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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 MEHRAN AMIRKHANI KHAMSEH

14 Petitioner,

15 vs.

16 C. LANGILL, in his official capacity,
17 Director for the Los Angeles ICE Field
Office; U.S. DEPARTMENT OF
18 HOMELAND SECURITY; KRISTI
NOEM, in her official capacity, Secretary
19 of the Department of Homeland Security;
TODD M. LYONS, in his official
20 capacity, Deputy Director and Senior
Official Performing the Duties of Director
21 for U.S. Immigration and Custom
Enforcement; PAMELA BONDI, in her
22 official capacity, Attorney General of the
United States EXECUTIVE OFFICE FOR
23 IMMIGRATION REVIEW; F. SEMAIA,
24 in his official capacity as Warden of
Adelanto Detention Facility.

Case No.: 2:25-cv-09955-MCS-DTB

**FEDERAL RESPONDENTS'
OPPOSITION TO PETITIONER'S *EX*
PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER**

**[Filed Concurrently with the Declaration
of Enrique Chavez]**

Honorable Mark C. Scarsi
United States District Judge

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner Mehran Amirkhani Khamseh is an Iranian national with an extensive criminal history. After being released from ICE custody in 2006, he did not appear at his court-ordered removal hearing on October 4, 2007. He was ordered removed. Petitioner then was convicted of criminal threats, petty theft, and eventually vehicular manslaughter, for which Petitioner served prison time until 2019. ICE re-detained Petitioner in June 2025 and has requested travel documents to Iran, but Petitioner has refused to sit for his consular interview. Petitioner's argument now that he should be released because there is no foreseeable removal is disingenuous and baseless.

Petitioner further fails to make any evidentiary showing of a putative re-detention violation that would justify immediate habeas release. To the contrary, courts have recognized that complaining that the reasons for revocation of supervised release are insufficient is not nearly enough to establish entitlement to the extraordinary remedy of a TRO. Moreover, such courts have recognized that while regulations such as 8 C.F.R. § 214.13(i) create procedural safeguards, they do not create independent substantive rights that override the statutory grant of detention authority. *See, e.g., Sanchez v. Bondi et al.*, 5:25-cv-02530-AB-DTB, Dkt. 12.

Petitioner also complains that he does not want to be removed to a third country without proper process. However, Petitioner is fully aware that the government intends to remove him to his home country, Iran, for which Petitioner refused to attend the consular interview on October 27, 2025. There is no evidence that Petitioner in fact faces removal to any third country at all. ICE has requested travel documents from Iran and there are no cognizable barriers to removal to Petitioner's home country.¹ The TRO Application should be denied.

¹ Indeed, changed political circumstances have now made Iranian deportations possible. *See, e.g.,* <https://www.bbc.com/news/articles/cgrql7gd10do>.

II. FACTUAL BACKGROUND

The Petitioner, Mehran Amirkhani Khamseh, is a native and citizen of Iran. Declaration of Enrique Chavez (“Chavez Decl.”), ¶ 4; Application 11. On or about March 23, 2006, Petitioner was issued a Notice to Appear (“NTA”) and placed in removal proceedings. Chavez Decl., ¶ 5. He was released from ICE custody about two months later, on or about June 6, 2006. *Id.*, ¶ 6. On or about October 4, 2007, Petitioner was ordered removed in-absentia after failing to appear at his removal hearing. *Id.*, ¶ 7. To date, he has not filed a motion to reopen the removal order entered by the Immigration Judge. *Id.*, ¶ 20.

Petitioner has an extensive history of criminal activities:

- Petitioner was convicted of Possession of a Controlled Substance in violation of HS11350 on or about April 5, 1994. *Id.*, ¶ 8.
- Petitioner was convicted of Giving False Information to a Peace Officer in violation of VC 31 on or about February 18, 2004. He was sentenced to two days jail time. *Id.*, ¶ 9.
- Petitioner was convicted of Burglary in violation of PC 459 on or about February 18, 2004. He was sentenced to five days jail and thirty-six months probation. *Id.*, ¶ 10.
- Petitioner was convicted of Theft in violation of PC 484 on or about September 15, 2004. He was sentenced to sixty-two days in jail and thirty-six months probation. *Id.*, ¶ 11.
- Petitioner was convicted of False Impersonation of Another in violation of PC 529 on or about November 10, 2005. He was sentenced to sixteen months. *Id.*, ¶ 12.
- Petitioner was convicted for Petty Theft with Prior in violation of PC 666 on or about November 10, 2005. He was sentenced to sixteen months. *Id.*, ¶ 13.
- Petitioner was convicted of Criminal Threats in violation of PC 422 on or about October 9, 2008. He was sentenced to eight months. *Id.*, ¶ 14.
- Petitioner was convicted of Petty Theft with Prior in violation of PC 666 on

