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9
10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 ALIREZA HASHEMI,

13 Petitioner,

14 v.

15 KRISTI NOEM, Secretary of the
16 Department of Homeland Security; et.
17 al,

18 Respondents.

No. 2:25-cv-10335-HDV-SP

**FEDERAL RESPONDENTS'
OPPOSITION TO PETITIONER'S
MOTION FOR PRELIMINARY
INJUNCTION**

**[Filed Concurrently with the Declaration
of Christopher Jensen and Exhibits]**

Honorable Hernán D. Vera
United States District Judge

I. INTRODUCTION

Petitioner Alireza Hashemi is a citizen of Iran with a final order of removal dated December 21, 2016. He was released under an Order of Supervision (OSUP) on August 30, 2017. On October 22, 2025, Petitioner was detained by Immigration and Customs Enforcement (ICE) pursuant to a Notice of Revocation of Release. *See* Notification of Revocation of Release (Exh. A hereto). Petitioner has only been detained a relatively short period, at this juncture, pursuant to his final removal order.

Petitioner filed a Habeas Petition [[Dkt. 1](#)], however, and moved for a temporary restraining order. On October 31, 2025, the Court issued an order [[Dkt. 7](#)] (the “TRO Order”) granting in part and denying in part that application for a TRO, and setting a briefing schedule as to whether a preliminary injunction should issue. The TRO Order barred transferring Petitioner from this District, but denied the remainder of the relief that he sought, including immediate release.

Petitioner then filed a brief in support of the issuance of a preliminary injunction [[Dkt. 8](#)], which largely reiterates the same arguments made in his prior TRO application [[Dkt. 5](#)], albeit this time more condensed. Petitioner’s brief makes essentially no new arguments, and submits no substantive new evidence.

For the same reason that the TRO application was defective in its substance, Petitioner’s motion for a preliminary injunction should be denied.

II. BACKGROUND

As noted, Petitioner is a citizen of Iran. *See* Declaration of Deportation Officer Christopher Jenson ¶ 3.¹ On or about July 10, 2008, Petitioner was admitted to the United States at Los Angeles, California as a Lawful Permanent Resident. *Id.* ¶ 4. Since then, Petitioner repeatedly engaged in dangerous criminal conduct in the United States.

On or about January 24, 2014, ICE served Petitioner with a Notice to Appear (NTA)

¹ This Jenson declaration is the identical declaration previously submitted as an exhibit to Respondents’ Opposition to Petitioner’s Ex Parte Motion for Temporary Restraining Order [[Dkt. 6](#)].

1 charging removability under Immigration and Nationality Act (INA) §§ 237(a)(2)(A)(iii)
2 and (A)(i) based on convictions for an aggravated felony (crime of violence) and a crime
3 involving moral turpitude. *See* Jenson Decl. ¶ 8.

4 On December 7, 2015, Petitioner was released from criminal custody into ICE
5 custody for detained removal proceedings. *Id.* ¶ 10. On December 21, 2016, an
6 Immigration Judge (IJ) ordered Petitioner removed to Iran, finding that his criminal
7 convictions barred him from asylum and withholding of removal, and that he did not meet
8 his burden establishing eligibility of withholding of removal and deferral of removal under
9 the Convention Against Torture (CAT). *Id.* ¶ 11. On July 24, 2017, the Board of
10 Immigration Appeals (BIA) dismissed his removal appeal, and he has been subject to a
11 final order of removal since then. *Id.* ¶ 14.

12 About a month after the BIA's decision, Petitioner received OSUP on August 30,
13 2017, which released him from ICE detention pending removal. *Id.* ¶ 15. Despite his
14 release from detention on OSUP, Petitioner repeatedly failed to attend his supervised
15 release ICE appointments. *See id.* ¶¶ 16-22

16 On or about October 8, 2025, Petitioner reported to ICE, and explained he had
17 medical issues, include psychosis. He was ordered to return on October 22, 2025, at which
18 time he was issued a Notice of Revocation of Release dated October 22, 2025. *Id.* ¶ 23;
19 *see also* Exhibit A (Notice of Revocation of Release). He was informed therein that "ICE
20 has determined that you can be removed from the United States pursuant to the outstanding
21 order of removal against you." *Id.* Petitioner was also given an informal interview
22 regarding his release revocation on that same date. *See* Exhibit B (Informal Interview
23 Statement).

