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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 ALIREZA HASHEMI,

10 Petitioner

11 v.

12 KRISTI NOEM, SECRETARY,
13 DEPARTMENT OF HOMELAND
14 SECURITY; PAM BONDI,
15 ATTORNEY GENERAL; TODD
16 LYONS, ACTING DIRECTOR,
17 IMMIGRATION AND CUSTOMS
18 ENFORCEMENT; ERNESTO
19 SANTACRUZ JR., LOS ANGELES
20 FIELD OFFICE DIRECTOR,
21 IMMIGRATION AND CUSTOMS
22 ENFORCEMENT; DEPARTMENT OF
23 HOMELAND SECURITY;
24 EXECUTIVE OFFICE OF
IMMIGRATION REVIEW;
IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondents.

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

REPLY IN SUPPORT OF
PETITIONER'S MOTION FOR
PRELIMINARY INJUNCTION

Alireza Hashemi, through counsel, submits this Reply to the Federal Respondents' Opposition to Petitioner's Motion for Preliminary Injunction (ECF No. 10) (hereinafter "Resp. Opp.").

I. Petitioner Has Demonstrated Likelihood of Success on the Merits

First, as a preliminary matter, the focus of Petitioner's due process claim as explained in its Brief in Support of the Issuance of a Preliminary Injunction is not a substantive due process claim under *Zadvydas v. Davis*, 533 U.S. 678. See Petitioner's Brief, ECF No. 8, at 8-15. Therefore, Respondents' statement that Mr. Hashemi has been re-detained for less than six months is not relevant to the procedural due process claim on which Petitioner has demonstrated that he is likely to succeed.

Second, contrary to Respondents' allegation, Petitioner is not claiming that he did not receive the piece of paper provided by Respondents as their Exhibit A and titled, "Notice of Revocation of Release." See ECF No. 10-2. Rather, he is arguing that this piece of paper is insufficient to constitute the notice required by 8 C.F.R. §§ 241.4 and 241.13. The "Notice" handed to Mr. Hashemi contains no specific facts or allegations as to Mr. Hashemi. See Exh. A, ECF No. 10-2.

Respondents state that the Notice given in this case said that "the decision was 'based on a review of [his] official alien file and a determination that there are changed circumstances in [his] case.'" Resp. Opp. at 4 (quoting Exh. A). But that sentence does

1 not actually appear in the Notice given to Mr. Hashemi. *See* Exh. A, ECF No. 10-2. It
2 is a different generic statement in the Notice at issue in this case.

3 Regardless, courts have repeatedly found that a generic statement, like the one
4 contained in the Notice and the one stated by Respondents, is insufficient to satisfy
5 the notice required by 8 C.F.R. § 241.4(l) and § 241.13(i). “Simply to say that
6 circumstances had changed...is not enough. Petitioner must be told *what*
7 circumstances had changed...in order to meaningfully respond to the reasons and
8 submit evidence in opposition.” *Phakeokoth v. Noem*, 2025 WL 3124341, at *4 (S.D.
9 Cal. Nov. 7, 2025) (citation modified); *see also Rasahkahmdee v. Noem*, 2025 WL
10 3102037, at *4 (S.D. Cal. Nov. 6, 2025) (considering exact same statement as
11 provided in Respondents’ opposition and finding “ICE’s conclusory explanations for
12 revoking Petitioner’s release did not offer him adequate notice of the basis for the
13 revocation decision such that he could meaningfully respond at the post-detention
14 informal interview”) (citation modified); *Glhafuri v. Noem*, 2025 WL 3085726, at *2-
15 4 (S.D. Cal. Nov. 4, 2025) (same); Petitioner’s Brief at 10-11 (listing additional cases).

16 Furthermore, because Mr. Hashemi was provided insufficient notice of the
17 reasons for the revocation of his release, he consequently did not have an initial
18 interview that provided him with an “opportunity to respond to the reasons for
19 revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1); *id.* § 241.13(i)(3).

1 In addition, in their Opposition, Respondents failed to address Petitioner's
2 argument that the Notice of Revocation of Release given to Mr. Hashemi was not
3 executed properly because it was not signed by the specified ICE official as required
4 by 8 C.F.R. § 241.4(1)(2). See Petitioner's Brief at 13-14.

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6 Respondents suggest that even if the regulations were violated in this case, these
7 regulations do not create due process rights that "override the statutory grant of
8 detention authority." Resp. Opp. at 5 (quoting *Sanchez v. Bondi*, 5:25-cv-02530-AB-
9 DTB, at 4 (C.D. Cal. Oct. 3, 2025)). Although one court in this district has agreed with
10 this position, "the weight of the authority among other district courts within this circuit
11 takes the opposition position." *Bui v. Warden of Otay Mesa Detention Facility*, 2025
12 WL 2988356, at *3 (S.D. Cal. Oct. 23, 2025) (listing cases in support); *Rombot v.*
13 *Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017) (stating the Supreme Court "has
14 never given ICE a carte blanche to re-incarcerate someone without basic due process
15 protection"); Petitioner's Brief at 14-15, 20 (listing cases in support).

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17 In sum, the failure by Respondents to follow their own regulations in revoking
18 Mr. Hashemi's Order of Supervision constitutes a violation of his due process rights.
19 Therefore, Petitioner has demonstrated a likelihood of success on the merits of his
20 claim.
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1 **II. Petitioner Has Shown He is Likely to Suffer Irreparable Harm**

2 Respondents are incorrect in stating that Petitioner submitted no new
3 substantive evidence. *See* Resp. Opp. at 1. Although it is true that the majority of the
4 Exhibits attached to Petitioner’s Brief are the same as those supporting the prior TRO
5 application, there are two new substantive declarations that are relevant to the
6 irreparable harm inquiry. *See* ECF No. 8-4 (Second Decl. of Alireza Hashemi); ECF
7 No. 8-9 (Expert Decl. of Dr. Dhanu Mahesh).

