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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

INTERNATIONAL REFUGEE
ASSISTANCE PROJECT,
as Next Friend of JOHN DOES I–IV
and JANE DOE; and JOHN DOES I–IV
and JANE DOE,

Petitioners,

v.

JOHN F. KELLY; Secretary, U.S.
Department of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; U.S. CUSTOMS AND
BORDER PROTECTION (“CBP”);
KEVIN K. McALEENAN,
Acting Commissioner, CBP; and
MITCHELL MERRIAM, Los Angeles
Field Director, CBP,

Respondents.

CASE No. 2:17-cv-01761

**ORDER TO TEMPORARILY
ENJOIN TRANSFER OF
PETITIONERS OUT OF THE
JURISDICTION OF THIS COURT**

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*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the status quo before a preliminary injunction hearing may be held. *Granny Goose*

1 *Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City,*
2 415 U.S. 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of
3 TROs and preliminary injunctions, and courts apply the same standard to both.
4 *Frontline Med. Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.,* 620 F.
5 Supp. 2d 1109, 1110 (C.D. Cal. 2009).

6 Under these circumstances, a party must show “serious questions going to the
7 merits’ [,] a balance of hardships that tips sharply toward the plaintiff,” a likelihood of
8 irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild*
9 *Rockies v. Cottrell,* 632 F.3d 1127, 1132 (9th Cir. 2011). A “serious question” is one
10 on which the movant “has a fair chance of success on the merits.” *Sierra On-Line,*
11 *Inc. v. Phoenix Software, Inc.,* 739 F.2d 1415, 1421 (9th Cir. 1984). A court may issue
12 a TRO without notice to the adverse party where specific facts in an affidavit “clearly
13 show that immediate and irreparable injury, loss, or damage will result to the movant
14 before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1).

15 Upon reviewing Petitioners’ Emergency Motion and the declarations submitted
16 with the Petitioners’ Petition for Writ of Habeas Corpus and Complaint for Declaratory
17 and Injunctive Relief, (Docs. 1, 1-1, 1-2, 4), the Court finds that Petitioners have
18 established at least a serious question going to the merits of their claims; that the
19 balance of hardships tips decisively in their favor; a likelihood of irreparable harm; and
20 that an injunction is in the public interest.

21 Based on the facts described in the declarations submitted with the Petitioners’
22 Petition and Complaint, Petitioners have a fair chance of success on the merits of their
23 Fifth Amendment Due Process and Equal Protection claims and their claims under the
24 Immigration and Nationality Act (8 U.S.C. §§ 1101(a)(27), 1153(b)(4), 1181 and 8
25 C.F.R. § 292.5(b)). There is a likelihood of immediate and irreparable harm here
26 where the Emergency Motion and declarations represent that the four of the
27 Petitioners, a mother and three children, are to be separated from the husband/father
28 and placed on a flight out of this Court’s jurisdiction within an hour. The mother

1 cannot read or speak English and her children are aged 7 years-, 6 years-, and 8
2 months-old. The balance of equities tip in their favor and the injunction is in the
3 public interest. For these same reasons, the Court concludes that it is necessary to
4 issue this Order without notice and set the hearing for the earliest possible time.

5 The Court therefore enjoins Respondents from (1) preventing access between
6 Petitioners and Petitioners' Attorneys, and (2) transferring Petitioners to any location
7 outside of the jurisdiction of the U.S. District Court for the Central District of
8 California, pending a hearing on Petitioners' Emergency Motion for Temporary
9 Injunctive Relief, which the Court sets for this Monday, March 6 at 1:30 p.m.

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12 Dated: March 4, 2017, 5:10 p.m.



15 HON. JOSEPHINE L. STATON
16 UNITED STATES DISTRICT JUDGE
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