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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

KARPIS KOCHAKYAN, Petitioner, v. PAMELA BONDI, et al. Respondents.	No. 5:25-cv-02924-VBF-PD **RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER [Dkt. no. 2]** **[Declaration of Lourdes Palacios filed concurrently herewith]** Hon. Valerie B. Fairbank United States District Judge

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RESPONDENTS' OPPOSITION TO *EX PARTE* TRO APPLICATION

I. INTRODUCTION

Petitioner is detained for purposes of enforcing his final removal order to his home nation of Armenia. His *Ex Parte* Motion for a Temporary Restraining Order (the "TRO Application") [Dkt. 2], however, requests three categories of extraordinary TRO relief: Advance notice of any removal to a third-country, a bar on any district transfers, and his immediate release under an order of supervision (OSUP). *See* Proposed Order [Dkt. 2-2]. As discussed below, Petitioner's Application is the third of three successive such TRO applications his counsel has filed on behalf of allegedly "stateless" individuals who were born in Armenia when it was part of the U.S.S.R., and were issued final removal orders after they committed serious crimes in the United States, but could not be removed decades ago because Armenia would not accept them at that time.

Twenty years later, by contrast, relations between Armenia and the United States have changed dramatically, and similar individuals are now readily removed to Armenia. Thus in *Artak Ovsepian*, 5:25-cv-01937-MEMF-DFM, Petitioner's counsel claimed that the petitioner could not be removed because he was a 'stateless' individual born in Armenia when it was a U.S.S.R. republic, and Armenia had not recognized him as its citizen nor issued travel documents for him. Petitioner's counsel claimed that decades ago the government could not remove the petitioner to Armenia, and so it could not be done now. The government, however, submitted evidence that changed political circumstances meant it was now possible to remove such individuals to Armenia. And the *Ovsepian* petitioner was thereafter indeed successfully removed to Armenia, along with other similarly situated Armenian individuals. Removing them was in accordance with law, which does not require the home country identified on a final removal order to accept them as its citizen. Under *Jama v. Immigrations and Customs Enforcement*, 543 U.S. 335 (2005), a non-citizen may be removed from the United States to their birth country without the explicit advance consent of that country's government. 8 U.S.C. § 1231(b)(2)(E)(iv) provides that a non-citizen may be removed to the "country in which the alien was born." On October 21, 2025 the parties filed a joint stipulation dismissing the *Ovsepian* petition [Dkt. 46]. The *Ovsepian* case is thus now closed. *Id.*

Petitioner's counsel thereafter filed the case of *Ovanes Gazazyan v. Pam Bondi et al.*, 5:25-cv-02599-SRM-DTB, repeating the *Ovsepian* arguments, and again requesting a bar against third country removal. As the government pointed out, however, the *Gazazyan* petitioner was not being removed to a third country. Rather, like *Ovsepian* (and like the Petitioner here) he was being removed to Armenia, his birth nation.

Petitioner cannot succeed on his claim that he cannot be removed to Armenia, and he has not yet been detained over the six-months of presumptively reasonable removal order detention period that is required to shift the burden to the government to show that removal is likely in the reasonably foreseeable future. He was allegedly previously detained from December 5, 2006 to March 14, 2007. *See* Petition, Dkt. 1, ¶¶ 2-3. He was arrested on October 16, 2025. Having such a short total detention time, he cannot prove "there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

Petitioner argues that his redetention by ICE is not proper, but he fails to submit any evidence sufficient to show that his release by ICE was not properly revoked. He is properly detained for purposes of enforcing his final removal order. Further, as explained below, Petitioner is also currently refusing to cooperate in obtaining his travel documents, and he is attempting to impede his lawful removal to Armenia.

Finally, with respect to Petitioner seeking a TRO barring any district transfers, that request is contrary to applicable law, for reasons explained by (among others) the Hon. Judge André Birotte Jr. in *Jose Angel Morales Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB [Dkt. no. 12] (Exhibit C hereto) And to the extent Petitioner seeks a TRO that would forbid his *imminent removal to Armenia pursuant to his removal order*, that would be facially barred by 8 U.S.C. § 1252(g), which strips District Courts of jurisdiction to enjoin the enforcement of a final removal order.