24 **III. LEGAL STANDARD**

25 Preliminary injunctions are extraordinary remedies "never awarded as of right."
26 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (citation omitted).
27 "[P]laintiffs seeking a preliminary injunction face a difficult task in proving that they are
28 entitled to this extraordinary remedy." *Earth Island Inst. v. Carlton*, 626 F.3d 462, 469

(9th Cir. 2010) (internal quotation marks omitted). This burden is aptly described as “heavy.” *Id.* A preliminary injunction requires “substantial proof” and a “clear showing.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

“A plaintiff seeking a preliminary injunction must show that: (1) she is likely to succeed on the merits, (2) she is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in her favor, and (4) an injunction is in the public interest.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). Alternatively, a plaintiff can show “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third . . . factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017).

IV. ARGUMENT

A. Petitioner is not likely to succeed on the merits because he is properly detained for the purposes of enforcing his final removal order

The INA governs the detention and release of noncitizens during and following removal proceedings. *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). Under the INA, detention is mandatory for the first 90 days following a final order of removal. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE’s discretion. *See id.* § 1231(a)(6). The Supreme Court has long held that detention under § 1231(a)(6) may continue until “there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). The Supreme Court has identified a presumptively reasonable six-month period of detention after a final removal order. *Id.* After that time, if the detainee provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the government to respond with evidence sufficient to rebut that showing. *Id.*

Applying this framework here, Petitioner is not likely to succeed on the merits of his claims for several reasons.

First, it is undisputed that Petitioner is subject to a final order of removal, and it is well established that detention pending removal is “a constitutionally valid aspect of the

1 deportation process.” *Demore v. Kim*, 538 U.S. 510, 523 (2003); see *Carlson v. Landon*,
2 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of [the] deportation
3 procedure.”). At the time he filed this action, Petitioner had been detained for just eight
4 days, well short of the presumptively reasonable six months in *Zadvydas*, and ICE
5 anticipates that Petitioner’s removal is imminent. See Jenson Decl., ¶¶ 24-26.

6 *Second*, contrary to Petitioner’s erroneous allegations (in which he denied being
7 given any notice and denied any interview), ICE complied with the regulations governing
8 the revocation of OSUP. See 8 C.F.R. §§ 241.13(i)(2), 241.4(l)(1)–(2). ICE provided
9 Petitioner with a Notice of Revocation of Release on October 22, 2025, stating that the
10 decision was “based on a review of [his] official alien file and a determination that there
11 are changed circumstances in [his] case.” See Notice of Revocation of Release (Exhibit
12 A); accord 8 C.F.R. § 241.13(i)(2).

13 Specifically, ICE determined that Petitioner “can be removed from the United States
14 pursuant to the outstanding order of removal against [him].” *Id.* The Notice of Revocation
15 of Release further stated that Petitioner “will promptly be afforded an informal interview
16 at which [he] will be given an opportunity to respond to the reasons for the revocation.”
17 *Id.*; accord 8 C.F.R. § 241.4(l)(1). The Notice explained that Petitioner “may submit any
18 evidence or information [he] wish[es] to be reviewed in support of [his] release,” and, if
19 he is not released after the informal interview, he “will receive notification of a new
20 review, which will occur within approximately three months” of the date of the Notice.
21 *Id.*; accord 8 C.F.R. § 241.4(l)(3). The Notice of Revocation of Release was signed and
22 dated as well. *Id.*; accord 8 C.F.R. § 241.4(l)(1), (2).

