

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACARMEN ARACELY PABLO SEQUEN,
et al.,

Plaintiffs,

v.

SERGIO ALBARRAN, et al.,

Defendants.

Case No. 25-cv-06487-PCP

**ORDER DENYING MOTION FOR
STAY PENDING APPEAL**

Re: Dkt. No. 156

The government moves for a stay pending appeal of this Court's order granting a preliminary injunction concerning the conditions of confinement at the San Francisco field office of Immigration and Customs Enforcement, which is located at 630 Sansome Street. *See* Dkt. No. 138. The government also moves for a stay of this Court's statements concerning the scope of that preliminary injunction at a December 22, 2025 status conference, which the government characterizes as "orders modifying, changing, and granting further injunctions." *See* Dkt. No. 151. For the reasons below, the Court denies the government's motion.

BACKGROUND

In this putative class action, a group of noncitizens challenges several recent policies and practices of Immigration and Customs Enforcement (ICE) and the Department of Justice's Executive Office for Immigration Review. As relevant here, plaintiffs challenge allegedly unconstitutional conditions of confinement under which ICE detains noncitizens in short-term hold rooms at its San Francisco field office, which is located at 630 Sansome Street.

On behalf of a proposed "detention class," plaintiffs moved for a preliminary injunction requiring that ICE restore conditions of confinement at 630 Sansome to the constitutional minimums required by the Fifth Amendment. The Court provisionally certified the detention class

1 and granted the requested preliminary injunction. *See* Dkt. No. 138. In its order, the Court
2 explained that “hold rooms” are rooms “in one of [ICE’s] field offices, such as 630 Sansome,” that
3 “are primarily used for ... short-term confinement” and in which ICE detains noncitizens between
4 “arrest[ing] [them] for an alleged immigration violation” and “process[ing] the[m] for long-term
5 detention elsewhere.” *Id.* at 5 (first alteration in original). The Court then explained that the merits
6 of plaintiffs’ motion for a preliminary injunction turned on “whether the conditions of
7 confinement in the hold rooms at 630 Sansome are likely punitive.” *Id.* at 40 (emphasis added).
8 After answering that question in the affirmative, and concluding that the other *Winter* factors
9 favored plaintiffs, the Court preliminarily enjoined the government from subjecting detained
10 noncitizens to certain “conditions of confinement relating to sleep, hygiene, and medical care at
11 630 Sansome.” *Id.* at 49 (emphasis added).

12 On December 22, 2025, at the parties’ request, the Court held a status conference to clarify
13 the scope of several disputed terms in the preliminary-injunction order. *See* Dkt. No. 151. Among
14 the disputed terms was the meaning of the “hold rooms at 630 Sansome” to which the preliminary
15 injunction applies. That dispute arose from changes to ICE’s detention practices after the
16 preliminary injunction went into effect. Prior to the preliminary injunction, ICE had detained
17 noncitizens at 630 Sansome only in hold rooms on the sixth floor. But the parties explained that in
18 the wake of the preliminary-injunction order, ICE ceased detaining noncitizens on the sixth floor
19 and instead began detaining them in rooms on the fifth floor. ICE had also begun transferring
20 some detainees from 630 Sansome to a satellite facility overseen by ICE’s San Francisco field
21 office in Stockton before placing the detainees in long-term detention facilities. At the conference,
22 plaintiffs asserted that ICE was subjecting class members to unconstitutional conditions of
23 confinement on the fifth floor of 630 Sansome and at the Stockton facility, in violation of the
24 preliminary injunction. The government disputed plaintiffs’ characterization of conditions on the
25 fifth floor and in Stockton, and it argued that the preliminary injunction applies only to hold rooms
26 on the sixth floor of 630 Sansome.

27 The Court explained that its preliminary-injunction order contains no language suggesting
28 that it applies only to the sixth floor of 630 Sansome and that the order covers *all* “hold rooms at

1 630 Sansome.” That is, the order applies to any room in that building which are “primarily used
2 for ... short-term confinement” of noncitizens between their “arrest[]for an alleged immigration
3 violation” and their placement in “long-term detention elsewhere.” Were plaintiffs’ assertions
4 concerning ICE’s activities on the fifth floor of 630 Sansome accurate, the Court reasoned, those
5 activities would thus likely violate the preliminary injunction. But the Court took no view as to the
6 accuracy of plaintiffs’ representations due to the lack of evidence concerning the use of and
7 conditions on the fifth floor.

8 The Court also explained that while the Stockton facility may fall outside the literal scope
9 of the preliminary injunction, ICE’s use of the facility to continue subjecting noncitizens who
10 would otherwise have been detained at 630 Sansome to unconstitutional conditions of
11 confinement would violate “the spirit of the injunction.” *See Epic Games, Inc. v. Apple Inc.*, No.
12 25-2935, 2025 WL 3548683, at *7 (9th Cir. Dec. 11, 2025) (citation modified). Such “a dubiously
13 literal interpretation of the injunction ... designed to evade the injunction’s goals,” the Court
14 noted, would be grounds for a finding of contempt. *See id.* But again, due to the lack of evidence
15 before it, the Court expressed no view on the accuracy of plaintiffs’ assertions about the use of and
16 conditions at the Stockton facility.

