

1 On March 18, 2026, respondents filed an opposition to the motion for temporary
2 restraining order. (Doc. No. 7.) Respondents argue only that petitioner is an “applicant for
3 admission” and subject to mandatory detention pursuant to 8 U.S.C. § 1225(b) (*id.* at 1–2), an
4 argument that the undersigned has previously rejected on several occasions. *See Wasef v.*
5 *Chestnut*, No. 1:26-cv-01078-DAD-JDP (HC), 2026 WL 392389, at *2–3 (E.D. Cal. Feb. 12,
6 2026). Respondents fail to address whether this matter is substantively distinguishable to *Ayala*
7 *Cajina*, instead addressing whether this case is distinguishable from the inapposite order in *Yang*
8 *v. Kaiser*, No. 2:25-cv-02205-DAD-AC (HC), 2025 WL 2791778 (E.D. Cal. Aug. 20, 2025).
9 (Doc. No. 7.) Respondents state that they do not oppose converting the motion for temporary
10 restraining order to a motion for preliminary injunction. (*Id.* at 1.) Moreover, respondents state
11 that they do not oppose resolving the underlying petition for writ of habeas corpus on the current
12 briefing. (*Id.*)

13 In support of his petition for writ of habeas corpus and motion for a temporary restraining
14 order, petitioner presents evidence of the following.

15 On March 4, 2022, petitioner was the victim of an armed robbery in Oakland, California.
16 (Doc. No. 1 at ¶ 14.) On December 22, 2022, petitioner filed an application for a U-visa. (*Id.*)
17 On February 20, 2026, petitioner was detained at his home. (*Id.* at ¶ 15.) However, it is not clear
18 from petitioner’s evidence that petitioner had previously encountered immigration authorities and
19 been released by those authorities. Accordingly, the court adopts its reasoning in *Quichimbo-*
20 *Jimenez v. Warden*, No. 2:26-cv-00739-DAD-EFB, 2026 WL 679378, at *1–2 (E.D. Cal. Mar.
21 10, 2026) in concluding that petitioner cannot be detained pursuant to 8 U.S.C. § 1225(b) but only
22 pursuant to 8 U.S.C. § 1226(a). Moreover, to preserve the status quo *ante litem*, and in light of
23 the persuasive authority in *Maciel v. Noem*, No. 1:26-cv-01318-DC-CKD (HC), 2026 WL
24 496948, at *5 (E.D. Cal. Feb. 23, 2026) which ordered the petitioner’s immediate release where

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1 the respondents incorrectly detained the petitioner pursuant to 8 U.S.C. § 1225, the court finds
2 that immediate release is the appropriate remedy in this case.¹

3 The court incorporates and adopts the reasoning set forth in *Ayala Cajina* and finds that
4 petitioner’s continued detention violates due process.

5 For the reasons above,

6 1. Petitioner’s petition for writ of habeas corpus (Doc. No. 1) is GRANTED as
7 follows:

8 a. Respondents are ORDERED to immediately release petitioner from
9 respondents’ custody;

10 b. Respondents are ENJOINED AND RESTRAINED from re-detaining
11 petitioner for any purpose, absent exigent circumstances, without providing
12 petitioner notice and a pre-detention hearing before an immigration judge
13 pursuant to 8 U.S.C. § 1226(a);

14 2. Petitioner’s motion for a temporary restraining order (Doc. No. 2) is hereby
15 DENIED as having been rendered moot in light of this order;

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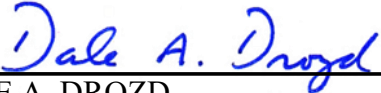
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19 ¹ Petitioner also argues that he is likely to prevail on his claim that his arrest inside a private
20 residence on an administrative warrant violated the Fourth Amendment and accordingly
21 implicated his due process rights. (Doc. No. 2-1 at 9–11.) The court need not decide this issue
22 because it determines that petitioner is entitled to release on other grounds. Nevertheless, the
23 court notes that petitioner declares that he was arrested by immigration authorities who “cut the
24 chains on the front gates” and then “broke down the back door” of his house. (Doc. No. 2-4 at ¶
25 2.) Petitioner declares that he was arrested in his private residence. (*Id.* at ¶ 3.) Petitioner further
26 declares that he was not shown an arrest or a search warrant. (*Id.* at ¶ 4.) In opposition,
27 respondents assert that petitioner was detained “pursuant to a warrant for arrest of alien,” but fail
28 to provide address whether the purported warrant is authentic or that it was issued prior to the
arrest of petitioner (Doc. No. 7-1) and also have not produced an arrest warrant issued by a judge
as would be required to enter a home. *See Kidd v. Mayorkas*, 734 F. Supp. 3d 967, 980 (C.D.
Cal. 2024) (“[A]n administrative warrant is insufficient to enter the constitutionally protected
areas of a home” and concluding further that ICE’s “knock and arrests” violate the Fourth
Amendment); *M-J-M-A- v. Hermosillo*, — F. Supp. 3d —, 2026 WL 562063, at *19 (D. Or. Feb.
27, 2026) (finding that ICE in some regions has a practice of “fabricating warrants after arrests
were made”).

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3. The Clerk of the Court is directed to ENTER judgment in favor of petitioner and to close this case.

IT IS SO ORDERED.

Dated: March 19, 2026



DALE A. DROZD
UNITED STATES DISTRICT JUDGE