23 Having previously (falsely) claimed that he was given no notice, which he evidently
24 disregarded, Petitioner now argues that the Notice of Revocation did not tell him enough
25 about the reasons for his revocation. But the process is not a series of technical hurdles,
26 where the prize is release if any are missed; it is designed to give an opportunity to assert
27 why release should not be revoked. Here, Petitioner still does not respond to the
28 fundamental reason stated on his Notice of Revocation: That ICE intends to remove him,

1 and it believes it can do so. Petitioner argues that the notice of interview is not “sufficient”
2 evidence that he was given opportunity for such an interview. That misapprehends the
3 applicable evidentiary standard, which is that the *moving party* must carry his heavy
4 burden, as the party moving for preliminary injunctive relief, to establish the merits of his
5 claims with substantive evidence, and to show resulting injury that would warrant release.
6 Petitioner’s shifting and incorrect assertions here do not carry that burden.

7 Petitioner also complains that the Notice (which he previously denied having
8 received) was ‘untimely,’ but he does not explain why. It was dated and served the same
9 day that he was arrested, October 22, 2025, in the same building no less.

10 *Third*, although ICE has complied with these regulations, they “do not create
11 independent substantive rights that override the statutory grant of detention authority.”
12 *Sanchez v. Bondi*, No. 25-2530, [2025 U.S. Dist. LEXIS 196639](#), at *7 (C.D. Cal. Oct. 3,
13 2025). And even if the Court were to find that these regulations were not followed in some
14 respect, the appropriate relief should be narrowly tailored to redress the specific procedural
15 deficiency—not automatic release from custody. *Waldman Pub. Corp. v. Landoll, Inc.*, [43](#)
16 [F.3d 775, 785](#) (2d Cir. 1994) (“Injunctive relief should be narrowly tailored to fit specific
17 legal violations.”); *Ahmad v. Whitaker*, [2018 WL 6928540](#), at *6 (W.D. Wash. Dec. 4,
18 2018) (rejecting the petitioner’s argument that the revocation of his release was unlawful
19 due to the failure to provide an informal interview, and holding that, although the
20 regulations called for an informal interview, the petitioner could not establish “any
21 actionable injury from this violation of the regulations” because the government had
22 procured a travel document for the petitioner, and his removal was reasonably
23 foreseeable), *adopted*, [2019 WL 95571](#) (W.D. Wash. Jan. 3, 2019); *Doe v. Smith*, No. 18-
24 11363, [2018 WL 4696748](#), at *9 (D. Mass. Oct. 1, 2018) (holding that, even if the
25 petitioner had not received a timely interview following her return to custody, there was
26 “no apparent reason why a violation of the regulation . . . should result in release”).

27 *Fourth*, the revocation of OSUP and the duration of Petitioner’s detention are not
28 unlawful under *Zadvydas*. As noted, Petitioner has been detained since October 22, 2025,

1 less than a month, and he has not offered any “good reason to believe there is no significant
2 likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701.
3 ICE anticipates that Petitioner’s removal is imminent. *See* Jenson Decl., ¶¶ 24-26.

4 *Fifth*, insofar as Petitioner seeks to prevent his removal from the United States, this
5 Court lacks jurisdiction to do so. The INA expressly provides that “no court shall have
6 jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision
7 or action by the Attorney General to commence proceedings, adjudicate cases, or *execute*
8 *removal orders against any alien under this chapter*.” 8 U.S.C. § 1252(g) (emphasis
9 added). This provision prohibits district courts from exercising injunctive relief to forestall
10 removal via habeas actions. *See Rauda v. Jennings*, 55 F.4th 773 (9th Cir. 2022) (holding
11 that the district court could not enjoin removal via a habeas petition).

12 Accordingly, Petitioner has not carried his burden to establish that his detention for
13 purposes of enforcing a final removal order is not lawful.

14 **B. Petitioner has not shown he is likely to suffer irreparable harm.**

15 Although an alleged constitutional violation may alone constitute irreparable harm,
16 that presumption does not apply where a plaintiff fails to demonstrate “a sufficient
17 likelihood of success on the merits of [his or her] constitutional claims to warrant the grant
18 of a preliminary injunction.” *Associated Gen. Contractors of Cal., Inc. v. Coal. for Econ.*
19 *Equity*, 950 F.2d 1401, 1412 (9th Cir. 1991)(citing *Goldie’s Bookstore v. Superior Court*,
20 739 F.2d 466, 472 (9th Cir. 1984)). As detailed above, Petitioner fails to show that he is
21 being detained in violation of any constitutional, statutory, or regulatory requirement.