1 or about October 9, 2008. He was given an eight-month sentence to run concurrent to his
2 PC 422 conviction. *Id.*, ¶ 15.

3 • According to Petitioner, in 2010 he went to prison for vehicular
4 manslaughter. Application 11. Petitioner served nine years and was released in 2019. *Id.*
5 15.

6 Petitioner also failed to appear to ICE check in appointments on the following
7 dates: July 1, 2010, August 2, 2010, September 12, 2022, March 12, 2024, and May 7,
8 2025. Chavez Decl., ¶ 16. Petitioner states that he also missed one in March 2025.
9 Application 18.

10 Petitioner was arrested and taken into ICE custody on or about June 24, 2025, and
11 is currently detained at the Adelanto ICE Processing Center. Chavez Decl., ¶ 17. A travel
12 document was requested on or about October 2, 2025. *Id.* ¶ 18. Petitioner was scheduled
13 for a consulate interview on October 27, 2025. *Id.*, ¶ 19. However, Petitioner refused to
14 attend and speak with the consulate. *Id.*

15 According to Adelanto's medical staff, Petitioner has been evaluated by both
16 medical and dental services multiple times during custody; by medical, most recently on
17 October 29, 2025. *Id.*, ¶ 21. Petitioner underwent an off-site oral surgery consultation on
18 October 16, 2025, during which antibiotics were prescribed. *Id.* Medication was
19 provided to him on October 20, 2025, and the treatment course has been completed. *Id.*

20 **III. STANDARD OF REVIEW**

21 Courts have recognized very few circumstances justifying the issuance of an ex
22 parte temporary restraining order. *See Reno Air Racing Ass'n, Inc. v. McCord*, 452 F.3d
23 1126, 1131 (9th Cir. 2006). A TRO is "an extraordinary and drastic remedy ... that should
24 not be granted unless the movant, *by a clear showing*, carries the burden of persuasion."
25 *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). For a TRO to issue, the movant
26 must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood of suffering
27 irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its
28 favor, and (4) the TRO is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*,

1 555 U.S. 7, 20 (2008). Where a litigant seeks their ultimate relief by preliminary injunctive
2 means, that is improper since “judgment on the merits in the guise of preliminary relief is
3 a highly inappropriate result.” *Senate of California v. Mosbacher*, 968 F.2d 974, 978 (9th
4 Cir. 1992).

5 **IV. ARGUMENT**

6 **A. Petitioner Has Not Shown a Likelihood of Success on The Merits Because** 7 **He Has Not Established That “There Is No Significant Likelihood of** 8 **Removal in The Reasonably Foreseeable Future.”**

9 Showing a likelihood of success on the merits is a requisite threshold issue. Indeed,
10 “when a plaintiff has failed to show the likelihood of success on the merits, [the court]
11 need not consider the remaining three *Winters* elements.” *Garcia v. Google, Inc.*, 786 F.3d
12 733, 740 (9th Cir. 2015) (cleaned up). To succeed on a habeas petition, Petitioner must
13 show that he is “in custody in violation of the Constitution or laws or treaties of the United
14 States.” 28 U.S.C. § 2241. Although Petitioner is being detained in this district, he has not
15 shown, and indeed cannot show, that his current custody is unlawful.

16 The INA governs the detention and release of noncitizens during and following their
17 removal proceedings. See *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). When a
18 noncitizen receives a final removal order, their detention is mandatory for the following
19 90 days. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE’s discretion under
20 8 U.S.C. § 1231(a)(6). Under *Zadvydas v. Davis*, detention for six months following a
21 final removal order is presumptively valid. 533 U.S. 678, 701 (2001). After that time, a
22 noncitizen may request release, and it is his burden to show “there is no significant
23 likelihood of removal in the reasonably foreseeable future.” *Id.* The law does not require
24 that “every [noncitizen] not removed must be released after six months.” *Id.* Instead, it
25 prevents only “indefinite” or “potentially permanent” detention. *Id.* at 689–91.

