TODD BLANCHE
Deputy Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
PUSHKAL MISHRA (Cal. Bar No. 298695)
Special Assistant United States Attorney
Federal Building, Suite 7516
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (714) 338-3503
E-mail: pushkal.mishra@usdoj.gov

Attorneys for Federal Respondents

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

TIGRAN TIRATURIAN,

Petitioner,

v.

PAMELA BONDI, *et al.*

Respondents.

No. 5:25-cv-03239-WLH-DFM

RESPONDENTS' OPPOSITION TO PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

Hon. Wesley L. Hsu
United States District Judge

TABLE OF CONTENTS

DESCRIPTION			PAGE
I.	INTRODUCTION		1
II.	BACKGROUND		3
III.	LEGAL STANDARD		7
IV.	ARGUMENT		7
	A.	Petitioner Cannot Show a Likelihood of Success on the Merits	7
		1. Petitioner cannot show that "there is no significant likelihood of removal in the reasonably foreseeable future"	7
		2. Petitioner cannot show that DHS improperly revoked his OSUP and detained him	11
	B.	The Balance of Equities and Public Interest Favors Respondents	14
V.	CONCLUSION		15

TABLE OF AUTHORITIES

Page(s)

Cases

Ahmad v. Whitaker,
2018 WL 6928540 (W.D. Wash. Dec. 4, 2018) 13

Am. Trucking Ass'ns, Inc. *v. City of Los Angeles*,
559 F.3d 1046 (9th Cir. 2009) 7

Blackie's House of Beef, Inc. v. Castillo,
659 F.2d 1211 (D.C. Cir. 1981) 14

Diaz v. Garland,
53 F.4th 1189 (9th Cir. 2022) 13

Diouf v. Mukasey,
542 F. 3d 1222 (9th Cir. 2008) 10, 11

Doe v. Smith,
2018 WL 4696748 (D. Mass. Oct. 1, 2018) 14

Garcia v. Google, Inc.,
786 F.3d 733 (9th Cir. 2015) 7

Jama v. Immigrations and Customs Enforcement,
543 U.S. 335 (2005) 2

J.E.F.M. v. Lynch,
837 F.3d 1026 (9th Cir. 2016) 7

Jazi v. Rubio,
2025 WL 2420690 (S.D. Cal. Aug. 20, 2025) 14

Lum v. Mercedes-Benz USA, LLC,
2012 WL 13012454 (C.D. Cal. Jan. 5, 2012) 7

Malkandi v. Mukasey,
2008 WL 916974 (W.D. Wash. Apr. 2, 2008) 10

Martinez v. Napolitano,
704 F.3d 620 (9th Cir. 2012) 7, 8

Moran v. U.S. Dep't of Homeland Sec.,
2020 WL 6083445 (C.D. Cal. Aug. 21, 2020) 12

Muthalib v. Kelly,
2017 WL 11696616 (C.D. Cal. Apr. 19, 2017) 10

Nguyen v. Bowen,
5:25-cv-03109-MCS-ADS (C.D. Cal. Dec. 1, 2025) 2, 8

Nicia v. ICE Field Off. Dir.,
2013 WL 2319402 (W.D. Wash. May 28, 2013) 10, 11

Nken v. Holder,
556 U.S. 418 (2009) 14

Noem v. Vasquez Perdomo,
2025 WL 2585637 (Sept. 8, 2025) 14-15

Pogosyan v. Bondi,
No. 5:25-cv-03121-SRM-AS (C.D. Cal. Dec. 3, 2025) 14

Prieto-Romero v. Clark,
534 F.3d 1053 (9th Cir. 2008) 9

Reno v. American-Arab Anti-Discrimination Comm.,
525 U.S. 471 (1999) 7

Rodriguez v. Hayes,
578 F.3d 1032 (9th Cir. 2009) 12

Sanchez v. Bondi,
2025 WL 3190816 (C.D. Cal. Oct. 3, 2025) 13

Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.,
240 F.3d 832 (9th Cir. 2001) 7