22 Similarly, Petitioner asserts that his purported lack of access to medical care coupled
23 with the stress and setting of immigration detention is particularly harmful. However,
24 immigration laws have long authorized officials to detain noncitizens pending removal to
25 “assur[e] the alien’s presence at the moment of removal.” *Zadvydas*, 533 U.S. at 699;
26 *Carlson*, 342 U.S. at 538 (“Detention is necessarily a part of [the] deportation
27 procedure.”). Petitioner avers that during his current detention he has inconsistent and
28 insufficient medical care. He avers that he has missed necessary doses of his medication

1 on several occasions. *Id.* But these sparse allegations are insufficient to show he is likely
2 to sustain irreparable harm absent extraordinary equitable relief in the form of an
3 injunction compelling his immediate release. See Fed. R. Civ. P. 65(b)(1)(A) (providing
4 that a temporary restraining order may issue “*only if* specific facts in *an affidavit or*
5 *verified complaint clearly show* that immediate and irreparable injury, loss, or damage will
6 result to the movant” (emphasis added)); *Tunstall v. Bick*, No. 16-2604, 2017 WL
7 11839887, at *1 (E.D. Cal. Sept. 12, 2017) (explaining that the plaintiff’s alleged medical
8 issues did “not appear to be urgent and leading to irreparable injury”).

9 Even if there were an issue with Petitioner’s conditions of confinement, moreover,
10 the remedy would be to address that—not habeas release. The Ninth Circuit has made
11 clear that complaining of dangerous conditions of confinement is not a basis for habeas
12 jurisdiction. See *Pinson v. Carvajal*, 69 F.4th 1059, 1073 (9th Cir. 2023). As the Ninth
13 Circuit held, such claims lie outside the historic core of habeas corpus, for which the only
14 available remedy is release, and thus the district court lacked jurisdiction to hear the
15 petition regarding conditions of confinement. *Id.* at 1075. See also *Rhodes v. Pfeiffer*, No.
16 CV 14-7687-JGB-KK, 2020 WL 4018608, at *2 (C.D. Cal. May 6, 2020) (“Petitioner’s
17 Motion essentially presents a challenge to the conditions of his confinement, which may
18 not be addressed in this habeas corpus action.”).

19 Finally, while Petitioner’s psychiatric condition is indeed a serious one, it
20 unfortunately also appears to have been poorly controlled by him over the last year, by his
21 own admission, which is why (he claimed) he had repeatedly failed to attend his OSUP
22 appointments in 2025. Petitioner does not establish a baseline of successful management
23 of his condition in the year prior to his October 22, 2025 detention; the opposite.

24 **C. Petitioner has not shown that the balance of the equities and the public**
25 **interest favor his immediate release.**

26 It is well settled that the public interest in enforcement of the United States’
27 immigration laws is significant. See, e.g., *United States v. Martinez-Fuerte*, 428 U.S. 543,
28 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir.

1 1981) (“The Supreme Court has recognized that the public interest in enforcement of the
2 immigration laws is significant.” (collecting cases)); *see also* *Nken v. Holder*, 556 U.S.
3 418, 435 (2009) (“There is always a public interest in prompt execution of removal
4 orders[.]”). This public interest outweighs Petitioner’s private interest here.

5 **V. CONCLUSION**

6 Petitioner’s motion for a preliminary injunction should be denied.

7
8 Dated: November 10, 2025

Respectfully submitted,

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16
17 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

18 The undersigned, counsel of record for Respondent, certifies that the
19 memorandum of points and authorities contains 2,568 words, which complies with the
20 word limit of L.R. 11-6.1.

21
22 Dated: November 10, 2025

/s/ Daniel A. Beck

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