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11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14

15 KAZEM MAJD,
16 Petitioner,
17 v.
18 MARK BOWEN,
19 Respondent.

No. 5:25-cv-03407-RGK-JDE

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

*[Declaration of Cane Langill filed
concurrently herewith]*

Honorable R. Gary Klausner
United States District Judge

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1 **I. INTRODUCTION**

2 Petitioner Kazem Majd, a native and citizen of Iran—currently a detainee in
3 immigration custody since December 11, 2025, who has a final removal order against
4 him—filed a petition for writ of habeas corpus asking the Court to order his release. *See*
5 *Pet. for a Writ of Habeas Corpus* (“Petition”), Dkt. No. 1. He claims mainly that there is
6 no good reason to believe he will be deported to Iran in the reasonably foreseeable
7 future. *See, e.g., id.* at 27 (citing *Zadvydas v. Davis*, 533 U.S. 678 (2001)). He further
8 claims that the government violated governing regulations for revoking his Order of
9 Supervision (OSUP). *Id.* at 28. Petitioner simultaneously filed an Application for
10 Temporary Restraining Order and Preliminary Injunction seeking essentially the same
11 relief. *See App. for Temporary Restraining Order & Preliminary Injunction* (“TRO”),
12 Dkt. No. 4.

13 The TRO Application should be denied for four main reasons.

14 First, and most importantly as set forth below, Respondent is authorized to detain
15 Petitioner while working to effectuate his final order of removal, and he has been
16 detained less than the presumptively valid 6 months under *Zadvydas v. Davis*, 533 U.S.
17 678, 701 (2001). Petitioner argues that his detention runs afoul of *Zadvydas* but does not
18 provide any compelling arguments to challenge the fact that Petitioner’s detention is well
19 within the 6-month limit presumed to be reasonable by *Zadvydas*. Consequently, there is
20 no basis in law or fact to release him at this time.

21 Second, contrary to Petitioner’s allegations, ICE expects to effectuate Petitioner’s
22 removal to Iran in the reasonably foreseeable future. DHS intends to schedule Petitioner
23 for an initial interview to gather information for the submission of a travel document
24 request to Iran.¹ Decl. of Cane Langill (“Langill Decl.”) ¶13. As such, Petitioner’s
25 Application fails to carry the extremely high burden for a TRO release.

26 Third, Petitioner also complains that he does not want to be removed to a third
27

28 ¹ Due to this reason, DHS has not made any request for removal to a third country.

1 country without proper process. However, Petitioner is fully aware that the government
2 intends to remove him to his home country, Iran. There is no evidence that Petitioner in
3 fact faces removal to any third country at all. ICE is preparing to request travel
4 documents from Iran and there are no cognizable barriers to removal to Petitioner's
5 home country.² Judge Garnett recently issued an order denying the Motion for a
6 Temporary Restraining Order of an Iranian national seeking to restrain the Government
7 from deporting the Petitioner to a third country. *See Edwin Shahvaladian v. Merrick*
8 *Garland et al.*, 5:25-cv-03001-SPG-AGR (C.D. Cal. Dec. 16, 2025) [Dkt. no. 8].

9 Lastly, the governing regulations for revoking Petitioner's Order of Supervision
10 were followed. Petitioner is detained for purposes of enforcing his final removal order.
11 To that end, DHS revoked his OSUP. On or around the day of his re-arrest, Petitioner
12 was afforded sufficient process due to him under the applicable regulations and the U.S.
13 Constitution. He was issued a notice of revocation stating that ICE determined he can be
14 removed from the United States pursuant to the outstanding removal order against him
15 (Langill Decl. ¶ 11) was provided with an informal interview giving Petitioner an
16 opportunity to respond to the revocation of his order of supervision. (*id.* ¶ 12).

17 For these reasons, the TRO Application should be denied.

18 **II. FACTUAL BACKGROUND**

19 Petitioner is a native and citizen of Iran who entered the United States at an
20 unknown date and time. Langill Decl. ¶ 4.

21 **A. Initial Criminal History**

22 On or about August 11, 1996, Petitioner was convicted of theft/petty theft in
23 violation of California Penal Code §484-488 and sentenced to 1 day in jail and three
24 years of probation. Langill Decl. ¶ 5. On January 15, 1999, Petitioner was convicted of
25 possession of forged notes in violation of CPC § 475 and sentenced to 365 days in jail.