Ton v. Noem,
2025 WL 2995068 (C.D. Cal. Sept. 3, 2025) 12

United States v. Martinez-Fuerte,
428 U.S. 543 (1976) 14

Winter v. Nat. Res. Def. Council,
555 U.S. 7 (2008) 7, 9, 11

Zadvydas v. Davis,
533 U.S. 678 (2001) 2, 3, 8, 9, 10

Statutes and Regulations

8 U.S.C. § 1231 ..... 2, 6, 9
8 U.S.C. § 1252 7
8 C.F.R. § 241.4 ..... 12, 6
8 C.F.R. § 241.13 ..... 3, 6, 7, 11, 12

I. INTRODUCTION

Petitioner Tigran Tiraturian—currently a detainee in immigration custody since November 25, 2025 and who has a final order of removal directing his removal to Armenia—filed a petition for writ of habeas corpus asking the Court to order his release. *See* Pet. for a Writ of Habeas Corpus ("Petition"), Docket No. 1. He claims mainly that there is no good reason to believe he will be deported to Armenia in the reasonably foreseeable future. *See, e.g., id.* ¶¶ 1, 20 (citing *Zadvydas v. Davis*, 533 U.S. 678 (2001)). Through his *ex parte* application for temporary restraining order, he now requests the same relief. *Ex Parte* Motion for a Temporary Restraining Order (the "TRO Application"), Docket No. 3; *see also* Proposed Order, Docket No. 3-7. That TRO Application is the next in a series of successive 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—Petitioner was charged under INA § 237(a)(2)(A)(iii) (aggravated felony) and § 237(a)(2)(C) (firearms offense), charges that were sustained in his final removal order—but could not be removed decades ago because Armenia would not accept them then.

Almost two decades later, by contrast, relations between Armenia and the United States have changed dramatically, and similar individuals are now readily removed to Armenia. Thus, in *Ovsepian v. Bondi*, No. 5:25-cv-01937-MEMF-DFM (C.D. Cal.), 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. *Ovsepian*, No. 5:25-cv-01937-MEMF-DFM, Docket No. 46 (C.D. Cal. Oct. 21, 2025). The *Ovsepian* case is thus now closed. *Id.*

Petitioner cannot similarly succeed on his claim that he cannot be removed to Armenia, and he has in any event 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. His final removal order issued on October 16, 2003. Decl. of Jorge A. Suarez ("Suarez Decl.") ¶ 20. He was detained from then through March 12, 2004, when he was released on an Order of Supervision (OSUP). *Id.* ¶ 21; *see also id.*, Ex. A. That is a total of around 5 months. His OSUP release was revoked on or around November 25, 2025, and he has since been in DHS's custody. *Id.* ¶ 23. That is another week or so. All in all, he has been in custody for less than six months so far. Having such a short total detention time, he cannot prove "there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701; *accord Nguyen*, No. 5:25-cv-03109-MCS-ADS, Docket No. 12 at 6 (C.D. Cal. Dec. 1, 2025) (denying TRO, finding "five months of detention" as "presumptively reasonable under *Zadvydas*"). In any case, DHS intends to remove Petitioner to Armenia, and to that end, his travel documents remain pending for active consideration by the Armenian authorities. Suarez Decl. ¶¶ 27-28.

Petitioner argues that his re-detention by ICE is not proper, but he fails to submit any evidence sufficient to show that his release by ICE was not properly revoked. Nor can he—after all, he was *immediately* issued a Notice of Revocation of Release upon his detention (*see id.* ¶ 21; *id.*, Ex. B); he was also *immediately* provided an informal interview, during which he had sufficient opportunity to respond to the reasons for

revocation stated in the Notice of Revocation of Release but opted to make no comments in his response, oral or written (*see id.* ¶ 22; *id.*, Ex. C). Expectedly, his Notice of Revocation of Release notified him pursuant to 8 C.F.R. § 241.13(i)(2) of changed circumstances in his case, including that he "can be removed from the United States pursuant to the outstanding order of removal against [him]." *Id.* ¶ 25. The foregoing process more than suffices under the relevant regulations and the U.S. Constitution—and no more process is due to him. *See, e.g.*, 8 C.F.R. § 241.13(i)(3).