Accordingly, the Application should be denied.

II. STANDARD OF REVIEW

The standard for issuing a TRO and a preliminary injunction are substantially identical. *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A TRO is "an extraordinary and drastic remedy ... that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion." *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). For a TRO to issue, the movant must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood of suffering irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) the TRO is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Where the government is a party, the balance of equities and the public interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

"A preliminary injunction can take two forms." *Marlyn Nutraceuticals v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th Cir. 2009). "A prohibitory injunction prohibits a party from taking action and 'preserve[s] the status quo pending a determination of the action on the merits.'" *Id.* (quoting *Chalk v. U.S. Dist. Court*, 840 F.2d 701, 704 (9th Cir. 1988)). In contrast, a "mandatory injunction 'orders a responsible party to take action.'" *Id.* at 879 (quoting *Meghrig v. KFC W., Inc.*, 516 U.S. 479, 484 (1996)). "A mandatory injunction 'goes well beyond simply maintaining the status quo *pendente lite* [and] is particularly disfavored.'" *Stanley v. Univ. of S. Cal.*, 13 F.3d 1313, 1320 (9th Cir. 1994) (quoting *Anderson v. United States*, 612 F.2d 1112, 1114 (9th Cir. 1980)).

III. STATEMENT OF FACTS

Petitioner Karpis Kochakyan is a native of the former Armenian Soviet Socialist Republic and a citizen of the former USSR. *See* Declaration of Lourdes Palacio, ¶ 4.

On June 16, 1991, Petitioner was admitted as an immigrant. *Id.*, ¶ 5.

On October 20, 20205, Petitioner was convicted of assault with a deadly weapon (causing great bodily injury), in violation of Section 245(a)(1) of the California Penal Code, and was sentence to two years in prison. *Id.*, ¶ 6.

On December 5, 2006, an Immigration Judge ordered Petitioner removed, and Petitioner waived appeal. *Id.*, ¶ 7.

On October 15, 2025, Petitioner was taken into ICE custody, and he is currently detained at the Adelanto ICE Processing Center. *Id.*, ¶ 8.

On October 15, 2025, Petitioner was served with a Notice of Revocation of Release indicating that ICE intends to remove him to Armenia or a third country. *Id.*, ¶ 9.

A copy of the Notice of Revocation of Release that Petitioner was served with is attached as Exhibit A to the Palacios Declaration.

As stated on his Notice of Revocation of Release, Petitioner was also advised that he must demonstrate he is making reasonable efforts to comply with the order of removal and that he is cooperating with ICE's efforts to remove him. The Notice also advised Petitioner that any willful failure or refusal on his part to make timely application in good faith for travel or other documents necessary for his departure may subject him to criminal prosecution under 8 U.S.C. § 1253(a). *See* Palacios Declaration, Exhibit A.

On or about October 15, 2025, an informal interview was conducted in which Petitioner had an opportunity to respond to the reasons for revocation of his order of supervision. Attached hereto as Exhibit B is a true and correct copy of the form documenting that an informal interview was conducted pursuant to 8 C.F.R. § 241.4(l); 8 C.F.R. § 241.13(i).

On October 24, 2025 and again on November 3, 2025, Petitioner refused to cooperate with signing the necessary application for a travel document to Armenia. *See* Palacios Decl., ¶ 11. Petitioner is thus currently attempting to improperly obstruct his removal to Armenia pursuant to his final removal order, hoping to prevent deportation.

ICE intends to remove Petitioner to Armenia. *Id.*, ¶ 12.

IV. ARGUMENT

A. Petitioner's Removal to Armenia Pursuant to his Final Removal Order is Reasonably Foreseeable, and his Refusal to Cooperate in Securing Travel Documents to Armenia Does Not Establish Indefinite Detention

