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8 MARZBAN MODY
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

MARZBAN MODY

Petitioner,

v.

WARDEN, DESERT VIEW ANNEX,
ADELANTO ICE PROCESSING
CENTER; PATRICIA M. COLBERT,
FIELD OFFICE DIRECTOR OF THE
LOS ANGELES FIELD OFFICE OF
IMMIGRATION AND CUSTOMS
ENFORCEMENT; KRISTI NOEM,
SECRETARY OF THE DEPARTMENT
OF HOMELAND SECURITY; PAM
BONDI, ATTORNEY GENERAL OF
THE UNITED STATES

Respondents.

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

**PETITIONER'S REPLY IN
SUPPORT OF EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER;
DECLARATION OF RAMANUJAN
NADADUR**

I. INTRODUCTION

Now that the Court has issued a temporary restraining order (“TRO”), ordering Mr. Mody to be released from custody pending the outcome of his habeas petition, the government seeks to avoid this Court’s jurisdiction by unilaterally dismissing this case. They cannot do so. Mr. Mody’s temporary release, pursuant to the TRO, does not absolve the government of its obligation to honor Mr. Mody’s constitutional rights. Unless and until the government stipulates that Respondents will not re-arrest or re-detain Mr. Mody without notice and a constitutionally compliant hearing, Mr. Mody is entitled to permanent habeas relief.

Moreover, this Court must retain jurisdiction over this case to ensure that Respondents honor the TRO and any future injunction issued by the Court. As of the time of filing, Respondents have already violated the TRO, which required that Mr. Mody be returned to the position he was in prior to his arbitrary arrest by Immigration and Customs Enforcement (“ICE”). Respondents are requiring Mr. Mody to report to ICE on a schedule and have failed to return his immigration documents to him. Mr. Mody was not subject to any ICE supervision prior to his arrest.

II. ARGUMENT

A. The government concedes that Mr. Mody is entitled to the relief he seeks.

In their Opposition, Respondents mainly argue that the instant case should be dismissed on mootness grounds. (Opp’n to Ex Parte Application at 1, Dkt. 15.) They do not object to Mr. Mody receiving preliminary injunctive relief or habeas relief. Therefore, if this Court retains jurisdiction over this matter, it should grant Mr. Mody a preliminary and a permanent injunction, prohibiting Respondents from arresting or detaining Mr. Mody without notice and a constitutionally compliant hearing before a neutral arbiter.

B. Mr. Mody's habeas petition is not moot, and he is entitled to preliminary injunctive relief.

Respondents contend that the instant case is moot because they have released Mr. Mody from custody. (Opp'n to Ex Parte Application at 1-2, Dkt. 15.) However, he has only received temporary relief. The wrong he seeks to redress in his habeas petition—his arrest without notice and a constitutionally compliant hearing—could recur at any time absent permanent relief.

“The basic question in determining mootness is whether there is a present controversy as to which effective relief can be granted.” *Ruiz v. City of Santa Maria*, 160 F.3d 543, 549 (9th Cir. 1998). When a government entity has decided to stop a purported constitutional violation, “the standard for determining whether a case has been mooted by the defendant’s voluntary conduct is stringent: A case might become moot if subsequent events make it absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur.” *Phu Van Ta v. Kristi Noem et al*, No. 5:25-CV-02902-MEMF-JDE, 2025 WL 3764001, at *2 (C.D. Cal. Dec. 22, 2025) (internal citations omitted).

Here, Mr. Mody is in the same position he was in at the time he filed his petition: he remains at risk of arbitrary re-detention by Respondents in violation of his constitutional rights. Respondents must agree not to re-arrest Mr. Mody without notice and a hearing. They have not done so. (Declaration of Ramanujan Nadadur at ¶¶ 3-5.) As a result, an active controversy exists: Mr. Mody has been temporarily released, and there is a risk that he will be unlawfully detained by the Department of Homeland Security (“DHS”) in the future. The Court can redress this wrong through a permanent injunction, prohibiting Respondents from re-detaining Mr. Mody without notice and a constitutionally compliant hearing. Absent such a permanent injunction, Respondents could arbitrarily re-arrest Mr. Mody. This is an especially valid concern for Mr. Mody because he will be re-applying for lawful permanent resident status, and he will soon