Accordingly, the Application should be denied.

II. BACKGROUND

Petitioner is a citizen and national of Armenia by virtue of birth. Suarez Decl. ¶ 1.

On April 20, 1988, Immigration and Naturalization Service (INS) admitted Petitioner into the United States at Los Angeles, CA as an RE8-child of a principal refugee (RE6) who has adjusted their status to that of a lawful permanent resident. *Id.* ¶ 2.

On or about November 05, 1997, Petitioner was convicted in the Superior Court of California, in Pasadena, CA, for the offense of Carrying a Concealed Weapon in Vehicle, in violation of Section 12025(A)(1) of the California Penal Code. *Id.* ¶ 3. Petitioner was sentenced to 2 years of probation. *Id.*

On or about April 15, 1998, Petitioner was convicted in the Superior Court of California, in Glendale, CA, for the offense of Reckless Driving: Highway, in violation of Section 23103(A) of the California Vehicle Code. *Id.* ¶ 4. Petitioner was sentenced to 1 year of probation. *Id.*

On or about May 28, 1999, Petitioner was convicted in the Superior Court of California, in Monrovia, CA, for the offense of Driving under the Influence of Alcohol, in violation of Section 23152(B) of the California Vehicle Code. *Id.* ¶ 5. Petitioner was sentenced to 10 days of jail. *Id.*

On or about April 19, 2000, Petitioner was convicted in the Superior Court of California, in Whittier, CA, for the offense of Driving under the Influence of Alcohol, in violation of Section 23152(B) of the California Vehicle Code. *Id.* ¶ 6. Petitioner was

sentenced to 150 days of jail. *Id.*

On or about July 30, 2001, Petitioner was convicted in the Superior Court of California, in Los Angeles, CA, for the offense of Driving under the Influence of Alcohol with Prior, in violation of Section 23175(A) of the California Vehicle Code. *Id.* ¶ 7. Petitioner was sentenced to 270 days of jail. *Id.*

On or about December 04, 2001, Petitioner was convicted in the Superior Court of California, in Alhambra, CA, for the offense of Driving on Suspended License, in violation of Section 14601.2(A) of the California Vehicle Code. *Id.* ¶ 8. Petitioner was sentenced to 75 days of jail. *Id.*

On or about December 10, 2002, Petitioner was convicted in the Superior Court of California, in Pomona, CA, for the offense of Possession Firearm for Felon, in violation of Section 12021(A)(1) of the California Penal Code. *Id.* ¶ 9. Petitioner was sentenced to 16 months of prison. *Id.*

On or about September 29, 2006, Petitioner was convicted in the Superior Court of California, in San Fernando, CA, for the offense of Appropriation of Lost Property, in violation of Section 485 of the California Penal Code. *Id.* ¶ 10. Petitioner was sentenced to 30 days of jail. *Id.*

On or about February 03, 2010, Petitioner was convicted in the Superior Court of California, in Los Angeles, CA, for the offense of Get Credit/ETC, in violation of Section 530.5(A) of the California Penal Code. *Id.* ¶ 11. Petitioner was sentenced to 2 years of prison. *Id.* Petitioner was also convicted for the offense of Use Access Account Information without consent, in violation of Section 484E(D) of the California Penal Code. *Id.* For that, Petitioner was sentenced to 2 years of prison. *Id.*

On or about May 27, 2010, Petitioner was convicted in the Superior Court of California, in Fullerton, CA, for the offense of Burglary, in violation of Section 460(B) of the California Penal Code. *Id.* ¶ 12. Petitioner was sentenced to 16 months of prison. *Id.*

On or about March 27, 2014, Petitioner was convicted in the Superior Court of California, in Santa Ana, CA, for the offense of Felon/Addict in Possession of Firearm, in

violation of Section 29800(A)(1) of the California Penal Code. *Id.* ¶ 13. Petitioner was sentenced to 3 years of prison. *Id.*

On September 25, 2003, Legacy INS in Bakerfield, CA encountered and took Petitioner into custody pursuant to his release from prison and served Petitioner a Notice to Appear, Form I-862, under Section 237(a)(2)(A)(iii) (aggravated felony) and Section 237(a)(2)(C) (firearms offense) of the Immigration and Nationality Act (INA). *Id.* ¶ 14.