26 Here, Petitioner does not challenge the validity of his final removal order or that 8
27 U.S.C. § 1231(a)(6) governs his detention. He however seemingly argues, without
28 evidentiary support, that Respondents have not established the foreseeability of removal.

1 That contention is both factually incorrect and misapprehends the *Zadvydas* standard.

2 In *Zadvydas*, the Supreme Court instructed that detention for six months following
3 a final removal order is presumptively valid.

4 After this 6-month period, once the alien provides good reason to believe that
5 there is no significant likelihood of removal in the reasonably foreseeable
6 future, the Government must respond with evidence sufficient to rebut that
7 showing. And for detention to remain reasonable, as the period of prior
8 postremoval confinement grows, what counts as the “reasonably foreseeable
9 future” conversely would have to shrink. This 6-month presumption, of
10 course, does not mean that every alien not removed must be released after six
months. To the contrary, an alien may be held in confinement until it has been
determined that there is no significant likelihood of removal in the reasonably
foreseeable future.

11 *Zadvydas*, 533 U.S. at 701. Thus, according to *Zadvydas*, the noncitizen “may be held in
12 confinement until it has been determined that there is ***no significant likelihood of removal***
13 ***in the reasonably foreseeable future.***” *Id.* (bold italic emphasis added).

14 Here, there *is* a significant likelihood that Petitioner will be removed to Iran in the
15 reasonably foreseeable future, and Petitioner is aware of it, having recently refused to sit
16 for his consular interview with Iran. There is no bar against Petitioner’s removal to his
17 home country of Iran and the government requested travel documents in October 2025.
18 *See Chavez Decl.*, ¶ 18.

19 Courts properly deny *Zadvydas* claims under such circumstances. *See Prieto-*
20 *Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (detention not indefinite under
21 *Zadvydas* where detainee occasioned delay of removal by filing petition for review of
22 removal with Ninth Circuit); *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash.
23 Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition where petitioner had been detained
24 more than 14 months post-final order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at
25 *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (holding petitioner “failed to satisfy his
26 burden of showing that there is no significant likelihood of his removal in the reasonably
27 foreseeable future” where he had been detained more than seven months post-final order).
28

1 That Petitioner does not yet have a specific date of anticipated removal does not make his
2 detention indefinite. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008) (where
3 there is no evidence that the country of removal would refuse to accept the petitioner or
4 that removal is barred by the laws of the United States, that the detention did not have a
5 certain end date did not demonstrate that detention was “indefinite”).

6 Recently in *Magzanyan Samuel v. Department of Homeland*, 5:25-cv-01703-RGK-
7 PVC [Dkt. no. 16] (October 6, 2025), Judge R. Gary Klausner of this district denied a
8 detainee’s *ex parte* motion for a temporary restraining order and dismissed the underlying
9 Petition. The petitioner in that case asserted that he could not be removed to Armenia
10 because Armenia had previously refused to recognize him as a citizen and had not issued
11 travel documents. *Id.* The court, however, found such conclusory statements to be
12 insufficient and found that the claim would not succeed on the merits at this time. *Id.*

13 Here, the Petitioner does not even make such conclusory statements about why
14 believes removal is unlikely. In fact, Petitioner very well is aware that the government
15 intends to remove him soon to Iran. A consulate interview was scheduled for October 27,
16 2025, but Petitioner refused to attend. Chavez Decl., ¶ 19. To the extent Petitioner argues
17 there is no reasonably foreseeable removal, it is entirely due to Plaintiff’s illegal refusal to
18 comply with the removal order. Because Petitioner has failed to establish a likelihood of
19 success on his claims that his detention is unlawful, the Application should be denied.