1 attend an interview with United States Citizenship and Immigration Services
2 (“USCIS”). The last time he sought to follow this lawful pathway to permanent
3 residence, Immigration and Customs Enforcement (“ICE”) officers arrested and
4 detained him at the interview. And there is reason to believe that history will repeat
5 itself. Recently, ICE and DHS have been arresting the noncitizen spouses of U.S.
6 citizens at USCIS interviews. *See* Miriam Jordan, *Green Card Interviews End In*
7 *Handcuffs for Spouses of U.S. Citizens*, N.Y. Times (Nov. 26, 2025), *available at*
8 <https://www.nytimes.com/2025/11/26/us/trump-green-card-interview-arrests.html>.

9 In short, Mr. Mody has not received any permanent relief, and there is reason to
10 believe that the wrong committed in this case could recur. Therefore, he is entitled to a
11 preliminary injunction while he pursues permanent relief before this Court. *See Esmail*
12 *v. Noem*, No. 2:25-CV-08325-WLH-RAO, 2025 WL 3030589, at *3 n.5 (C.D. Cal.
13 Sept. 26, 2025) (“Given the TRO’s expiration on September 26, 2025, the necessity of
14 further injunctive relief maintaining the status quo during the pendency of litigation
15 means the claim is necessarily *not* moot.”)

16 Federal courts have granted permanent habeas relief in circumstances like the
17 one that exists here. For example, in *Ortega v. Bonner*, 415 F. Supp. 3d 963, 967-68
18 (N.D. Cal. 2019), Respondents “refused to provide any assurance” that the petitioner
19 would not be re-arrested. *Id.* at 969. In granting the habeas petition and permanently
20 prohibiting Respondents from re-detaining the petitioner without due process of law,
21 the *Ortega* court reasoned that the relief petitioner sought, which is the same relief Mr.
22 Mody seeks, could only be enforced by granting permanent injunctive relief. *Id.* The
23 same reasoning applies in Mr. Mody’s case, where, without the permanent protection
24 that this Court has the power to grant, Mr. Mody remains at risk of arbitrary re-
25 detention.

1 **C. Preliminary injunctive relief does not render the present controversy**
2 **moot because this Court must retain jurisdiction to enforce its**
3 **injunction.**

4 There is an additional reason that Mr. Mody's release does not moot his
5 underlying habeas petition: "district courts have continuing jurisdiction to enforce their
6 injunctions." *Crawford v. Hoing*, 37 F.3d 485 (9th Cir. 1994). Such enforcement is
7 particularly important where, as here, the Respondents have not given Mr. Mody any
8 assurance that he would be free from re-detention or re-arrest. (Declaration of
9 Ramanujan Nadadur at ¶¶ 3-5.) In fact, Respondents have ordered Mr. Mody to report
10 to an ICE officer on January 14, 2026. (Ramanujan Nadadur at ¶ 1.) The release order
11 also reflects a future reporting schedule for Mr. Mody. (Ramanujan Nadadur at ¶ 1.)
12 These reporting requirements violate the TRO, which prevents Respondents from
13 imposing release restrictions on Mr. Mody.

14 Moreover, this Court must retain jurisdiction to enforce other aspects of its
15 injunction. As of the time of this filing, Respondents have not returned Mr. Mody's
16 documents to him, including his Indian passport and his original I-94s. (Declaration of
17 Ramanujan Nadadur at ¶ 5.) He needs these documents, so he can apply for lawful
18 permanent resident status. *See USCIS, Checklist of Initial Evidence for I-485* (last
19 updated July 8, 2025) (requiring a copy of a government-issued identity document and
20 parole documentation as part of an adjustment-of-status application).¹ This Court's
21 TRO order sought to return Mr. Mody to the position he was in prior to his arbitrary
22 arrest. And prior to that arrest, Mr. Mody had access to his passport and his I-94s.