On September 26, 2003, INS transferred Petitioner to Eloy Detention Center in Eloy, AZ. *Id.* ¶ 15.

On October 16, 2003, an Immigration Judge (IJ) in Eloy, AZ, ordered Petitioner removed to Armenia. *Id.* ¶ 16. Petitioner waived appeal, and he has never filed an appeal with the Board of Immigration Appeals (BIA). *Id.*

On March 12, 2004, INS in Eloy, AZ released Petitioner from custody on Order of Supervision (OSUP). *Id.* ¶ 17; *see also id.*, Ex. A (a copy of the OSUP release paperwork). That order expressly set forth specific conditions of his release, including that he not commit any crimes. *Id.* It also expressly provided that failure to comply with the OSUP requirements will result in a redetermination of his release conditions or his arrest and detention as well as criminal prosecution. *Id.*

On multiple occasions, Petitioner failed to comply with the terms of his OSUP release by engaging in criminal activities after having been released on OSUP. *Id.* ¶ 18; *see, e.g.*, *supra* (identifying multiple convictions between 2006 and 2014).

On November 25, 2025, Immigration and Customs Enforcement (ICE) officers from the Los Angeles Field Office (LAFO) Enforcement and Removal Operations (ERO) assigned to the Los Angeles Alternative to Detention (ATD) / Non-Detained Unit (NDU), encountered Petitioner during a scheduled interview. *Id.* ¶ 19. He was then served with a Warrant of Removal/Deportation (Form I-205), notifying him that DHS intends to execute his final removal order and process him for removal to Armenia. *Id.*

On November 25, 2025, DHS served Petitioner with a Notice of Revocation of Release. *Id.* ¶ 20. This notice was signed by a Supervisory Detention and Deportation

Officer (SDDO), who has been expressly delegated authority to revoke such releases under 8 C.F.R. § 241.4(c)(4), which states in part that: "All references to the Executive Associate Commissioner, the Director of the Detention and Removal Field Office, and the district director in this section shall be deemed to include any person or persons (including a committee) designated in writing by the Executive Associate Commissioner, the Director of the Detention and Removal Field Office, or the district director to exercise powers under this section." *Id.*

The Notice of Revocation of Release notified Petitioner pursuant to 8 C.F.R. § 241.13(i)(2) of changed circumstances in his case, namely that he "can be removed from the United States pursuant to the outstanding order of removal against [him]." *Id.* ¶ 21; *see also id.*, Ex. B (a copy of the Notice of Revocation of Release). He was advised that he "will be given the opportunity to respond to the reasons for the revocation and to provide any evidence to demonstrate that [his] removal is unlikely." *Id.* He was also advised that he must show that he is making reasonable efforts to comply with the order of removal and that he is cooperating with ICE's efforts to remove him by taking whatever actions ICE requests to effectuate his removal. *Id.* The Notice also advised him 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). *Id.*

On November 5, 2025, an informal interview was conducted in which Petitioner had an opportunity to respond to the reasons for revocation of his OSUP. *Id.* ¶ 22; *see also id.*, Ex. C (a copy of the form documenting that an informal interview was conducted pursuant to 8 C.F.R. §§ 241.4(l), 241.13(i)). Petitioner made no comments, provided no written statement or other documents. *Id.*

On November 25, 2025, DHS conducted a travel interview with Petitioner. *Id.* ¶ 23. He cooperated during the interview to fill out the travel document (TD) application and answer any biographical questions. *Id.*

ICE intends to remove Petitioner to Armenia. *Id.* ¶ 24. On December 1, 2025, ERO mailed a travel document request (TDR) packet for him to the Consulate General of Armenia. *Id.* It is DHS's understanding that as of December 3, 2025, his TDR was delivered to and remains pending for active consideration by the Armenian authorities. *Id.*