20 **B. Petitioner Has Not Shown That the Government Lacked Authority to**
21 **Detain Him, That the Government Revoked His Release Improperly,**
22 **And That the Only Remedy for Such a Procedural Deficiency Would Be**
23 **Ordering His Immediate Release from Detention.**

24 Petitioner argues that he should not now be detained, despite conceding that he has
25 a final removal order. Under *Zadvydas*, if a detained noncitizen is not removed within six
26 months, the burden then shifts to the government to show it will remove them in a
27 reasonably foreseeable time. Although that burden of persuasion shifts after six months,
28 the noncitizen still “may be held in confinement until it has been determined that there is

1 no significant likelihood of removal in the reasonably foreseeable future.” *Id.*, 533 US at
2 701. The *Zadvydas* standard for proving entitlement to release is high. Here, Petitioner
3 does not attempt to make such a *Zadvydas* showing. And insofar as Petitioner’s counsel
4 vaguely suggests he may be detained indefinitely, Petitioner fails to explain (much less
5 establish) how he would lack a remedy under *Zadvydas* if that excessively prolonged
6 detention scenario arises.

7 Instead of addressing that point, Petitioner argues that there does not appear to be a
8 good reason for his recent re-detention, given that he was previously released under an
9 order of supervision. But the government’s authority to re-detain individuals previously
10 released by ICE is discretionary, and it does not require the type of intensive threshold
11 evidentiary procedure that Petitioner suggests. The government is allowed to revoke
12 release for nearly any reason, and the process for any objections is exceedingly limited.
13 “While the regulation provides the detainee some opportunity to respond to the reasons
14 for revocation, it provides no other procedural and no meaningful substantive limit on this
15 exercise of discretion as it allows revocation “when, in the opinion of the revoking official
16 ... [t]he purposes of release have been served ... [or] [t]he conduct of the alien, or *any other*
17 *circumstance*, indicates that release would no longer be appropriate.” *Rodriguez v. Hayes*,
18 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105
19 (9th Cir. 2010), citing §§ 241.4(l)(2)(i), (iv) (emphasis in original). Of course, the post-
20 removal detention period remains limited by *Zadvydas* principles, so it is certainly not
21 unlimited, but the sufficiency of rationale for revocation is not subject to detailed
22 interrogation and burden of proof via habeas petition.

23 The government is thus broadly authorized to exercise its discretion to revoke such
24 release pursuant to 8 CFR § 241.1(l)(1), and 8 CFR § 241.4(l)(2). See *Moran v. U.S. Dep’t*
25 *of Homeland Sec.*, 2020 WL 6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing
26 petitioners’ claim that § 241.4(l) was a violation of their procedural due process rights and
27 noting, “[Petitioners] fail to point to any constitutional, statutory, or regulatory authority
28 to support their contention that they have a protected interest in remaining at liberty in the

1 United States while they have valid removal orders.”).

2 To the extent that Petitioner complains there may have been any procedural
3 deficiencies with his detention, the appropriate remedy is not an automatic release from
4 custody, but rather the remedy of the specific procedural deficiency that might be
5 established. Injunctive relief must be narrowly tailored to the wrong. *See Rodriguez Diaz*
6 *v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022) (“And we note that even when there are
7 deficiencies in individual § 1226(a) proceedings, they may be redressable through means
8 short of major changes to the burden of proof.”).

9 Other District Courts have correctly applied this point of remedy law. *In Ahmad v.*
10 *Whitaker*, for example, the government revoked the petitioner’s release but did not provide
11 him an informal interview. *Ahmad v. Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash.
12 Dec. 4, 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019). The
13 petitioner argued the revocation of his release was unlawful because, he contended, the
14 federal regulations prohibited redetention without, among other things, an opportunity to
15 be heard. *Id.* In rejecting his claim, the court held that although the regulations called for
16 an informal interview, petitioner could not establish “any actionable injury from this
17 violation of the regulations” because the government had procured a travel document for
18 the petitioner, and his removable was reasonably foreseeable. *Id.* Similarly, in *Doe v.*
19 *Smith*, the U.S. District Court for the District of Massachusetts held that even if the ICE
20 detainee petitioner had not received a timely interview following her return to custody,
21 there was “no apparent reason why a violation of the regulation ... should result in
22 release.” *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court
23 elaborated, “[I]t is difficult to see an actionable injury stemming from such a violation.
24 Doe is not challenging the underlying justification for the removal order.... Nor is this a
25 situation where a prompt interview might have led to her immediate release—for example,
26 a case of mistaken identity.” *Id.*

27 Here, Petitioner argues that any allegedly lacking aspect of revocation procedure or
28 documentation means he should be immediately released. But that demand is not

1 consistent with the relatively limited nature of the regulatory provisions at issue, nor with
2 the Ninth Circuit authority quoted above construing the government's very broad authority
3 to revoke supervised release. The Hon. Judge Blumenfeld recently denied a preliminary
4 injunction motion in a somewhat similar case alleging a lack of sufficient re-detention
5 process, noting that the evidentiary burden had not been met, and that it was unclear that
6 release would be the appropriate remedy for any violations of revocation procedure. *See*
7 *Long Ton v. Kristi Noem, et al.*, 5:25-cv-02033-SB-AGR [[Dkt. no. 17](#)] (September 3,
8 2025) (Order Denying Application for Preliminary Injunction).

