish irreparable injury sufficient to merit the grant of relief by demonstrating the existence of a colorable constitutional claim); *see Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("[I]njuries to constitutional rights are considered irreparable for even minimal periods of time.") (citation modified); *Goldie's Bookstore, Inc. v. Superior Ct. of State of Cal.*, 739 F.2d 466, 472 (9th Cir. 1984) ("An alleged constitutional infringement will often alone constitute irreparable harm."); Wright and Miller, 11A Fed. Prac. & Proc. Civ. § 2948.1 (3d ed. 2019) ("When an alleged deprivation of a constitutional right is involved . . . most courts hold that no further showing of irreparable injury is necessary."); *Junior Sports Mags.*, 80 F.4th at 1120 (explaining that when a party shows a likelihood of success on the merits of a constitutional claim, "the remaining *Winter* factors favor enjoining the likely unconstitutional law"). "If a plaintiff bringing [a constitutional] claim shows he is likely to prevail on the merits, that showing will almost always demonstrate he is suffering irreparable harm as well." *Baird v. Bonta*, 81 F.4th 1036, 1042 (9th Cir. 2023).

Second, the court finds that Petitioner's detention causes irreparable harm by subjecting him to immigration detention and separating him from his family, (*see* Pet. at 5-6.). The court finds this is sufficient to show irreparable harm. *See Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017) (recognizing "irreparable harms imposed on anyone subject to immigration detention"); *Jorge M. F. v. Wilkinson*, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021) (finding irreparable harm based on both the irreparable harms "imposed on anyone subject to immigration detention" and the severe economic hardship and psychological harm that the detainee's family would face) (citation modified).

Accordingly, the court concludes Petitioner demonstrates that he is likely to suffer irreparable harm. *See Winter*, 555 U.S. at 20.

C. Balance of Equities and Public Interest

"A plaintiff's likelihood of success on the merits of a constitutional claim also tips the merged third and fourth factors decisively in his favor." *Baird*, 81 F.4th at 1042. And "[i]t is always in the public interest to prevent the violation of a party's constitutional rights." *Cal. Chamber of Commerce v. Council for Educ. and Research on Toxics*, 29 F.4th 468, 482 (9th Cir. 2022) (citation modified). Indeed, "public interest concerns are implicated when a constitutional right has been violated, because all citizens have a stake in upholding the Constitution." *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005); *Junior Sports Mags.*, 80 F.4th at 1120 (explaining that when a party shows a likelihood of success on the merits of a constitutional claim, "the remaining *Winter* factors favor enjoining the likely unconstitutional law").

Here, the court finds Petitioner has sufficiently demonstrated a likelihood of success on the merits, *see* Section III.A, *supra*, which tips the merged factors in his favor. *See Baird*, 81 F.4th at 1042. The court finds Petitioner has adequately demonstrated that the hardship balance "tips sharply" in his favor and the public interest weighs in his favor at this stage. *All. for the Wild Rockies*, 632 F.3d at 1132; *see California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018) ("When the government is a party, the last two factors merge.").

In summary, the court concludes Petitioner has made a sufficient showing on all of the *Winter* factors to be entitled to a temporary restraining order.

IV. Disposition

For the foregoing reasons, the Application is **GRANTED**. The court **ORDERS** Respondent to release Petitioner from custody on or before **February 26, 2026, at 1:00 p.m. Pacific Standard Time**. The court further **ORDERS** Respondent to provide Petitioner with a copy of this Order on or before **February 26, 2026, at 1:00 p.m. Pacific Standard Time.** Petitioner shall be released on the original OSUP under the terms and conditions existing as if Petitioner had not been detained. In addition, the court's previous order that Petitioner shall not be removed or relocated from the Central District of California pending further order of court remains in full force and effect. (Dkt. 6.) "To be clear, this Order does not provide [Petitioner] with blanket immunity from future removal—that is outside the Court's power for the reasons discussed above—but any future enforcement actions after release must comply with the required procedures." *Delkash v. Noem*, 2025 WL 2683988, at *7 (C.D. Cal. Aug. 28, 2025).

Finally, Respondent is **ORDERED** to show cause in writing on or before **March 2, 2026,** as to why the court should not issue a preliminary injunction. Petitioner may file a response on or before **March 6, 2026**. The court sets a hearing on whether a preliminary injunction should issue for **March 12, 2026, at 10:00 a.m., in Courtroom 10D.**