Petitioner's primary complaint is that his current detention under 8 U.S.C. § 1231(a)(6) for purposes of enforcing his final removal order is "unreasonable" because the government cannot remove him to Armenia in the foreseeable future. Petitioner asserts that about two decades ago, back in 2007, the government released him when he could not be removed to Armenia at that time. Petitioner therefore maintains he is now being subjected to unreasonably prolonged detention under a final removal order pursuant to the Supreme Court's ruling in *Zadvydas v. Davis*, 533 U.S. 678 (2001). But Petitioner does not establish that he has been detained more than 180 days pursuant to a final removal order, as is required to state a *Zadvydas* claim (much less prevail on it). Rather Petitioner's final removal order was issued on December 5, 2006, after Petitioner had been convicted of assault with a deadly weapon. *See* Palacios Decl., ¶ 7. Petitioner was then allegedly detained from December 5, 2006 until he was released on March 14, 2007 (approximately 4 months total detention time). *See* Petition, Dkt. 1, ¶¶ 2-3. He was arrested on or about October 16, 2025. *See id.; see also* Palacios Decl. ¶ 9. He is thus still well under six months of total detention time.

As the Supreme Court explained in *Zadvydas*, moreover, the government's authority to detain a noncitizen for removal purposes pursuant to a final removal order does not end at six months, but rather continues so long as it is "reasonable":

> After this 6–month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink. This 6–month presumption, of 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.

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

Here, Petitioner argues that his birth nation of Armenia did not accept him in 2007 (when he had very recently been convicted of assault with a deadly weapon), and he claims he thus cannot be removed in 2025. But the idea that Armenia's refusal back in 2007 means it will not accept him now in 2025 is not tenable. In *Ovsepian*, for example, the same argument was made by Petitioner's counsel, and it was proven incorrect; the *Ovsepian* petitioner was accepted by Armenia, albeit over his own protestations. *See Artak Ovsepian*, 5:25-cv-01937-MEMF-DFM [Dkt. 46] (dismissal). Political relations between the United States and Armenia (a former U.S.S.R. republic) have changed significantly since 2007. Furthermore, while Armenia may have wished to force the United States to keep Petitioner in 2007 because he had very recently committed a serious crime of violence (and thus forced the American public to bear that risk instead), that was decades ago. Petitioner maintains he presents no such risk now, and Armenia would thus have far less reason, decades later, to oppose his removal.

Courts properly deny *Zadvydas* claims under such circumstances and find that a "habeas petitioner's assertion as to the unforeseeability of removal, supported only by the mere passage of time, [is] insufficient to meet the petitioner's burden to demonstrate no significant likelihood of removal under the Supreme Court's holding in *Zadvydas.*" *Muthalib v. Kelly*, 2017 WL 11696616, at *3 (C.D. Cal. Apr. 19, 2017) (collecting cases). "This is particularly so where the only impediment to removal is the issuance of the appropriate travel document." *Id. (citing Nasr v. Larocca*, 2016 WL 3710200 (C.D. Cal. June 1, 2016), *report and recommendation adopted,* 2016 WL 3704675 (C.D. Cal. July 11, 2016)). That Petitioner does not yet have a specific date of anticipated removal does not make his detention indefinite. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th

Cir. 2008); *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition where petitioner had been detained more than 14 months postfinal order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (holding petitioner "failed to satisfy his burden of showing that there is no significant likelihood of his removal in the reasonably foreseeable future" where he had been detained more than seven months post-order).

Furthermore, when a noncitizen—like Petitioner here—refuses to cooperate in obtaining travel documents for purposes of effectuating their removal, it is well-established that such attempts to block their own removal do nothing to establish that their continuing detention is unreasonable or unconstitutional. *See Lema v. I.N.S.*, 341 F.3d 853 (9th Cir. 2003) (where noncitizen's failure to cooperate in obtaining travel documents was impeding removal, detention is not unreasonable); *Pelich v. INS*, 329 F.3d 1057, 10588-61 (9th Cir. 2003) (noncitizen cannot assert constitutional claim against detention when extended detention is due to failure to cooperate with government's efforts to obtain travel documents to remove them).

Accordingly, Petitioner cannot succeed in establishing that his current detention is unreasonable pursuant to the Due Process standard delineated by the Supreme Court in *Zadvydas* for noncitizens detained pursuant to a final removal order.

