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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JORGE ARMANDO CARLOS,

Petitioner-Plaintiff,

v.

Case No. 2:25-cv-01900-RFB-EJY

**Federal Respondents' Response to the
Court's Order to Show Cause
Regarding Preliminary Injunction (ECF
No. 21)**

KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security; PAM
BONDI, Attorney General of the United
States; TODD M. LYONS, Acting Director
of United States Immigration and Customs
Enforcement; JASON KNIGHT, Acting
Field Office Director of Salt Lake City Field
Office, U.S. Immigration and Customs
Enforcement; and JOHN MATTOS,
Warden, Nevada Southern Detention
Center; U.S. Immigration and Customs
Enforcement.

Respondents-Defendants.

Pursuant to the Court's Order (ECF No. 21), Federal Respondents hereby file their response as to why preliminary injunction should not be issued in this case. The issuance of a preliminary injunction is moot, because this Court has already ordered DHS to release Petitioner Jorge Armando Carlos while his removal proceedings play out before an Immigration Judge, via granting the Petitioner's motion for temporary restraining order. ECF Nos. 21 and 5. Petitioner was released from detention pursuant to this Court's order, prior to him paying the \$6,000 bond which was ordered by an Immigration Judge. ECF

1 No. 21. This Court ordered the Petitioner to pay his \$6,000 bond by 12:00 pm on October
2 16, 2025, five days after his release. ECF No. 21. Petitioner failed to pay the bond. This
3 Court has ordered that if the Petitioner fails to pay bond, he “will be subject to rearrest and
4 detention.” ECF No. 21. Petitioner had due process because he was given a bond hearing
5 and a bond, and a subsequent release.

6 Prior to his release, Petitioner was lawfully detained under 8 U.S.C. §1225(b)(2)
7 because he is an applicant for admission, he poses a danger to the community as he has a
8 domestic battery conviction on March 20, 2019, a bench warrant issued by Washoe County
9 for \$10,000 on a second domestic battery charge on July 16, 2025, currently pending, and a
10 speeding conviction in Oregon on September 16, 2020. *See* Details of Petitioner’s criminal
11 and charge history, attached as Exhibit A. Petitioner is also in violation of 8 U.S.C. §1325,
12 because he is an undocumented alien, who has never been lawfully admitted in the United
13 States. *See* 8 U.S.C. § 1325. Petitioner in his original petition for habeas relief and his
14 motion for temporary restraining order sought relief in the form of being released from
15 detention while his removal proceeding is pending. In seeking the temporary restraining
16 order, Petitioner requested that the Court prevent the Respondents from continuing to
17 detain him under the automatic stay and order his release pursuant to a bond imposed by
18 an Immigration Judge. ECF No. 21, p. 1. Since the Court’s ruling on the motion for
19 temporary restraining order, Petitioner has received the relief requested and ordered in the
20 temporary restraining order, even though he did not and has failed to pay the bond. ECF
21 No. 21. Given that the relief sought has already been provided to Petitioner, preliminary
22 injunction is moot. This response is supported by the following memorandum of points and
23 authorities.

24 Respectfully submitted this 16th day of October 2025.

25 SIGAL CHATTAH
26 Acting United States Attorney

27 /s/ Virginia T. Tomova
28 VIRGINIA T. TOMOVA
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

For the sake of brevity, the Federal Respondents incorporate the facts as recited in the Federal Respondents' response in opposition to Petitioner's Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief. ECF No. 20. Prior to his release, Petitioner challenged in his Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief, a lawfully enacted regulation (8 C.F.R. § 1003.19(i)(2)) authorizing Petitioner's detention through an automatic stay, even though, that automatic stay merely implements detention Congress authorized under 8 U.S.C. § 1225(b)(2). This Court found that the automatic stay was unconstitutional and violated Petitioner's due process rights and granted his Motion for Temporary Restraining Order. ECF No. 21. While he was in detention, Petitioner requested and was granted a bond hearing on August 12, 2025. This Court ordered DHS to release the Petitioner by October 11, 2025. ECF No. 21. The Court also ordered the Petitioner to pay a bond by 12:00 pm on October 16, 2025. ECF No. 21. Petitioner was released but he failed to pay the bond, pursuant to the Court's Order. Petitioner's due process violations stemmed from his allegations of unlawful detention. However, Petitioner is no longer detained. Furthermore, the Court ordered the Federal Respondents to show cause why a preliminary injunction should not issue.