9 **C. Petitioner's Request for A TRO Against Third Country Removal Is**
10 **Irrelevant and Unsupported by Any Evidence**

11 The Application also contends, without authority, that Respondents will "remov[e]
12 him to any third country without first providing him with constitutionally-compliant
13 procedures." Application 9. This is despite that the Application attaches a detailed letter
14 issued to him about his continued detention, which specifically states that "[t]o assist in
15 the ERO Removal Division custody review, you will be afforded a personal interview."
16 *See* Application Exhibit A. The exhibit also shows that Petitioner declined the opportunity
17 to interview. *Id.*

18 There is nothing supporting this pure conjecture that Respondents will remove
19 Petitioner to a third country without providing him with the accorded procedure. This
20 speculation about lack of notice in the future makes his claim unripe—in addition to, again,
21 not being relief he can seek via a habeas petition. Much less would insufficient notice
22 establish that being freed from detention or barring removal would be the appropriate
23 remedy. To the contrary, that would be barred by Section 1252(g).

24 Further, Petitioner will be removed to Iran, which is his home country, and the
25 country of removal specified in his final (and unchallenged) order of removal. Petitioner
26 is aware that Respondents plan to remove Petitioner to Iran, as he was notified of and
27 refused to attend his consular interview for Iran. *See* Chavez Decl., ¶¶ 19-20. The
28 purported speculation that the government must nonetheless actually be intending instead

1 to imminently remove him to a third country is disingenuous and baseless. Issuing a TRO
2 should not be done for such speculative prophylactic purposes based on counterfactual
3 scenarios.

4 **D. Petitioner Has Not Shown He Will Suffer Irreparable Harm Absent A**
5 **TRO**

6 Finally, Petitioner has not demonstrated that he will suffer irreparable injury absent
7 his release. To show irreparable harm, he must demonstrate “immediate threatened
8 injury.” *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988)
9 (citing *L.A. Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th
10 Cir. 1980)). “Issuing a preliminary injunction based only on a possibility of irreparable
11 harm is inconsistent with [the Supreme Court’s] characterization of injunctive relief as an
12 extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is
13 entitled to such relief.” *Winter*, 555 U.S. at 22.

14 Petitioner suggests that being subjected to unjustified detention itself constitutes
15 irreparable injury.² However, the fact remains that Petitioner is subject to a final order of
16 removal, which order he did not challenge, and that the government has taken steps to
17 effectuate his removal to his country of origin in the foreseeable future. Petitioner’s re-
18 detention is “common to all [noncitizens] seeking review of their custody or bond
19 determinations.” *See Resendiz v. Holder*, 2012 WL 5451162, at *5 (N.D. Cal. Nov. 7,
20 2012). He faces the same alleged irreparable harm as any habeas corpus petitioner in
21 immigration custody, and he has not shown extraordinary circumstances warranting the
22 emergency relief requested.

23 Petitioner’s dissatisfaction with conditions of confinement and medical services
24 received in custody, as well as his obvious preference for care by his own physicians,
25 also do not establish immediate irreparable injury. *See, e.g., Adams v. Pido*, No.
26 CV2010001DOCAGR, 2022 WL 18231688, at *6 (C.D. Cal. Oct. 13, 2022), report and

27 ² Detention is different than removal. But a removal is also not an inherently
28 irreparable injury. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