B. Petitioner's Request for a TRO Requiring that he be Released on an Order of Supervision Should Be Denied

Petitioner also asks that the Court order that he be released from immigration detention under an order of supervision (OSUP), on the ostensible grounds that the Respondents revoked Petitioner's OSUP without showing that his removal is reasonably foreseeable. But Petitioner submits no evidence of that putative violation. Furthermore, given Petitioner's current efforts to subvert and prevent his removal to Armenia by repeatedly refusing to cooperate in requesting travel documents, releasing Petitioner would improperly reward his unlawful efforts to obstruct his own removal. *See* Palacios Decl., ¶ 11. If he were released while the government is seeking to arrange his travel to

Armenia pursuant to a final removal order, that would severely impair—if not outright prevent—the government's ability to timely remove him.

The government's discretion to revoke an OSUP for purposes of effectuating a final removal order is broad. *See Moran v. U.S. Dep't of Homeland Sec.*, 2020 WL6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing petitioners' claim that § 241.4(l) was a violation of their procedural due process rights and noting, "[Petitioners] fail to point to any constitutional, statutory, or regulatory authority to support their contention that they have a protected interest in remaining at liberty in the United States while they have valid removal orders."). There is not an elaborate and high precondition imposed on revocation. "While the regulation provides the detainee some opportunity to respond to the reasons for revocation, it provides no other procedural and no meaningful substantive limit on this exercise of discretion as it allows revocation "when, in the opinion of the revoking official ... [t]he purposes of release have been served ... [or] [t]he conduct of the alien, or *any other circumstance*, indicates that release would no longer be appropriate." *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010), citing §§ 241.4(l)(2)(i), (iv) (emphasis in original).

Petitioner vaguely suggests that revocation procedure was not followed properly here. *See* TRO Application, p. 3. But he submits no evidence of that. In fact he was *immediately* issued a Notice of Revocation. *See* Palacios Decl., Exhibit A. He was also *immediately* provided an informal interview. *See id.*, Exh. B.

Petitioner's attempts to quibble with every aspect of his revocation process do not establish that the government lacked authority to revoke his OSUP, particularly when his objections to detention center on his false assertion that the government cannot timely remove him to Armenia.

The Hon. Judge Blumenfeld recently denied a preliminary injunction motion in a case alleging a lack of sufficient redetention process, noting that the evidentiary burden and had not been met, and also that it was unclear that release would be the appropriate remedy for any violations of revocation procedure. *See Long Ton v. Kristi Noem, et al.*, 5:25-cv-02033-SB-AGR [Dkt. no. 17] (September 3, 2025) (Order Denying Application for Preliminary Injunction). The burden is on the moving party to show that ordering release via a TRO would be narrowly tailored to rectifying a deficiency that was proven under the heavy standard for preliminary injunctive relief. Speculating that the revocation of release process was not fully satisfactory in all possible respects does not carry that burden.

Finally, even if there were some violation of a particular regulatory procedure here (which the TRO Application does not establish), the appropriate remedy would be to rectify that specific procedural issue and its applicable substantive harm, if any—it would not be to immediately leap to the radical remedy of ordering an immediate release from detention by a TRO. *See Ahmad v. Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4, 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019); *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). As the *Smith* court elaborated, "[I]t is difficult to see an actionable injury stemming from such a violation. Doe is not challenging the underlying justification for the removal order.... Nor is this a situation where a prompt interview might have led to her immediate release—for example, a case of mistaken identity." *Id.*

Likewise, Judge Birotte recently rejected the argument that the remedy for allegedly insufficient revocation process would entitle a noncitizen subject to a final removal order to immediate release. *See Jose Angel Morales Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB [Dkt. no. 12]. Note that the issue is particularly crucial for those subject to final removal orders, because detention is critical to ensure that the removal order can be enforced (as opposed to those still in removal proceedings that have not yet concluded with a removal order).

C. Petitioner's Request for a TRO Barring His Transfer From this District Should Be Denied

Petitioner fails to carry his demanding burden to establish entitlement to the extraordinary remedy of a TRO constraining the Attorney General's discretion to decide where to place detained immigrants like himself. Furthermore, he does not and cannot establish that he is likely to suffer irreparable harm caused by such a transfer. Judge Birotte explained why such a bar on transfer was inappropriate in the order he issued on October 3, 2025 in the case of *Jose Angel Morales Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB [Dkt. no. 12] (Exhibit C hereto), denying a TRO on this point.