III. LEGAL STANDARD

A temporary restraining order ("TRO") is an "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008); *see also Lum v. Mercedes-Benz USA, LLC*, 2012 WL 13012454, at *1 (C.D. Cal. Jan. 5, 2012) ("The opportunities for legitimate *ex parte* applications are extremely limited."). The standard for issuing a TRO is "substantially identical" to that for issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A court may grant preliminary injunctive relief to prevent "immediate and irreparable injury." Fed. R. Civ. P. 65(b). To obtain this relief, a plaintiff must establish the "*Winter*" factors: (1) the plaintiff "is likely to succeed on the merits"; (2) the plaintiff "is likely to suffer irreparable harm in the absence of preliminary relief"; (3) "the balance of equities tips in [the plaintiff's] favor"; and (4) "an injunction is in the public interest." *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20). "Because it is a threshold inquiry, when a plaintiff has failed to show the likelihood of success on the merits, [a court] need not consider the remaining three *Winter* elements." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc) (cleaned up).

IV. ARGUMENT[1]

A. Petitioner Cannot Show a Likelihood of Success on the Merits

1. Petitioner cannot show that "there is no significant likelihood of removal in the reasonably foreseeable future"

Petitioner cannot succeed on his claim that he cannot be removed to Armenia in the

[1] Petitioner appears to collaterally attack here his final order of removal. *See, e.g.,*
(footnote cont'd on next page)

reasonably foreseeable future. *See, e.g.*, TRO Application at 9. As an initial matter, 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: His final removal order issued on October 16, 2003. Suarez Decl. ¶ 20. He was detained from then through March 12, 2004, when he was released on OSUP. *Id.* ¶ 21. That is a total of around 5 months. His OSUP release was revoked on or around November 25, 2025, and he has since been in DHS's custody. *Id.* ¶ 23. That is another week or so. That means he has been in custody for less than six months so far. Having such a short total detention time, he cannot prove "there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701; *accord Nguyen*, No. 5:25-cv-03109-MCS-ADS, Docket No. 12 at 6 (C.D. Cal. Dec. 1, 2025) (denying TRO, finding "five months of detention" as "presumptively reasonable under *Zadvydas*").

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

---

TRO Application at 9-10; Petition ¶ 40. This Court lacks jurisdiction over that claim. Congress has made the petition-for-review process in the courts of appeals "the sole and exclusive means for judicial review of an order of removal." 8 U.S.C. § 1252(a)(5). Likewise, § 1252(b)(9) channels into that same process "all questions of law and fact . . . arising from any action taken or proceeding brought to remove an alien . . . ." *See also Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) (referring to § 1252(b)(9) as an "unmistakable 'zipper' clause"). The Ninth Circuit applies § 1252's jurisdictional bars broadly, holding that district courts may not hear claims that are "inextricably linked" to a removal order, even if framed as constitutional or collateral challenges. *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031-33 (9th Cir. 2016); *see also Martinez v. Napolitano*, 704 F.3d 620, 623 (9th Cir. 2012) ("When a claim by an alien, however it is framed, challenges the procedure and substance of an agency determination that is 'inextricably linked' to the order of removal, it is prohibited by section 1252(a)(5)."). Because Petitioner's challenge would require this Court to reconsider or undermine the validity of the removal order, the Court must dismiss that claim for lack of jurisdiction.

> 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). The Ninth Circuit has explained that the *Zadvydas* language requires an alien to show that "he is stuck in a 'removable-but-unremovable limbo,' as the petitioners in *Zadvydas* were[;]" that is, the alien must show he "is unremovable because the destination country will not accept him or his removal is barred by our own laws." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008). Petitioner cannot carry his burden to show so here. *Cf. Winter*, 555 U.S. at 20 (requiring applicant to show—not merely allege—likelihood of success on the merits).