1 recommendation adopted, No. CV2010001DOCAGR, 2023 WL 158205 (C.D. Cal. Jan.
2 10, 2023) (denying TRO and preliminary injunction where the plaintiff “has not shown
3 that he will suffer irreparable injury if he continues to receive medical care at CMC from
4 Dr. Pido rather than from an outside medical provider”). Petitioner has in fact received
5 off-site oral surgery consultation on October 16, 2025, in addition to multiple medical
6 and dental evaluations at Adelanto. *See* Chavez Decl., ¶ 21. Petitioner was evaluated by
7 medical services as recently as October 29, 2025. *Id.* Petitioner has been provided his
8 prescribed medication and treatment course has been completed. *Id.* Petitioner’s
9 assertions to the contrary are insufficient. *See Gray v. Khoo*, No. 1:20-cv-01047-SAB
10 (PC), 2020 WL 4530192, at *2 (E.D. Cal. Aug. 6, 2020) (“Plaintiff, a layman, is not
11 qualified to diagnose herself, dictate the appropriate treatment plan, or predict her long-
12 term prognosis.”).

13 Further, Petitioner’s complaints about detention conditions—which he discusses
14 only in the context of reports from other detainees in articles and court opinions, rather
15 than his own experience—do not constitute a cognizable habeas claim. *See Pinson v.*
16 *Carvajal*, 69 F.4th 1059, 1075 (9th Cir. 2023) (finding that the district court lacked
17 jurisdiction to hear the petition regarding conditions of confinement); *see also Rhodes v.*
18 *Pfeiffer*, No. CV 14-7687-JGB-KK, 2020 WL 4018608, at *2 (C.D. Cal. May 6, 2020)
19 (“Petitioner’s Motion essentially presents a challenge to the conditions of his
20 confinement, which may not be addressed in this habeas corpus action.”). Such relief
21 regarding conditions of confinement are only available in a civil rights action. *See*
22 *Carvajal* at 1074; *Rhodes* at *2 (“Rather, the proper mechanism for raising a federal
23 challenge to conditions of confinement is through a civil rights action pursuant to 42
24 U.S.C. § 1983...because the injunctive relief sought by Petitioner does not appear to be
25 related to resolving the claims in the [pleading], the Court lacks jurisdiction to grant the
26 instant Motion.”).

27 **E. The Balance of Interests Favors the Government**

28 It is well settled that the public interest in enforcement of the United States’s

1 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543,
2 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir.
3 1981) (“The Supreme Court has recognized that the public interest in enforcement of the
4 immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S. 418,
5 435 (2009) (“There is always a public interest in prompt execution of removal orders[.]”).

6 In *Demore v. Kim*, 538 U.S. 510, 527-28 (2003), the Supreme Court held that
7 “detention during deportation proceedings is a constitutionally valid aspect of the
8 deportation process”, and “that detaining “deportable criminal aliens pending their
9 removal proceedings [...]necessarily serves the purpose of preventing deportable criminal
10 aliens from fleeing prior to or during their removal proceedings, thus increasing the chance
11 that, if ordered removed, the aliens will be successfully removed.”

12 Petitioner has already shown a long and continuing history of noncompliance with
13 the law and court orders. Although Petitioner claims that his depression from 2004 to 2010
14 is the reason for his criminal history, that history began as early as in 1994 when he was
15 convicted of possession of a controlled substance. *See Chavez Decl.*, ¶ 8. Petitioner’s
16 criminal convictions not only included burglary and theft, but also criminal threats, giving
17 false information to a peace officer, and false impersonation of another. *Id.*, ¶¶ 9-15. Most
18 tellingly, his order was removal was issued in absentia, as Petitioner failed to appear at his
19 removal hearing in 2007 as ordered. *Id.*, ¶ 7. And when Petitioner was released from prison
20 after doing time for manslaughter in 2019, he also missed his ICE check-in appointments
21 in 2022, 2024, and at least twice in 2025. *Id.*, ¶ 16. And most significantly, even in custody,
22 Petitioner has refused to attend his consular interview with Iran, attempting to unlawfully
23 delay his removal. *Id.*, ¶ 19. Based on this history of missing required appearances and
24 refusing to cooperate, release from custody is almost certain to make Plaintiff’s court-
25 ordered removal impossible.

26 **V. CONCLUSION**

27 Petitioner’s TRO Application should be denied.
28

1 Dated: November 3, 2025

Respectfully submitted,

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9

10 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

11 The undersigned, counsel of record for Respondents, certifies that the
12 memorandum of points and authorities contains 4,164 words, which complies with the
13 word limit of L.R. 11-6.1.

14
15 Dated: November 3, 2025

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