1. The law and facts do not clearly favor Petitioner

The government may detain aliens pending their removal pursuant to a removal order. Under 8 U.S.C. § 1231(g)(1), the Executive has great discretion in deciding where to detain aliens. The INA precludes review of "any . . . decision or action of the Attorney General . . . the authority for which is specified under this subchapter to be in the discretion of the Attorney General . . . ." 8 U.S.C. § 1252(a)(2)(B)(ii). Therefore, § 1252(a)(2)(B)(ii) bars relief that would impact where and when to detain Petitioners. *See Van Dinh v. Reno*, 197 F.3d 427, 433–34 (10th Cir. 1999) (citing *Rios-Berrios v. INS*, 776 F.2d 859, 863 (9th Cir. 1985)) (finding that judicial review of decision to transfer a detainee is inappropriate due to lack of jurisdiction).

In *Van Dinh*, the noncitizen-plaintiffs were incarcerated at a facility in Colorado, where they were notified of the "distinct possibility" that they would be transferred to another facility. *See* 197 F.3d at 429. Plaintiffs filed a Bivens class action complaint requesting injunctive relief restraining all noncitizen transfers until local counsel had an opportunity to interview their clients and injunctive relief restraining transfer outside the area of those noncitizens with an established attorney-client relationship. *See id.* There, the Tenth Circuit concluded that "the district court had no jurisdiction to review the Attorney General's discretionary decision to transfer and detain appellants in another INS facility under § 1252(a)(2)(B)(ii)" and thus no Bivens class action was available. *Id.*

at 435. In reaching this conclusion, the Court found that "[t]he Attorney General is mandated to 'arrange for appropriate places of detention for [noncitizens] detained pending removal.'" *Id.* at 433 (citing 8 U.S.C. § 1231(g)(1)). "The Attorney General's discretionary power to transfer [noncitizens] from one locale to another, as [he or] she deems appropriate, arises from this language." *Id.* Thus, it is "apparent that a district court has no jurisdiction to restrain the Attorney General's power to transfer [noncitizens] to appropriate facilities by granting injunctive relief in a Bivens class action suit." *Id.*

Moreover, in *Rios–Berrios*, the petitioner was apprehended in California, charged with entry without inspection, and moved to Florida for a deportation hearing that was scheduled to begin effectively five working days from the time of his apprehension. *See* 776 F.2d at 860-61. The immigration judge twice continued the hearing for a total of two working days, first after the petitioner stated that he needed time to find an attorney and again after being informed that the petitioner had called a friend who had been in contact with an attorney and bail bondsman. *See id.* After the immigration judge granted the continuances, he also advised that the hearing would proceed with or without counsel. *See id.* When the petitioner appeared without counsel, there was no inquiry regarding the petitioner's expressed wish to be represented by counsel and the hearing went forward. *See id.* The Ninth Circuit found a violation of the petitioner's right to be represented by counsel of his own choice at his own expense. *See id.* at 862-63. However, the Ninth Circuit clarified that there was no right to block his transfer to another district:

> We wish to make ourselves clear. We are not saying that the petitioner should not have been transported to Florida. That is within the province of the Attorney General to decide. We merely say that his transfer there, combined with the unexplained haste in beginning deportation proceedings, combined with the fact of petitioner's incarceration, his inability to speak English, and his lack of friends in this country, demanded more than lip service to the right of counsel declared in statute and agency regulations, a right obviously intended for the benefit of aliens in petitioner's position.

Id. at 863 (citations omitted).

Accordingly, judicial intervention is not proper with respect to the government's decision about where to detain Petitioner.

2. Petitioner also fails to show that he will likely suffer serious irreparable harm by being transferred to another district.

Petitioner also has not demonstrated that he will suffer irreparable injury if he is transferred to another district while detained. To show irreparable harm, he must demonstrate "immediate threatened injury." *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem'l Coliseum Comm'n v. Nat'l Football League,* 634 F.2d 1197, 1201 (9th Cir. 1980)). Merely showing a "possibility" of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22.

