UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

V. D. C.M., Petitioner, v. MARKWAYNE MULLIN, et al., Respondents.	No. 1:26-cv-05927-DJC-SCR ORDER

On October 8, 2026, Petitioner filed a Motion for Temporary Restraining Order on the basis that Respondents had allegedly told Petitioner that their removal was imminent despite the fact that Petitioner's removal order was not final. (ECF No. 12.) The Court ordered Petitioner's removal administratively stayed pending resolution of the motion and ordered a response from the Government. (ECF No. 13.) Respondents' response confirms that Petitioner has not been removed from the United States and that Petitioner has filed an appeal with the BIA. (ECF No. 14.) the Court finds that Plaintiff has met the requirements of for issuance of a temporary restraining order under *Winter v. Natural Resource Defense Council, Inc.*, 555 U.S. 7, 20 (2008). Petitioner has established a likelihood of success on the merits, irreparable harm if Petitioner is wrongfully removed is substantial, and the balance of the equities

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and public interest tip clearly in Petitioner's favor. As such, issuance of a Temporary Restraining Order is appropriate.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Temporary Restraining Order (ECF No. 12) is GRANTED;
2. Respondents are ENJOINED AND RESTRAINED from removing Petitioner from the United States without a final order of removal and before the removal period begins, as defined under 8 U.S.C. § 1231(a)(1)(B).
3. On or before October 22, 2026, Respondents are ordered to show cause why this order should not be converted into a preliminary injunction on the same terms and conditions as this Order.
4. Petitioner's Motion to Proceed under a Pseudonym (ECF No. 3) is GRANTED.

IT IS SO ORDERED.

Dated: **October 15, 2026**

Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE