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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 MARZBAN MODY,
15 Petitioner,
16 v.
17 WARDEN, *et al.*,
18 Respondents.
19

Case No. 5:25-cv-03400-FMO-RAO

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

Honorable Fernando M. Olguin
United States District Judge

1 On January 5, 2026, the Court issued an order [Dkt. 13] providing that the
2 Respondents are enjoined from continuing to detain the Petitioner and ordered his
3 release from immigration detention “forthwith.” The Petitioner was released from DHS
4 custody on January 5, 2026. *See* Dkt. 14. The Court’s order further required Respondents
5 to show cause as to why a preliminary injunction should not issue. Respondents hereby
6 show such cause.

7 Providing the Petitioner with the injunctive remedy he sought – release from DHS
8 custody – moots the requested preliminary injunction and this habeas petition more
9 generally. *See, e.g., Javier Gonzales et al. v. Kristi Noem et al.*, 5:25-cv-02054-ODW, Dkt.
10 no. 16 (August 25, 2025 minute order by the Honorable Judge Wright denying as moot
11 petitioners’ pending request for a preliminary injunction given their receipt pursuant to a
12 TRO of 1226(a) bond hearings and issuing the petitioners an order to show cause re:
13 dismissal); Dkt. no. 18 (order dismissing petition); *see also See Iron Arrow Honor Society*
14 *v. Heckler*, 464 U.S. 67, 70 (1983); *United States v. Geophysical Corp. of Alaska*, 732
15 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a claim as to which no
16 effective relief can be granted.”).

17 Petitioner may argue that the case is not moot because Petitioner could theoretically
18 be re-detained. The same argument for continuing to litigate a habeas petition after release
19 has been made in other recent habeas petitions and has been rejected. For example, the
20 Honorable Judge Carter granted a TRO but then denied the PI as moot in *Franciso Coc*
21 *Tut v. Noem*, 5:25-cv-02701-DOC, Dkt. 13 (Oct. 13, 2025). Judge Carter addressed the re-
22 detention argument and rejected it as a basis to sustain a habeas action, explaining, “The
23 Court understands Petitioners’ concerns regarding re-detention. Petitioners may seek relief
24 from the Court should they be re-detained by immigration officials and held without bond
25 pursuant to the Government’s new policy.” *Id.* at 3; *see also Moises Salomon Zaragoza*
26 *Mosqueda v. Noem*, 5:25-cv-002304-CAS, Dkt. 15 (Sept. 17, 2025 minute order by Hon.
27 Judge Snyder, denying PI and issuing OSC re dismissal for mootness given the petitioners’
28 receipt of immigration bond hearings), Dkt. 16 (notice of voluntary dismissal); *Gonzales*

1 v. *Noem*, 5:25-cv-02054-ODW, Dkt. nos. 16-18.

2 The Honorable Judge Slaughter reached a similar result in *J.P. v. Santacruz*, No.
3 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *1 (C.D. Cal. Oct. 24, 2025), a case
4 where the petitioner requested notice and a hearing before a neutral adjudicator prior to
5 his potential future re-detention and/or re-arrest. Judge Slaughter dismissed the case for
6 lack of subject matter jurisdiction, finding, “To the extent Petitioner challenges his future
7 detention and/or arrest at another physical appointment, the court finds Petitioner fails to
8 present sufficient allegations or evidence of the threat of future injury to confer Article III
9 standing.” *Id.* at *4.

10 Accordingly, the OSC re: preliminary injunction should be discharged, and the
11 Petitioner should either voluntarily dismiss the Petition or else be required to respond to
12 an OSC re: Dismissal.

13
14 Dated: January 7, 2026

Respectfully submitted,

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