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

12 KARPIS KOCHAKYAN,

13 Petitioner,

14 v.

15 PAMELA BONDI, et al.

16 Respondents.
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No. 5:25-cv-02924-VBF-PD

**RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

**[Declaration of Lourdes Palacios filed
concurrently herewith]**

Hon. Valerie B. Fairbank
United States District Judge

RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE

Petitioner, a detainee in immigration custody with a final removal order, filed an *Ex Parte* Motion for a Temporary Restraining Order (the “TRO Application”) [Dkt. 2], requesting 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]. On November 17, 2025, the Court granted Petitioner’s Application, ordering that he be immediately released from custody. *See generally* Order on Application for Temporary Restraining Order [Dkt. no. 8] (the TRO).

Pursuant to the TRO, Petitioner has since been released from custody. Accordingly, Petitioner has already obtained the relief sought in his Petition over which this Court has jurisdiction. *See, e.g.*, Petition ¶ 1; *see also* 28 U.S.C. § 2241(c) (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody.”). The Ninth Circuit has been fairly clear about the scope of habeas relief, explaining that “release from confinement is the only available remedy for claims at the writ’s core” *Pinson v. Carvajal*, 69 F.4th 1059, 1070 (9th Cir. 2023), *cert. denied sub nom. Sands v. Bradley*, 144 S. Ct. 1382 (2024); *see also id.* at 1076 (“Because [petitioner’s] claims lie outside the historic core of habeas corpus, we conclude the district court properly found it lacked jurisdiction to hear [his] petition.”).

Because government has already released Petitioner, the alleged injury—the detention itself—has ended, and there is no further relief for this Court to provide. As the Supreme Court has explained, once a challenged restraint has ceased to have any continuing effect, “mootness . . . simply deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so.” *Spencer v. Kemna*, 523 U.S. 1, 18 (1998). “[T]he Ninth Circuit [too] has long held that [] ‘the writ of habeas corpus is limited to attacks upon the legality or duration of confinement.’” *Pinson*, 69 F.4th at 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (“It is clear . . . from the common-law history of

1 the writ . . . that the essence of habeas corpus is an attack by a person in custody upon
2 the legality of that custody, and that the traditional function of the writ is to secure
3 release from illegal custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (“Habeas is
4 the exclusive remedy . . . for the prisoner who seeks immediate or speedier release from
5 confinement. Where the prisoner’s claim would not necessarily spell speedier release, . .
6 . suit may be brought under § 1983.” (cleaned up)).

7 While ordering Petitioner’s immediate release, the Court’s TRO order also,
8 somewhat inconsistently, ordered that Petitioner be given the chance to respond to a
9 potential notice of removal to a third country. *Id.* There are several problems with this.
10 First, Petitioner was ordered to be released immediately. Petitioner was released
11 accordingly. He is not in detention. He thus he would not now be subject to a proximate
12 removal against his will, much less a forcible removal without notice to a third country.
13 Furthermore, Petitioner never presented any evidence (much less established) that he
14 actually faced a third-country removal. Bare speculation is not enough. By contrast, the
15 Respondents presented substantial evidence demonstrating that the government was
16 seeking to remove him to Armenia. *See* Palacios Declaration. A copy of that Palacios
17 declaration is submitted again herewith (without its two exhibits).

18 Issuing a TRO or a preliminary injunction is a serious matter that requires
19 significant substantiating evidence for each item of injunctive relief at issue; it must be
20 narrowly tailored to a wrong that is proven with substantiating evidence. Here, there is
21 not only no evidence that the government was in fact attempting to remove Petitioner to
22 a third country without notice, his Petition—and the government’s response—was
23 instead directed at the government’s efforts to remove him to his home nation of
24 Armenia. *See* Palacios Declaration. There was no evidence of a third country removal
25 being threatened, much less evidence sufficient to establish entitlement to a TRO—and
26 much less still, at this juncture, is there evidence sufficient to warrant a preliminary
27 injunction at this juncture, after he was already released and is no longer detained.

28 Indeed, “[i]ssuing a preliminary injunction based only on a possibility of

1 irreparable harm is inconsistent with [the Supreme Court's] characterization of
2 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
3 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a
4 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.
5 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much
6 less irreparable harm.

7 Accordingly, a preliminary injunction should be denied and the Petition should be
8 dismissed.

9 Dated: November 26, 2025

Respectfully submitted,

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14 /s/ Daniel A. Beck

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

19 The undersigned, counsel of record for Respondents, certifies that the
20 memorandum of points and authorities contains 829 words, which complies with the
21 word limit of L.R. 11-6.1.

22 Dated: November 26 2025

/s/ Daniel A. Beck

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