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

12 MODOU CAMARA,

13 Petitioner,

14 v.

15 MARK BOWN, Warden, Adelanto
16 Detention Facility, et al.,

17 Respondents.
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No. 2:25-cv-10842-SB-AGR

**RESPONDENTS' OPPOSITION TO
PETITIONER'S *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER [DKT. 3]**

Hon. Stanley Blumenfeld Jr.
United States District Judge

I. INTRODUCTION

Petitioner's *ex parte* TRO Application [Dkt. 1] fails to meet his heavy burden to establish entitlement to the issuance of a TRO. Petitioner concedes he has a final removal order, that he is a Gambian national, that he has been told he will imminently be removed to Gambia, and that there is no stay of that removal order in place. *See* TRO Application, p. 2. Yet Petitioner "requests that this Court enjoin Respondents from removing him from the continental United States unless and until his habeas corpus petition has been adjudicated and his Motion to Reopen before the Board of Immigration Appeals has been adjudicated."

There is no jurisdiction for such relief, nor any legal or evidentiary basis for it. And perhaps most importantly, Petitioner was removed from the United States on November 19, 2025. He is not in federal custody. Accordingly, the TRO Application should be denied and this action should be dismissed.

II. STANDARD OF REVIEW

Courts have recognized very few circumstances justifying the issuance of an *ex parte* temporary restraining order. *Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d 1126, 1131 (9th Cir. 2006). 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).

III. ARGUMENT

A. Petitioner Has Been Removed and this Case Is Moot

ICE records reflect that the Petitioner was removed from the United States on November 19, 2025 pursuant to his final removal order. Accordingly, he is no longer in federal custody, and this case is moot.

B. There is No Jurisdiction in District Court to Enjoin Removal Where Petitioner Seeks to Reopen His Immigration Proceedings But Has Not Obtained a Stay of Removal from the BIA or Ninth Circuit

Even if he had not already been removed, Petitioner's TRO Application is facially defective. Petitioner does not want to be removed, and so he asks this Court to issue a TRO barring that, such that he can seek to reopen his old removal proceedings. But the Ninth Circuit has made very clear there is no jurisdiction for such relief. Courts have consistently held that 8 U.S.C. § 1252(g) strips jurisdiction in District Court over claims seeking to *delay* removal pending another process that will allegedly stop a removal. Specifically, the government cannot be prevented from deciding *when* to execute a removal order, nor delayed in that execution. The Ninth Circuit rather exhaustively explained this point in connection with affirming a district court's finding that it had no jurisdiction to block a removal pending the resolution of a putatively meritorious motion to reopen filed with the BIA:

Matias also attempts to avoid § 1252(g)'s jurisdictional bar by arguing that his challenge pertains not to the Attorney General's discretionary authority, but rather to the Attorney General's allegedly unlawful decision to "remov[e] him *now*." But § 1252(g)'s jurisdictional bar on "claim[s] ... arising from the decision or action by the Attorney General to ... execute removal orders" does not include any temporal caveats. As the Third Circuit has observed, "the discretion to decide *whether* to execute a removal order includes the discretion to decide *when* to do it. Both are covered by the statute."

Rauda v. Jennings, 55 F.4th 773, 777 (9th Cir. 2022) (quoting *Tazu v. Att'y Gen. United States*, 975 F.3d 292, 297 (3d Cir. 2020) (emphasis in original)).

The Ninth Circuit explained that there is no authority for entering a stay of removal pending a motion to reopen, when the BIA had not granted a stay:

Matias asserts that applying the plain text of § 1252(g) and refusing to enter a stay of removal pending the resolution of his motion to reopen "would deprive a noncitizen [of] his statutory right to file a motion to reopen." But that's not true. Matias's motion to reopen has already been filed, and is

1 currently pending before the BIA. Once the BIA decides that motion, Matias
2 will be able to file a petition for our court to review *that* final agency
3 action—including review of the BIA's denial of his request for a stay of
removal pending its decision.

4 55 F.4th at 777. Exactly the same is true here.

5 A noncitizen may, consequently, be removed prior to a ruling on a motion to
6 reopen, regardless of whether the motion is meritorious, because there is no jurisdiction
7 to stay the removal in District Court while the motion to reopen is pending before the
8 BIA. But that is how the process is supposed to work. A removal order is normally
9 enforceable; seeking a reopening tries to change that state of affairs, rather than being an
10 entitlement to stop or delay it. If removed, the noncitizen can continue to litigate their
11 reopening claim while abroad. “Matias has taken full advantage of his statutory rights
12 and will continue to have access to the process guaranteed to him under the statute even
13 if he is removed.” *Id.*, citing *Nken v. Holder*, 556 U.S. 418, 424 (2009).

14 Petitioner argues that removal will impose serious negative harms on him. But that
15 is how removal enforcement normally works. These are not harms that block removal.
16 And to the extent a noncitizen complains that removal is especially damaging for them,
17 that raises the converse point: Absent highly unusual circumstances, the noncitizen could
18 then have sought reopening and a stay from the BIA long ago, in timely fashion.