26
27 ² Indeed, changed political circumstances have now made Iranian deportations
28 possible. *See, e.g.*, <https://www.bbc.com/news/articles/cgrql7gd10do>.

1 *Id.*, ¶ 6.

2 **B. Final Order of Removal**

3 On August 9, 2004, an Immigration Judge ordered Petitioner removed to Iran.
4 Langill Decl. ¶ 7.

5 **C. Further Criminal History**

6 On or about February 13, 2013, Petitioner was convicted of theft in violation of
7 CPC § 484-488 and of providing a false identification to a peace officer in violation of
8 CPC § 148.9(A) and sentenced to 10 days in jail. Langill Decl. ¶ 8. On November 13,
9 2013, Petitioner was convicted of theft in violation of CPC § 484(A) and sentenced to 1
10 day in jail and three years of probation. *Id.*, ¶ 9.

11 **D. Petitioner's Detention**

12 On December 11, 2025, Petitioner was taken back into ICE custody for removal.
13 Langill Decl. ¶ 10. On the same day, Petitioner was served with a Notice of Revocation
14 of Release. *Id.*, ¶ 11. Also on December 11, 2025, an informal interview was conducted
15 by the arresting office in which Petitioner had an opportunity to respond to the
16 revocation of his order of supervision. *Id.*, ¶ 12.

17 **E. Removal to Iran**

18 ICE intends to schedule Petitioner for an initial interview to gather information for
19 the submission of a travel document request to Iran. Langill Decl. ¶ 13. On or about
20 December 16, 2025, Deportation Officer Langill spoke to Petitioner in person about his
21 concerns related to obtaining medical assistance for his health issues. *Id.*, ¶ 14.
22 Deportation Officer Langill then alerted facility medical staff and forwarded documents
23 to facility medical staff that were provided by Petitioner. *Id.*

24 **III. STANDARD OF REVIEW**

25 Courts have recognized very few circumstances justifying the issuance of an ex
26 parte temporary restraining order. *See Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d
27 1126, 1131 (9th Cir. 2006). A TRO is "an extraordinary and drastic remedy ... that
28 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). Where a litigant seeks their ultimate relief by preliminary injunctive means, that is improper since “judgment on the merits in the guise of preliminary relief is a highly inappropriate result.” *Senate of California v. Mosbacher*, 968 F.2d 974, 978 (9th Cir. 1992).

IV. ARGUMENT

A. Petitioner Has Not Shown a Likelihood of Success on the Merits Because He Has Not Established That “There Is No Significant Likelihood of Removal in the Reasonably Foreseeable Future”

Showing a likelihood of success on the merits is a requisite threshold issue. Indeed, “when a plaintiff has failed to show the likelihood of success on the merits, [the court] need not consider the remaining three *Winters* elements.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (cleaned up). To succeed on a habeas petition, Petitioner must show that he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241. Although Petitioner is being detained in this district, he has not shown, and indeed cannot show, that his current custody is unlawful.

The INA governs the detention and release of noncitizens during and following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). When a noncitizen receives a final removal order, their detention is mandatory for the following 90 days. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE’s discretion under 8 U.S.C. § 1231(a)(6). Under *Zadvydas v. Davis*, detention for six months following a final removal order is presumptively valid. 533 U.S. 678, 701 (2001). After that time, a noncitizen may request release, and it is his burden to show “there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* The law does not require that “every [noncitizen] not removed must be released after six months.” *Id.* Instead, it

1 prevents only “indefinite” or “potentially permanent” detention. *Id.* at 689–91.

2 Here, Petitioner does not challenge the validity of his final removal order or that 8
3 U.S.C. § 1231(a)(6) governs his detention. He primarily argues that Respondent has not
4 established the foreseeability of removal. That contention is both factually incorrect and
5 misapprehends the *Zadvydas* standard.

6 In *Zadvydas*, the Supreme Court instructed that detention for six months following
7 a final removal order is presumptively valid.

8 After this 6–month period, once the alien provides good reason to believe that
9 there is no significant likelihood of removal in the reasonably foreseeable
10 future, the Government must respond with evidence sufficient to rebut that
11 showing. And for detention to remain reasonable, as the period of prior
12 postremoval confinement grows, what counts as the “reasonably foreseeable
13 future” conversely would have to shrink. This 6–month presumption, of
14 course, does not mean that every alien not removed must be released after six
15 months. To the contrary, an alien may be held in confinement until it has been
16 determined that there is no significant likelihood of removal in the reasonably
17 foreseeable future.