17 Finally, after receiving multiple requests to substantively modify the preliminary
18 injunction, the Court explained that it could do so only pursuant to a properly filed motion. The
19 Court therefore instructed the parties to seek any substantive modifications by motion rather than
20 at the status conference.

21 On December 23, 2025, the government appealed the preliminary-injunction order
22 “including ... any order ... modifying, changing, or granting an injunction during the Status
23 Conference on December 22, 2025.” On December 26, 2025, the government filed a motion for a
24 stay pending appeal of the preliminary-injunction order and what the government characterizes as
25 the Court’s “status conference orders.” The parties agreed that plaintiffs would respond within five
26 days, and plaintiffs filed their opposition to the motion on December 30, 2025.

27 DISCUSSION

28 A stay pending appeal is “an exercise of judicial discretion,” and “[t]he party requesting a

1 stay bears the burden of showing that the circumstances justify an exercise of that discretion[.]”
 2 *Immigr. Defs. L. Ctr. v. Noem*, 145 F.4th 972, 983 (9th Cir. 2025) (quoting *Nken v. Holder*, 556
 3 U.S. 418, 433 (2009)). Four factors guide the Court’s exercise of its discretion:

4 (1) whether the stay applicant has made a strong showing that he is
 5 likely to succeed on the merits; (2) whether the applicant will be
 6 irreparably injured absent a stay; (3) whether issuance of the stay will
 7 substantially injure the other parties interested in the proceeding; and
 8 (4) where the public interest lies.

9 *Id.* “The first two factors are the most critical,” *id.* (citation modified), and the Court need only
 10 consider the first factor here because the government has shown no likelihood of success on the
 11 merits (nor “serious questions” going to the merits), *see Guzman v. Shewry*, 552 F.3d 941, 948
 12 (9th Cir. 2009) (holding that in the preliminary-injunction context a court need not consider
 13 irreparable harm if the movant “failed to show a likelihood of success”).

14 The government argues that it is likely to succeed on the merits of its appeal because the
 15 Court expanded the existing preliminary injunction or granted new injunctions at the December
 16 22, 2025 status conference without the notice or specificity required by Federal Rule of Civil
 17 Procedure 65. The Court did no such thing. As detailed above, the Court’s remarks at the status
 18 conference clarified that the preliminary injunction *already* covered the whole of ICE’s field
 19 office at 630 Sansome and not just the sixth floor. In other words, the Court offered a clarification
 20 of the scope of existing relief; it neither substantively modified that relief nor granted new relief.
 21 Additional notice was not required for such a clarification, *see* Fed. R. Civ. P. 65(a)(1) (requiring
 22 notice only when a court “issue[s] a preliminary injunction”), and the government does not explain
 23 its contention that “the terms [clarified by the Court] are not specific and do not describe what is
 24 enjoined.”¹ And although the government insists that the Court extended the preliminary
 25 injunction to cover ICE’s “other facilities,” the Court simply reiterated the principle—recently
 26 reaffirmed by the Ninth Circuit—that a party may be held in contempt where it uses an overly

27 ¹ While the government suggests that it lacked notice prior to the status conference that plaintiffs
 28 sought to enjoin unconstitutional conditions of confinement beyond the sixth floor, plaintiffs’
 motion for a preliminary injunction belies that assertion. Nowhere does the motion refer to the
 sixth floor. The motion asked for building-wide relief, seeking “a preliminary injunction
 direct[ing] Defendants to bring detention conditions in Hold Rooms at 630 Sansome up to
 constitutional minimums.”

literal interpretation of an injunction to flout the injunction’s purpose, even if the “the strict letter of the injunction was not violated.” *See Epic Games*, 2025 WL 3548683, at *7. The Court neither determined whether ICE was interpreting the preliminary injunction in such a manner nor issued any injunction with respect to facilities outside 630 Sansome.

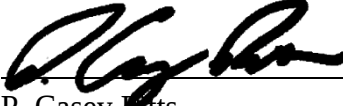
Because the government’s merits arguments are premised entirely on the erroneous assertion that the Court granted new injunctive relief at the status conference, rather than clarifying the scope of the existing relief, the government has demonstrated no likelihood of success. The Court therefore exercises its discretion to deny a stay pending appeal.²

CONCLUSION

For the foregoing reasons, the government’s motion for a stay pending appeal, Dkt. No. 156, is DENIED.

IT IS SO ORDERED.

Dated: December 31, 2025


P. Casey Pitts
United States District Judge

² The government also argues that “[b]ecause of the filing of the notice of appeal, the Court lacks jurisdiction over the preliminary injunction,” including jurisdiction to order the production of “information about [ICE’s] operations and facilities other than those specified in the [preliminary-injunction] order.” This argument does not bear on the government’s request for a stay pending appeal. But for the parties’ benefit, the Court notes that it retains jurisdiction to clarify and enforce the preliminary injunction and to modify it pending appeal as needed to preserve the status quo. *See Thakur v. Trump*, 795 F. Supp. 3d 1168, 1178–79 (N.D. Cal. 2025).