ARGUMENT

A. Legal Standard for Preliminary Injunction.

The showing required for a temporary restraining order is the same as that required for a preliminary injunction. *See Stuhlberg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 (9th Cir. 2001). A party seeking preliminary injunction "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. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see Nken v. Holder*, 556 U.S. 418, 426 (2009). Plaintiffs must demonstrate a "substantial case for relief on the merits." *Leiva-Perez v. Holder*, 640 F.3d 962, 967-68 (9th Cir. 2011). When "a plaintiff has failed to show the likelihood of success on the merits, we

1 need not consider the remaining three [*Winter* factors].” *Garcia v. Google, Inc.*, 786 F.3d 733,
2 740 (9th Cir. 2015).

3 The final two factors required for preliminary injunctive relief—balancing of the
4 harm to the opposing party and the public interest—merge when the Government is the
5 opposing party. *See Nken*, 556 U.S. at 435. The Supreme Court has specifically
6 acknowledged that “[f]ew interests can be more compelling than a nation’s need to ensure
7 its own security.” *Wayte v. United States*, 470 U.S. 598, 611 (1985); *see also United States v.*
8 *Brignoni-Ponce*, 422 U.S. 873, 878-79 (1975); *New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434
9 U.S. 1345, 1351 (1977); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1220-21 (D.C.
10 Cir. 1981); *Maharaj v. Ashcroft*, 295 F.3d 963, 966 (9th Cir. 2002) (movant seeking injunctive
11 relief “must show either (1) a probability of success on the merits and the possibility of
12 irreparable harm, or (2) that serious legal questions are raised and the balance of hardships
13 tips sharply in the moving party’s favor.”) (quoting *Andreiu v. Ashcroft*, 253 F.3d 477, 483
14 (9th Cir. 2001)).

15 However, a denial of a preliminary injunction application on the basis of mootness is
16 warranted “[w]hen interim relief of events have deprived the court of the ability to redress
17 the party’s injuries.” *United States v., Alder Creek Water Co.*, 823 F.2d 343, 345 (9th Cir. 1987).
18 Further, Courts has an obligation to consider mootness *sua sponte* and deny requested relief
19 where it is superfluous. *In re Burrell*, 415 F.3d 994, 997 (9th Cir. 2005).

20 **B. Preliminary Injunction is Moot Because Petitioner is No Longer Detained.**

21 Petitioner is already released from custody, even though he failed to pay his bond
22 pursuant to the Court’s order. ECF No. 21. In his petition for habeas and his motion for
23 temporary restraining order, Petitioner sought relief in a form of being released after being
24 granted a bond by an Immigration Judge. In seeking the temporary restraining order, the
25 Petitioner requested the Court to order Federal Defendants to release him from detention.
26 Federal Defendants complied with the Court’s order and released the Petitioner from
27 detention. Petitioner has received the relief requested and ordered by the Court. ECF No.
28 21. The “basic question in determining mootness is whether there is a present controversy as
to which effective relief can be granted.” *Nw. Env’tl. Def. Ctr. v. Gordon*, 846 F.2d 1241, 1244

1 (9th Cir. 1988). Given the relief sought (release from detention) has already been provided
2 to Petitioner, the issuance of a preliminary injunction is moot. The irreparable harm
3 underlying the temporary restraining order was Petitioner's continued detention. The
4 Petitioner is not currently detained.

5 **CONCLUSION**

6 For the reasons stated above, the issuance of a preliminary injunction is moot.

7 Respectfully submitted this 16th day of October 2025.

8 SIGAL CHATTAH
9 Acting United States Attorney

10 /s/ Virginia T. Tomova
11 VIRGINIA T. TOMOVA
12 Assistant United States Attorney
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