18 *Zadvydas*, 533 U.S. at 701. Thus, according to *Zadvydas*, the noncitizen “may be held in
19 confinement until it has been determined that there is ***no significant likelihood of removal***
20 ***in the reasonably foreseeable future.***” *Id.* (bold italic emphasis added).

21 Here, there *is* a significant likelihood that Petitioner will be removed to Iran in the
22 reasonably foreseeable future. The government intends to request the necessary travel
23 documents. *See* Langill Decl., ¶ 13.

24 Courts properly deny *Zadvydas* claims under such circumstances. *See Prieto-*
25 *Romero v. Clark*, 534 F.3d 1053, 1065 (9th Cir. 2008) (detention not indefinite under
26 *Zadvydas* where detainee occasioned delay of removal by filing petition for review of
27 removal with Ninth Circuit); *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash.
28 Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition where petitioner had been detained

1 more than 14 months post-final order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at
2 *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (holding petitioner “failed to satisfy his
3 burden of showing that there is no significant likelihood of his removal in the reasonably
4 foreseeable future” where he had been detained more than seven months post-final order).
5 That Petitioner does not yet have a specific date of anticipated removal does not make his
6 detention indefinite. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008) (where
7 there is no evidence that the country of removal would refuse to accept the petitioner or
8 that removal is barred by the laws of the United States, that the detention did not have a
9 certain end date did not demonstrate that detention was “indefinite”).

10 Recently in *Magzanyan Samuel v. Department of Homeland*, 5:25-cv-01703-RGK-
11 PVC [Dkt. no. 16] (October 6, 2025), this Honorable Court denied a detainee’s *ex parte*
12 motion for a temporary restraining order and dismissed the underlying Petition. The
13 petitioner in that case asserted that he could not be removed to Armenia because Armenia
14 had previously refused to recognize him as a citizen and had not issued travel documents.
15 *Id.* The court, however, found such conclusory statements to be insufficient and found that
16 the claim would not succeed on the merits at this time. *Id.*

17 Petitioner has failed to establish a likelihood of success on his claims that his
18 detention is unlawful, the Application should be denied.

19 **B. Petitioner’s Allegations about Procedural Deficiencies in His Re-**
20 **detention Do Not Establish a Basis for a TRO**

21 Petitioner argues that ICE failed to follow procedure when it detained him,
22 violating the Petitioner’s constitutional right to due process. However, Petitioner was
23 both served with a Notice of Revocation and provided with an informal interview giving
24 Petitioner a chance to respond to the revocation of his order of supervision. As the Ninth
25 Circuit recognized, “[w]hile the regulation provides the detainee some opportunity to
26 respond to the reasons for revocation, it provides no other procedural and no meaningful
27 substantive limit on this exercise of discretion as it allows revocation ‘when, in the
28 opinion of the revoking official ... [t]he purposes of release have been served ... [or] [t]he

1 conduct of the alien, or *any other circumstance*, indicates that release would no longer be
2 appropriate.” *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion*
3 *amended and superseded*, 591 F.3d 1105 (9th Cir. 2010), citing §§ 241.4(l)(2)(i), (iv)
4 (emphasis in original). The government is thus broadly authorized to exercise its
5 discretion to revoke such release pursuant to 8 CFR § 241.1(l)(1), and 8 CFR §
6 241.4(l)(2).

7 Also, contrary to Petitioner’s assertion that he “never violated his OSUP and has
8 no criminal arrests or convictions since his removal order” (Petition at 1), Petitioner
9 indeed committed and was convicted of two instances of theft in violation of CPC § 484-
10 488 and CPC § 484(a) in February and then November of 2013, respectively (*See* Langill
11 Decl. ¶ 8, 9).

12 While a small number of District Court decisions have found that a supervised
13 release was not properly revoked, such decisions generally (1) involve a non-citizen’s
14 detention *during* their removal proceedings (i.e. before the non-citizen has yet been
15 found removable by an Immigration Court), rather than their detention after an
16 administratively final removal order is issued; (2) typically involve no revocation
17 documentation at all—which is not the case here. Contrary to Petitioner’s contention that
18 the Notice of Revocation did not provide reasons, the Notice of Revocation is attached
19 hereto as Exhibit A and states:

20 This letter is to inform you that your case has been reviewed and it has
21 been determined that you will be kept in the custody of the U.S. Immigration
22 and Customs Enforcement (ICE) at this time. This decision has been made
23 based on a review of your immigration and criminal history.

