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11
12 **UNITED STATES DISTRICT COURT**
13
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 MEHRAN AMIRKHANI KHAMSEH

16 Petitioner,

17 vs.

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

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

Honorable District Judge
Mark C. Scarsi

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

I. INTRODUCTION

Mr. Khamseh does not dispute the government's allegations regarding his criminal history. He is not proud of the mistakes he has made in the past, but he has turned his life around, has remained sober, and has not reoffended since his release from prison in 2019.

The allegation, however, that he refused to sit for his consular interview is deceiving. Mr. Khamseh only asked that he be allowed to have his attorney present during this interview. His request was denied. But despite the government's arguments, the fact remains that his re-detention and revocation of his release violated his due process rights.

II. ARGUMENT

A. PETITIONER HAS SHOWN A LIKELIHOOD OF SUCCESS

The government's entire argument is based on the assumption that Mr. Khamseh's re-detention in June 2025, was not in violation of the Constitution or laws or treaties of the United States. It states that "[t]he government is allowed to revoke release for nearly any reason...". While this may be true to certain extent, that reason must at least be communicated to a detainee. In order to revoke Mr. Khamseh's release, the Government must have notified him of the reason for the revocation and have given him both an informal and formal interview. 8 C.F.R. § 241.4(l)(3) and § 241.13(i)(3). But the government has not afforded Mr. Khamseh any of these required actions, and his re-detention was a clear violation of his due process rights. 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3). And the Government's failure to follow its own release procedures – in particular the failure to give a detainee the required notice and interview – renders the re-detention unlawful. *See Hoac v. Becerra*, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771, at *4(E.D. Cal. July 16, 2025). For that reason, Mr. Khamseh is likely to succeed on his claim that the Government did not legally revoke his release pursuant to 8 C.F.R. §§ 241.4 and 241.13, and that he therefore continues to be illegally detained.

B. PETITIONER WILL SUFFER IRREPARABLE HARM

"It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). And where there is a showing that a

1 constitutional right has been violated, most courts have held that no further showing of
2 irreparable injury is necessary. *Warsoldier v. Woodford*, 418 F.3d 989, 1001-1002 (9th Cir.
3 2005). Here, there is indisputable evidence that Mr. Khamseh has been deprived of due
4 process; he has neither been given notice of the reasons for the revocation of his release and
5 re-detention, nor been given the opportunity to be heard and present evidence.

6 Additionally, the Ninth Circuit has recognized that subpar medical treatment while
7 in an ICE detainment facility does constitute irreparable injury. *Hernandez v. Sessions*, 872
8 F.3d 976, 999 (9th Cir. 2017). Mr. Khamseh has shown that since his detention in June
9 2025, he has not been adequately cared for, as his dental work continues to cause him pain
10 and suffering. The government acknowledges this issue, but states that “Petitioner has in
11 fact received off-site oral surgery consultation on October 16, 2025, in addition to multiple
12 medical and dental evaluations at Adelanto.” (Opposition p. 11, Ins. 4-7). Mr. Khamseh
13 was placed in detention in June 2025, and he had unfished dental work at the time. Based
14 on the government’s own admission, he was not taken to an off-site oral surgery
15 consultation until October 16, 2025, four months later. And the problem obviously
16 persisted as he was again evaluated by medical services on October 29, 2025. Since his
17 detention, Mr. Khamseh has metal tabs instead of teeth on his lower gums. He will continue
18 to suffer and endure pain until his condition has been adequately addressed.

18 C. BALANCE OF EQUITIES AND PUBLIC INTEREST

19 The government states that “[i]t is well settled that the public interest in enforcement
20 of the United States’s immigration laws is significant.” Opposition, pp. 11-12, Ins. 28, 1.
21 We agree that the government should follow its own immigration laws, including the ones
22 that affect the due process of those who are detained. The government cannot suffer harm
23 from an injunction that prevents it from engaging in an unlawful practice. *See Zepeda v.*
24 *I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“[T]he INS cannot reasonably assert that it is
25 harmed in any legally cognizable sense by being enjoined from constitutional violations.”).
26 Therefore, the government cannot allege harm arising from a temporary restraining order or
27 preliminary injunction ordering it to comply with the Constitution.

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1 **III. CONCLUSION**

2 Mr. Khamseh is not asking for blanket immunity from future removal. He
3 understands that there is a final order of removal, and the government has the right to
4 enforce its immigration laws. He only asks that he be afforded the due process he is entitled
5 to; notice and the opportunity to be heard, present evidence, and post bail if necessary.
6 Additionally, Mr. Khamseh has strong ties to the community, and he poses no threat. For
7 all of the foregoing reasons, Mr. Khamseh is entitled to the relief requested in his Ex Parte
8 Application.

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10
11 Dated: November 4, 2025

CASTANEDA LAW, APC

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13
14 By:



15 Sergio A. Castaneda
16 Attorney for Mehran Amirkhani Khamseh
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L.R. 11-6.2 – CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Petitioner, Mehran Amirkhani Khamseh, certifies that this brief contains 1,067 words, which complies with the word limit of L.R. 11-6.1.

Dated: November 4, 2025

CASTANEDA LAW, APC

By:



Sergio A. Castaneda
Attorney for Mehran Amirkhani Khamseh