As a threshold matter, if this Court had jurisdiction when the Petition was filed, then axiomatically any later transfer to another district within the United States would not end that jurisdiction. A writ of habeas corpus operates not upon the prisoner, but upon the prisoner's custodian. *See Braden v. 30th Jud. Circuit Ct. of Kentucky*, 410 U.S. 484, 494–495 (1973). Jurisdiction over a § 2241 petition attaches when a petitioner files a petition in his district of confinement and names his custodian. *See Mujahid v. Daniels*, 413 F.3d 991, 994 (9th Cir. 2005) ("jurisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change."). *See, e.g., Acosta v. Doerer*, No. 5:24-cv-01630-SPG-SSC, 2024 WL 4800878, at *4 (C.D. Cal. Oct. 24, 2024) (holding that the district court maintained jurisdiction even after immigration detainee petitioner was transferred from one federal facility to another); *Rincon-Corrales v. Noem*, No. 2:25-cv-00801-APG-DJA, 2025 WL 1342851, at *2 (D. Nev. May 8, 2025) ("[O]nce a petitioner has properly filed a habeas petition in the district of confinement, any subsequent transfer does not strip the filing district of habeas jurisdiction.").

In sum, Petitioner fails to establish any specific serious and irreparable harm that would arise from his potentially being detained in any other district versus being detained in the Central District of California.

Finally, the requested TRO is also not narrowly tailored on this point. For example, detention in the Southern District of California, i.e. San Diego, would patently not be an "irreparable harm" relative to detention at Adelanto within the Central District of California. Nor would detention in the Northern District of California, the Eastern District of California, etcetera. Yet the order sought here (and stated in the Ex Parte Order) would bar any transfer outside the Central District. The effect is to essentially confer upon an immigration detainee a "veto right" against any non-preferred detention location, in contravention of law. That trivializes the high legal standard for issuing preliminary exigent relief, particularly mandatory injunctive relief, which requires a much more stringent evidentiary demonstration and much more severe prejudice.

Accordingly, Petitioner's request for a TRO barring his transfer to other Districts should be denied, and the Ex Parte Order should be vacated on this point.

D. There is No Jurisdiction in District Court to Bar the Removal of Petitioner to Armenia Pursuant to his Removal Order

Beyond a bar on district transfer, Petitioner also seeks an order that would broadly require the government to keep him in the Central District of California. But there is no jurisdiction in District Court to bar the government from removing Petitioner to Armenia pursuant to his removal order. This is an INA case, not an Alien Enemies Act case. 8 U.S.C. § 1252(g) divests District Courts of jurisdiction to hear claims challenging one of "three discrete actions[:] . . . [the] 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders.'" *Reno v. American-Arab Anti-Discrimination Comm.* ("AADC"), 525 U.S. 471, 482 (1999) (emphasis in original); *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022) (§ 1252(g) precludes judicial review of execution of removal order). Thus, to the extent Petitioner's generic claims challenge these decisions, § 1252(g) renders this Court without jurisdiction to hear his habeas claims. *See Eliazar G.C. v. Wolford*, 2025 WL 1124688, at *3 (E.D. Cal. Apr. 16, 2025) (no habeas jurisdiction over habeas petition seeking to stay execution of removal order).

In sum, the government's enforcement of a valid final removal order cannot be barred by a TRO purporting to prevent some other asserted harms.

E. There is No Evidence that the Government Will Remove Petitioner to a Third Country, Nor any Evidence that it Will do So Without Sufficient Advance Notice

Finally, Petitioner speculates that he might be removed to a third country instead. As noted above, that is completely inconsistent with other similar cases involving Armenian nationals brought by Petitioner's counsel.

But more to the point, there is no evidence that the government has sought to remove him—or indeed any Armenians—to a third country. Petitioner is **wrong** about the difficulty of removing people to Armenia at this historical juncture. There is no conceivable reason the government would want to go through the extra difficulty of finding a third country and attempting to remove him there. Much less is there any evidence that any advance notice of such would be insufficient to object.

Again, the case is similar on this point to *Jose Angel Morales Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB [Dkt. no. 12] (Judge Birotte order denying TRO), where the petitioner vaguely speculated that the government might remove him to a third country without sufficient notice, but had submitted no evidence to suggest that the government intended to do so.

V. CONCLUSION

The TRO Application should be denied.

Dated: November 4, 2025

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondents, certifies that the memorandum of points and authorities contains 4,794 words, which complies with the word limit of L.R. 11-6.1.

Dated: November 4, 2025

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