24 Based on the above, and pursuant to 8 C.F.R. § 241.4, you are to remain in
25 ICE custody at this time.

26 (Notice of Revocation of Release).

27 Consequently, there were not deficiencies in the revocation of Petitioner’s release
28 as alleged. Assuming for the sake of argument that there were, the appropriate remedy

1 for any such procedural deficiency would *not* be automatic release from custody, but
2 rather to remedy the specific procedural deficiency that might be established. That is
3 consistent with the well-established principle that injunctive relief must be *narrowly*
4 *tailored* to the specific wrong at issue. *See e.g. Rodriguez Diaz v. Garland*, 53 F.4th
5 1189, 1214 (9th Cir. 2022).

6 Other District Courts have correctly applied this point. In *Ahmad v. Whitaker*, for
7 example, the government revoked the petitioner’s release but did not provide him an
8 informal interview. *Ahmad v. Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4,
9 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019). The petitioner
10 argued that revocation of his release was unlawful because, he contended, the federal
11 regulations prohibited re-detention without, among other things, an opportunity to be
12 heard. *Id.* In rejecting his claim, the court held that although the regulations called for an
13 informal interview, petitioner could not establish “any actionable injury from this
14 violation of the regulations” because the government had procured a travel document for
15 the petitioner, and his removable was reasonably foreseeable. *Id.* Similarly, in *Doe v.*
16 *Smith*, the U.S. District Court for the District of Massachusetts held that even if the ICE
17 detainee petitioner had not received a timely interview following her return to custody,
18 there was “no apparent reason why a violation of the regulation ... should result in
19 release.” *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court
20 elaborated, “[I]t is difficult to see an actionable injury stemming from such a violation.
21 Doe is not challenging the underlying justification for the removal order.... Nor is this a
22 situation where a prompt interview might have led to her immediate release—for
23 example, a case of mistaken identity.” *Id.*

24 The Honorable Judge Birotte Jr. recently denied a TRO seeking to assert such a
25 re-detention procedure challenge. *See Sanchez v. Bondi*, No. 5:25-cv-02530-AB, 2025
26 U.S. Dist. LEXIS 196639, at *13 (C.D. Cal. Oct. 3, 2025) (order denying TRO). Indeed,
27 much like Petitioner’s argument here, the Court noted that “[p]etitioner has not produced
28 evidence showing that the SDDO lacked authority to revoke supervision or that ICE’s

1 procedures were fundamentally flawed. Even more, the absence of additional details
2 regarding the identity of the SDDO or a formal interview, while potentially imperfect
3 under the regulations, does not negate the statutory authority provided by § 1231(a)(2)–
4 (6).” *Id.* at *7. *See also Ton v. Noem*, No. 5:25-CV-02033-SB, 2025 WL 2995068, at *1
5 (C.D. Cal. Sept. 3, 2025) (denying preliminary injunction to petitioner who was born in
6 refugee camp in Hong Kong and came to the United States 45 years ago).

7 Even if there were violations of release revocation procedure, which have not been
8 established, they would not warrant a TRO barring detention.

9 **C. Petitioner’s Request for a TRO against Third Country Removal Is**
10 **Unsupported by Any Evidence: He Is Being Removed to Iran**

11 Petitioner claims he should be granted a bar against third country removals. But he
12 submits no evidence that he faces such a removal. This is not a third country removal
13 case. Respondent is taking steps to remove the instant Petitioner to his home nation of
14 Iran—not a third country. *See* Langill Decl. ¶ 13. There are no barriers to removing him
15 to Iran, he has not been told he will be removed to another country, and individuals in his
16 situation are routinely removed to Iran. He does not have a bar against removal to his
17 home nation like a CAT claim or withholding of removal granted by an Immigration
18 Court. To routinely order a bar on third country removals—with no evidence that such a
19 removal is at issue—anytime a noncitizen raises a *Zadvydas* claim would transgress
20 upon the heavy standard required for granting a TRO.