19 Furthermore, 8 U.S.C. § 1252(a)(5) and 1252(b)(9) also preclude review of the
20 BIA’s decisions in this Court, as claim channeling. “Taken together, § 1252(a)(5) and §
21 1252(b)(9) mean that *any* issue—whether legal or factual—arising from *any* removal-
22 related activity can be reviewed *only* through the [petition-for-review] process.” *J.E.F.M.*
23 *v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016) (emphasis in original); *see id.* at 1035
24 (“§§ 1252(a)(5) and [(b)(9)] channel review of all claims, including policies-and-
25 practices challenges . . . whenever they ‘arise from’ removal proceedings”).

26 Accordingly, Petitioner cannot contest the BIA’s rulings here.

27 Petitioner argues that an emergency stay of his removal should be ordered in order
28 to provide “a prompt interview and notification of the reasons for his detention.” But

1 habeas petitions are for opposing *detention*. They are not for opposing *imminent lawful*
 2 *removal*. Habeas cannot be used to *forcibly keep Petitioner in detention, by blocking his*
 3 *removal, so that he can then complain that his detention is unlawful*. If he is removed,
 4 then he no longer be detained. A TRO cannot be used to force the government to
 5 continue to keep him in custody—by blocking his release in Gambia—so that he will be
 6 able to litigate a claim that the government cannot continue to keep him in custody.
 7 Further, given that the Petitioner complains that he now faces imminent removal
 8 pursuant to a final removal order, he is plainly not at all uncertain about the reason for
 9 his detention—timely removing him pursuant to his final removal order.

10 Recent decisions in similar cases in this District have thus correctly determined
 11 that a habeas petition cannot be misused to block imminent removal in this manner,
 12 citing the Ninth Circuit’s ruling in *Rauda*. See e.g. *Ki Ly Chin v. Kristi Noem, et al.*,
 13 8:25-cv-02359-MWF-DFM (Oct. 30, 2025) (Order Dissolving Temporary Restraining
 14 Order); *Eleonora Abramian et al. v. Pam Bondi et al.*, 5:25-cv-03080-DMG-SP (Nov.
 15 17, 2025) (Order Denying Application for Temporary Restraining Order and to Show
 16 Cause Why this Court has Jurisdiction).

17 Likewise, even if this matter had not been mooted by Petitioner’s removal, the
 18 Court should find that it does not have jurisdiction to grant the extraordinary preliminary
 19 injunctive relief that Petitioner’s TRO Application requests.

20 **C. Petitioner’s Suggestion That He Is Being Subjected To Indefinite**
 21 **Detention Is Fatally Controverted By His Allegation That He Now**
 22 **Faces Imminent Removal to His Home Nation, As Well as by His TRO**
 23 **Application’s Request for a TRO Barring His Imminent Removal**

24 Finally, Petitioner suggests his detention is unlawful under the principles of
 25 *Zadvydas v. David*, 533 U.S. 678 (2001). But factually he alleges the exact opposite of a
 26 claim for indefinite detention—his TRO Application claims he needs an emergency TRO
 27 to block his *extremely imminent removal to his home nation of Gambia*. That does not
 28 establish a *Zadvydas* indefinite detention claim. It disproves such a claim. As Judge

1 Fitzgerald has noted, “Petitioner says nothing to persuade the Court that Petitioner has
2 been, or even will be, indefinitely detained with ‘no significant likelihood of removal in
3 the reasonably foreseeable future,’ implying the due process concerns discussed in
4 *Zadvydas*.” *Ki Ly Chin v. Kristi Noem, et al.*, 8:25-cv-02359-MWF-DFM (Oct. 30, 2025)
5 (Order Dissolving Temporary Restraining Order).

6 To the contrary, the primary complaint of Petitioner’s TRO Application is that he
7 will be removed in the *extremely foreseeable and imminent future*. That is how removal
8 is supposed to work. He has pled the opposite of a claim that the government’s detention
9 of him, for purposes of enforcing a final removal order, is excessively prolonged.

10 And indeed, Petitioner was in fact timely removed on November 19, 2025.

11 **D. The Balance of Interests Favors the Government**

12 It is well settled that the public interest in enforcement of the United States’s
13 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S.
14 543, 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C.
15 Cir. 1981) (“The Supreme Court has recognized that the public interest in enforcement
16 of the immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S.
17 418, 435 (2009) (“There is always a public interest in prompt execution of removal
18 orders[.]”). This public interest outweighs Petitioner’s private interest here. The public
19 interest is particularly significant when—per Petitioner’s own allegations—the removal
20 is extremely imminent. In that context, to block removal is precisely the severe harm that
21 Congress sought to forbid by enacting 8 U.S.C. § 1252(g), preventing the routinized
22 obstruction of removals by interposing last-minute litigation delays.

23 **IV. CONCLUSION**

24 Respondents respectfully request that Petitioner’s TRO Application be denied and
25 that an OSC re: Dismissal be issued.

1 Dated: November 21, 2025

Respectfully submitted,

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14 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

15 The undersigned, counsel of record for Respondents, certifies that the
16 memorandum of points and authorities contains 1,751 words, which complies with the
17 word limit of L.R. 11-6.1.

18 Dated: November 21, 2025

19 /s/ Daniel A. Beck

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