as to the district court's class-certification analysis. In any event, as the district court recognized, class certification is subject to amendment at any time before final judgment. Accordingly, complete review of the class certification order is best had once a final judgment has been entered.

Mindful of the restraint that we must exercise in determining the scope of our pendent jurisdiction, we conclude that no other issue the Defendants raise in this interlocutory appeal is "inextricably intertwined with" or "necessary to ensure meaningful review" of the preliminary injunction decision.

IV.

We turn now to our consideration of the preliminary injunction issued by the district court. We review a district court's preliminary injunction for an abuse of discretion. *Farris v. Seabrook,* 677 F.3d 858, 864 (9th Cir.2012). " 'Under this standard, [a]s long as the district court got the law right, it will not be reversed simply because the appellate court would have arrived at a different result if it had applied the law to the facts of the case.' " *Thalheimer v. City of San Diego,* 645 F.3d 1109, 1115 (9th Cir.2011) (alteration in original), *quoting Dominguez v. Schwarzenegger,* 596 F.3d 1087, 1092 (9th Cir.2010).

***1000** To obtain a preliminary injunction, a plaintiff "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Natural Res. Def. Council, Inc.,* 555 U.S. 7, 20, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008); *see also Stormans, Inc. v. Selecky,* 586 F.3d 1109, 1126–27 (9th Cir.2009) (abandoning the prior preliminary injunction test and applying *Winter*). The district court's Order granted "the certified class ... partial injunctive relief enjoining [the] Defendants from detaining any person based solely on knowledge, without more, that the person is in the country without lawful authority." We now determine whether, under the *Winter* factors, the district court abused its discretion entering this preliminary injunction prohibiting the Defendants from detaining individuals solely because they are unlawfully present in the United States.

A.

We first conclude that the Plaintiffs were likely to succeed on their claim that without more, the Fourth Amendment does not permit a stop or detention based solely on unlawful presence. Absent probable cause to arrest, a law enforcement officer may conduct an investigatory stop "when [that] police officer reasonably suspects that the person apprehended is committing or has committed a crime." *Arizona v. Johnson,* 555 U.S. 323, 326, 129 S.Ct. 781, 172 L.Ed.2d 694 (2009). The Supreme Court has explained that the investigatory-stop standard is met in the traffic-stop setting "whenever it is lawful for police to detain an automobile and its occupants pending inquiry into a vehicular violation." *Id.* at 327, 129 S.Ct. 781. Nevertheless, a detention beyond the duration of the initial traffic stop must be supported independently by reasonable suspicion of criminality. *Id.* at 333, 129 S.Ct. 781; *see also United States v. Mendez,* 476 F.3d 1077, 1080–81 (9th Cir.2007). Accordingly, possible criminality is key to any *Terry* investigatory stop or prolonged detention. *See Terry v. Ohio,* 392 U.S. 1, 30, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). Absent suspicion that a "suspect is engaged in, or is about to engage in, criminal activity," law enforcement may not stop or detain an individual. *United States v. Sandoval,* 390 F.3d 1077, 1080 (9th Cir.2004).

We have long made clear that, unlike illegal entry, mere unauthorized presence in the United States is not a crime. *See Martinez–Medina v. Holder,* 673 F.3d 1029, 1036 (9th Cir.2011) ("Nor is there any other federal criminal statute making unlawful presence in the United States, alone, a federal crime, although an alien's willful failure to register his presence in the United States when required to do so is a crime, and other criminal statutes may be applicable in a particular circumstance." (citation omitted)); *Gonzales v. City of Peoria,* 722 F.2d 468, 476–77 (9th Cir.1983) (explaining that illegal presence is "only a civil violation"), *overruled on other grounds by Hodgers–Durgin,* 199 F.3d 1037. The Supreme Court recently affirmed that, "[a]s a general rule, it is not a crime for a removable alien to remain present in the United States." *Arizona v. United States,* 132 S.Ct. at 2505.

Here, the district court enjoined the Defendants from detaining individuals based solely on reasonable suspicion or knowledge that a person was unlawfully present in the United States. The Defendants acknowledge that,