21 **D. Alleged Violations of the APA Are Not Grounds for Release**

22 Petitioner’s argument that he should be released for violations of the APA should
23 be rejected. Only final agency action is reviewable under the APA. *See Bennett v Spear*,
24 520 U.S. 154, 177-78 (1997). A court may set aside such final agency action that is
25 “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5
26 U.S.C. § 706. Under this standard, “[t]he scope of [the Court’s] review is narrow; ... ‘a
27 court is not to substitute its judgment for that of the agency.’” *Judulang v. Holder*, 565
28 U.S. 42, 52-53 (2011) (citation omitted). For a district court to review an agency’s action

1 pursuant to 5 U.S.C. § 706(2), there must be a “final agency action” that can be
2 reviewed. Two conditions must be met for there to be a “final agency action” sufficient
3 for APA review: “First, the action must mark the consummation of the agency’s decision
4 making process . . . it must not be of a merely tentative or interlocutory nature. And
5 second, the action must be one by which rights or obligations have been determined, or
6 from which legal consequences will flow.” *Gallo Cattle Co. v. U.S. Dep’t of Agric.*, 159
7 F.3d 1194, 1198-99 (9th Cir. 1998) (internal quotation and citations omitted); see also
8 *FTC v. Standard Oil Co.*, 449 U.S. 232, 241 (1980) (action must be a definitive
9 statement of the agency’s position).

10 The Honorable Judge Blumenfeld rejected a similar APA argument denied in *Ton*
11 *v. Noem*, 5:25-cv-02033-SB-AGR, 2025 WL 2995068, at *1 (C.D. Cal. Sept. 3, 2025)
12 (order denying application for PI). Like here, the petitioner Ton “provide[d] little more
13 than conclusory assertions about the facts and the law” in support of the APA argument.
14 *Id.* at p.6. The Court concluded that “Plaintiff has not shown in these circumstances that
15 there is a final agency action subject to APA review, much less that the government
16 failed to observe its own procedures in reaching its decision.” *Id.* at *5. The Court should
17 reach the same conclusion here.

18 **E. Petitioner Has Not Shown He Will Suffer Irreparable Harm Absent a**
19 **TRO**

20 Finally, Petitioner has not demonstrated that he will suffer irreparable injury
21 absent his release. To show irreparable harm, he must demonstrate “immediate
22 threatened injury.” *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674
23 (9th Cir. 1988) (citing *L.A. Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d
24 1197, 1201 (9th Cir. 1980)). “Issuing a preliminary injunction based only on a possibility
25 of irreparable harm is inconsistent with [the Supreme Court’s] characterization of
26 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
27 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22.

28 Petitioner is in advanced age with several medical conditions and necessary

1 treatment. Facility medical staff has been alerted to the conditions raised by Petitioner.
2 See Langill Decl. ¶ 14. Petitioner is subject to a final order of removal, and the
3 government has taken steps to effectuate his removal to his country of origin in the
4 foreseeable future. Petitioner's re-detention is "common to all [noncitizens] seeking
5 review of their custody or bond determinations." See *Resendiz v. Holder*, 2012 WL
6 5451162, at *5 (N.D. Cal. Nov. 7, 2012). He has not shown extraordinary circumstances
7 warranting the emergency relief requested.

8 **F. The Balance of Interests Favors the Respondent**

9 It is well settled that the public interest in enforcement of the United States's
10 immigration laws is significant. See, e.g., *United States v. Martinez-Fuerte*, 428 U.S.
11 543, 556–58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C.
12 Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement
13 of the immigration laws is significant.") (citing cases); see also *Nken v. Holder*, 556 U.S.
14 418, 435 (2009) ("There is always a public interest in prompt execution of removal
15 orders[.]"); see also *Noem v. Vasquez Perdomo*, No. 25A169, 2025 WL 2585637, at *2
16 (U.S. Sept. 8, 2025) (Kavanaugh, J. concurrence) (finding the equities favor the
17 government in enforcing its current immigration priorities "given the millions of
18 individuals illegally in the United States, the myriad 'significant economic and social
19 problems' caused by illegal immigration, and the Government's efforts to prioritize
20 stricter enforcement of the immigration laws enacted by Congress.") (internal citation
21 omitted). This public interest outweighs Petitioner's private interest here. The
22 government has valid reasons and statutory bases for detaining him to effectuate his
23 removal pursuant to his valid final removal order.

24 **V. CONCLUSION**

25 For all the above reasons, the Respondent respectfully requests that Petitioner's *Ex*
26 *Parte* TRO Application be denied.
27
28

Respectfully submitted,

Dated: December 17, 2025

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondent, certifies that the memorandum of points and authorities contains 3,739 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 17, 2025

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