23 In summary, this Court must retain jurisdiction in this case to enforce the
24 injunctive relief it has ordered.

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27 ¹ [https://www.uscis.gov/forms/filing-guidance/checklist-of-required-initial-](https://www.uscis.gov/forms/filing-guidance/checklist-of-required-initial-evidence-for-form-i-485-for-informational-purposes-only)
28 [evidence-for-form-i-485-for-informational-purposes-only.](https://www.uscis.gov/forms/filing-guidance/checklist-of-required-initial-evidence-for-form-i-485-for-informational-purposes-only)

III. CONCLUSION

This Court should not dismiss this case. It should grant Mr. Mody preliminary injunctive relief and ultimately permanent injunctive relief, to ensure that his constitutional rights are not violated.

Respectfully submitted,

DATED: January 9, 2026

By /s/ Ramanujan Nadadur
Ramanujan Nadadur
Counsel for Petitioner

Declaration of Ramanujan Nadadur

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3 1. I am counsel to Mr. Marzban Mody in the above-captioned matter, and I
4 am admitted to practice before this Court.

5 2. On January 5, 2026, DHS issued a release order to Mr. Mody, requiring
6 that he report to an ICE officer on January 14, 2026. This release order also contains
7 other requirements. A true and correct copy of this order is attached to this declaration
8 as Exhibit A.

9 3. On January 7, 2026, I wrote an email to AUSA Mallory Lynn regarding
10 the government's Opposition brief and the DHS release order. I stated as follows:
11 "Would the government stipulate to not re-arresting my client absent a hearing or
12 notice, as the court said in its order? My client also has property still in the possession
13 of DHS, including his passport and the originals of his I-94s. If he can have his
14 property returned forthwith, then I think we can agree with your position regarding
15 dismissal."

16 4. On January 7, 2026, AUSA Mallory Lynn responded to my email as
17 follows: "Thanks for reaching out. We'll discuss and get back to you."

18 5. As of the date of this filing, the government has not responded to me
19 regarding its position on re-arrest. Additionally, the government has not informed me
20 how it intends to return my client's property.
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EXHIBIT A

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No. 

Name: MODY, MARZBAN KEKI

Date: Jan 05, 2026

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (person) to Duty officer at as See I-831 on 01/14/2026 07:00 AM directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.

☐ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

MONTEZ, G 6830
SDDO

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the ENGLISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

CERVANTES, H 10450

Deportation Officer

(Signature of ICE Official Serving Order)

01/05/2026

Date

(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

**ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)**

File No.:



Name: MODY, MARZBAN KEKI

Date: January 05, 2026

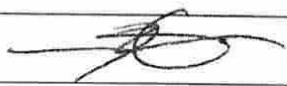
- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☐ Other:

X

(Signature of Alien)

U.S. Department of Homeland Security

Continuation Page for Form I-220A

Alien's Name MODY, MARZBAN KEKI	File Number 	Date Jan 05, 2026
LOCATION OF ICE OFFICE WHICH YOU REPORT TO ----- U.S. IMMIGRATION & CUSTOMS ENFORCEMENT ERO - SANTA ANA, CA SUB-OFFICE 34 CIVIC CENTER PLAZA, ROOM 1027 SANTA ANA CA 92701		
Signature CERVANTES, H 10450 	Title Deportation Officer	

5 of 5 Pages

Appointment Confirmed:

Wednesday, January 14, 2026 07:00AM (PST)

Confirmation #



Please keep this confirmation number for your records.

Selected Location:

SANTA ANA OFFICE HSI ASAC, ERO DFOD (SAA)

34 CIVIC CENTER PLAZA

SANTA ANA, CA 92701

📞 (714) 834-4881

Appointment Information:

👤 Name: **MODY, MARZBAN**

🛂 Alien Number:



🛂 Subject ID:



🛂 Case ID:



📌 Appointment Type: **ATD - Office**

Site Directions:

ICE/ERO Office located in the Santa Ana Federal Building at 34 Civic Center Plaza, Room 1027, Santa Ana, CA 92701.

Site Instructions:

Aliens to report to the Santa Ana Federal Building at 34 Civic Center Plaza, Room 1027, Santa Ana, CA 92701, Monday through Friday from 8:00AM to 4:00PM. 1st Floor Front Desk: (714) 834-4881.