Petitioner merely complains 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's main idea is that over two decades ago (when he had been convicted of multiple serious crimes), the government released him when he could not be removed to Armenia, so he cannot now be removed in 2025. *See, e.g.*, TRO Application at 9. That idea is a nonstarter. 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 Ovsepian*, No. 5:25-cv-01937-MEMF-DFM, Docket No. 46 (C.D. Cal. Oct. 21, 2025) (dismissal). Political relations between the United States and Armenia (a

former U.S.S.R. republic) have changed significantly since 2004. Furthermore, while Armenia may have wished to force the United States to keep Petitioner in 2004 because he had very recently committed serious crimes (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.

Moreover, 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*, No. 16-02186-KS, 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).

Zadvydas does not require Respondents to pre-arrange a noncitizen's removal travel before arresting them, which would often be extremely difficult if not impossible. The constitutional standard is whether there is "a significant likelihood of removal" in the "reasonably foreseeable future"—not whether a removal will occur "imminently"—indeed, the law does not require that "every [noncitizen] not removed must be released after six months." *Id.* Instead, the Supreme Court was clear that the Constitution prevents only "indefinite" or "potentially permanent" detention. *Zadvydas*, 533 U.S. at 689-91.

Courts therefore properly deny *Zadvydas* claims under such circumstances. *See, e.g.*, *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash. Apr. 2, 2008) (denying *Zadvydas* petition where petitioner had been detained more than 14 months post-final order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (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-final order). That Petitioner does not yet have a specific date of anticipated removal does not make his detention indefinite. *See Diouf*, 542 F. 3d at 1233. In any case, DHS intends to remove Petitioner to Armenia, and to that end, his travel documents remain pending for active consideration by Armenia. Suarez Decl. ¶¶ 27-28.

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.

2. Petitioner cannot show that DHS improperly revoked his OSUP and detained him

Petitioner also asks that the Court order that he be released from immigration detention, 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. *Cf. Winter*, 555 U.S. at 20 (requiring applicant to show—not merely allege—likelihood of success on the merits). 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.

Petitioner suggests that revocation procedure was not followed properly. *See, e.g.*, TRO Application at 8. But he submits no evidence of that. Nor can he—after all, he was *immediately* issued a Notice of Revocation of Release upon his detention, (*see* Suarez Decl. ¶ 21; *id.*, Ex. B); he was also *immediately* provided an informal interview, during which he had sufficient opportunity to respond to the reasons for revocation stated in the

Notice of Revocation of Release but opted to make no comments, oral or written (*see id.* ¶ 22; *id.*, Ex. C). Expectedly, his Notice of Revocation of Release notified him pursuant to 8 C.F.R. § 241.13(i)(2) of changed circumstances in his case: That he "can be removed from the United States pursuant to the outstanding order of removal against [him]." *Id.* ¶ 25.[2] The foregoing process is sufficient under the relevant regulations and the U.S. Constitution—and no more process is due to him. *See, e.g.*, 8 C.F.R. § 241.13(i)(3).

To be sure, the government has very broad authority to revoke supervised release that it has granted. *Cf. Moran v. U.S. Dep't of Homeland Sec.*, No. 20-00696, 2020 WL 6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing petitioners' claim that § 241.4(l) [revocation of release] 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."). "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). Indeed, the relevant statute under the INA does not contemplate a pre-detention hearing. *See, e.g.*, 8 U.S.C. § 1231.

The Hon. Judge Blumenfeld denied an injunction in a case alleging insufficient re-detention process, noting that the evidentiary burden was not met, and also that it was unclear that release would be the appropriate remedy for any violations of revocation procedure. *See Ton v. Noem*, No. 5:25-CV-02033-SB-AGR, 2025 WL 2995068, at *4-5

---

[2] To the extent Petitioner argues that the Notice of Revocation was not signed by someone who had the authority to revoke an OSUP, TRO Application at 5-6, that argument fails: Here, it was signed by a Supervisory Detention and Deportation Officer (SDDO) to whom that authority was delegated per 8 C.F.R. § 241.4(c)(4). *See* Suarez Decl. ¶ 24.