9 “It is well established that the deprivation of constitutional rights
10 unquestionably constitutes irreparable injury.” *Esmail v. Noem*, [2025 WL 3030590](#), at
11 *8 (C.D. Cal. Sept. 12, 2025) (citation modified). Furthermore, despite Respondents’
12 suggestion that Mr. Hashemi’s mental illness, access to psychiatric care in detention,
13 and community ties are not relevant to the irreparable harm inquiry, courts have found
14 the exact opposite. *See, e.g., Duong v. Kaiser*, [2025 WL 2689266](#), at *9 (N.D. Cal.
15 Sept. 19, 2025) (finding petitioner “is highly likely to suffer concrete irreparable
16 harms upon re-incarceration, related to the mental and physical health challenges he
17 faces”); *Esmail*, [2025 WL 3030590](#), at *8 (finding petitioner’s “unique health
18 challenges and support he requires from his family and community further
19 demonstrate irreparable harm”); *Hoac v. Becerra*, [2025 WL 1993771](#), at *6 (E.D. Cal.
20 July 16, 2025) (finding petitioner’s risk of losing housing and employment weigh in
21 favor of finding irreparable harm); *see also* Petitioner’s Brief at 16 (listing cases).
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1 **III. Petitioner Has Shown the Balance of the Equities and the Public Interest**
2 **Weight in His Favor**

3 Respondents suggest that the balance of equities in this matter is between the
4 public interest in the enforcement of immigration laws and Petitioner's private
5 interest. *See* Resp. Opp. at 8. But there are public interests that also weigh in
6 Petitioner's favor, including the public interest in preventing the violation of an
7 individual's constitutional rights, the public interest in upholding procedural
8 protections against unlawful detention, and the public interest in the efficient
9 allocation of the government's fiscal resources. *See* Petitioner's Brief at 18-19
10 (providing caselaw in support). Moreover, although the public does have an interest
11 in the enforcement of immigration laws, this interest includes the public interest in
12 ensuring the government follows their own rules in such enforcement. *See Doe 4 v.*
13 *Lyons*, 783 F. Supp. 3d 1281, 1298 (W.D. Wash. 2025) ("The public has a vested
14 interest in a federal government that follows its own regulations.").

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17 In total, the balance of the equities and consideration of the public interest
18 weighs in favor of the Petitioner.

19 **IV. The Appropriate Remedy for the Violation of Petitioner's Due Process**
20 **Rights is his Release From Custody**

21 Respondents state that any remedy to the violations in this case should be a
22 narrow one and should not result in Petitioner's release from detention. *See* Resp. Opp.
23 at 5. However, releasing Petitioner from detention is the appropriate remedy for the
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1 violation of his due process rights. Providing Mr. Hashemi the specific reasons for the
2 revocation of his release and an interview *ex post facto* “would not remedy the
3 apparent constitutional violation that Petitioner has suffered in being re-detained
4 without any measure of due process.” *Esmail*, [2025 WL 3030590](#), at *6 (releasing
5 petitioner from ICE detention); *F.M.V. v. Wofford*, [2025 WL 3083934](#), at *7 (E.D.
6 Cal. Nov. 4, 2025) (same); *Delkash v. Noem*, [2025 WL 2683988](#), at *6 (C.D. Cal.
7 Aug. 28, 2025) (same); *see also K.E.O. v. Woosley*, [2025 WL 2553394](#), at *7 (W.D.
8 Ky. Sept. 4, 2025) (finding due process violation based on ICE’s failure to follow own
9 regulations and stating “as a remedy, courts across the country have ordered the
10 release of individuals stemming from ICE's illegal detention”); Petitioner’s Brief at
11 21 (listing additional cases).

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14 Finally, contrary to Respondents’ suggestion, Petitioner is not contesting the
15 validity of his underlying final order of removal. *See* Resp. Opp. at 6. Rather, he is
16 challenging his detention on constitutional due process grounds. Therefore, [8 U.S.C.](#)
17 [§ 1252\(g\)](#) does not strip this Court of jurisdiction over this matter. This Court has
18 jurisdiction over Petitioner’s claim that his current detention violates his procedural
19 due process rights under the Fifth Amendment. *See McSweeney v. Warden of the Otay*
20 *Mesa Detention Center*, [2025 WL 2998376](#), at *4 (S.D. Cal. Oct. 24, 2025)
21 (recognizing same and listing cases); *Esmail*, [2025 WL 3030590](#), at *4 (same);
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1 *Delkash*, 2025 WL 2683988, at *3 (same); *Sun v. Santacruz*, 2025 WL 2730235, at
2 *4 (C.D. Cal. Aug. 26, 2025) (same).

3 **V. Conclusion**

4 For the reasons stated above and as stated in the Petitioner's initial brief, a
5 preliminary injunction should issue in this case.
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7 Dated: November 12, 2025 Respectfully Submitted,

8 /s/ Eda Katharine Tinto

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2 **CERTIFICATION OF COMPLAINT WITH LOCAL RULE 11-6.2**

3 The undersigned, counsel of record for Petitioner, certifies that this reply
4 contains 1,474 words, which complies with word limit of Local Rule 11-6.1.
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6 Dated: November 12, 2025

Respectfully Submitted,

7 /s/ Eda Katharine Tinto

8 E. Katharine Tinto, Esquire
9 Attorney for Petitioner Alireza Hashemi
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