(C.D. Cal. Sept. 3, 2025) (denying application for preliminary injunction, noting that "Petitioner has not shown that release is the appropriate remedy for any APA violation"). 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 was not fully satisfactory in all possible respects is insufficient to carry that burden. The Hon. Judge Birotte likewise recently denied an application seeking a TRO based on allegedly defective revocation of supervised release for a noncitizen detained pursuant to a final removal order, explaining why it did not meet the governing legal standard. *See Sanchez v. Bondi*, No. 5:25-CV-02530-AB-DTB, 2025 WL 3190816, at *3 (C.D. Cal. Oct. 3, 2025) ("While the regulations cited by Petitioner, 8 C.F.R. §§ 241.13(i)(1)–(2) and 241.4, establish procedural safeguards—including the requirements that revocation be based on a condition of release violation or on a significant likelihood of removal, and that the noncitizen receive notice and an informal interview—they do not create independent substantive rights that override the statutory grant of detention authority.").

Finally, the appropriate remedy for any such procedural deficiency would not be automatic release from custody, but rather to remedy the specific procedural deficiency that might be established. Injunctive relief must be *narrowly tailored* to the wrong. *See, e.g., Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022). Other District Courts have correctly applied this point of remedy law. In *Ahmad v. Whitaker*, for example, the government revoked the petitioner's release but did not provide him an informal interview. *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). The petitioner argued the revocation of his release was unlawful because, he contended, the federal regulations prohibited re-detention without, among other things, an opportunity to be heard. *Id.* In rejecting his claim, the court held that although the regulations called for an informal interview, petitioner could not establish "any actionable injury from this violation of the regulations" because the government had procured a travel document for the petitioner, and his

removable was reasonably foreseeable. *Id.* Similarly, in *Doe v. Smith*, the U.S. District Court for the District of Massachusetts held that even if the ICE detainee petitioner had not received a timely interview following her return to custody, there was "no apparent reason why a violation of the regulation . . . should result in release." *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The 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.*

So too here. Whatever procedural deficiencies may have hypothetically occurred, they do not warrant Petitioner's release and indeed could be cured by means well short of release. *See, e.g.*, *Pogosyan v. Bondi*, No. 5:25-cv-03121-SRM-AS, Docket No. 13 (C.D. Cal. Dec. 3, 2025) (where an Armenian petitioner-detainee claimed defective informal interview, the court shaped a narrowly tailored relief by ordering respondents to provide petitioner-detainee an informal interview under 8 C.F.R. § 241.13(i)(3) within a week).

B. The Balance of Equities and Public Interest Favors Respondents

It is well settled that the public interest in enforcement of the United States's immigration laws is significant. *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 556–58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant." (collecting cases)); *Nken v. Holder*, 556 U.S. 418, 435 (2009) ("There is always a public interest in prompt execution of removal orders[.]"); *see also Jazi v. Rubio*, No. 25-cv-27 BEN, 2025 WL 2420690, at *2 (S.D. Cal. Aug. 20, 2025) ("Courts should act cautiously when reviewing matters entrusted to the Executive Branch, especially those involving immigration, lest it alter the balance between co-equal branches of government."); *Noem v. Vasquez Perdomo*, 2025 WL 2585637, at *5 (Sept. 8, 2025) (Kavanaugh, J., concurring) ("Especially in an immigration case like this one, it is also important to stress the proper role of the Judiciary . . . . [W]e . . . must decline to step outside our constitutionally assigned role to improperly *restrict* reasonable Executive

branch enforcement of the immigration laws" (emphasis in original)). That significant public interest outweighs Petitioner's private interest here.

V. CONCLUSION

The TRO Application should be denied.

Dated: December 4, 2025

Respectfully submitted,

TODD BLANCHE
Deputy Attorney General
BILAL A. ESSAYLI
First Assistant United States Attorney
DAVID M. HARRIS
Assistant United States Attorney
Chief, Civil Division
DANIEL A. BECK
Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

/s/ Pushkal Mishra
PUSHKAL MISHRA
Special Assistant United States Attorney

Attorneys for Federal Respondents

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 4,999 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 4, 2025

/s/ Pushkal Mishra
PUSHKAL MISHRA