

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RAPHAEL GEVORGYAN,
Petitioner,
v.
KRISTI NOEM, et al.,
Respondents.

Case No. 5:25-cv-03408-SRM-ADS

**ORDER GRANTING, IN PART, EX
PARTE APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER [4]**

I. INTRODUCTION

Before the Court is Petitioner Raphael Gevorgyan's Ex Parte Application for a Temporary Restraining Order ("*Ex Parte* Application"). Dkt. 4. Respondents oppose the *Ex Parte* Application ("*Opposition*"). Dkt. 8. The Court has reviewed the parties' arguments, relevant legal authority, and record in this case. The *Ex Parte* Application is **GRANTED, IN PART.**

II. BACKGROUND

The following facts are derived from the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 ("*Petition*"), the contents of which are verified by Petitioner's attorney, and the exhibits attached to the *Opposition*. See Dkt. 1; Dkt. 8-1.

1 Petitioner is a citizen of the former Soviet Union. Dkt. 1 at 2.¹ He entered the United
2 States as a refugee in 1990 when he was five years old. *Id.* In 2014, Petitioner obtained
3 lawful permanent resident status. *Id.* On May 24, 2019, an immigration judge ordered
4 Petitioner removed from the United States to Armenia. *Id.*; Dkt. 8-1 at 1.

5 Following the removal order, Immigration and Customs Enforcement (“ICE”) was
6 unable to secure travel documents to deport Petitioner to Armenia because, according to
7 the Consulate General of Armenia, he is not an Armenian citizen. Dkt. 1 at 2. As a result,
8 on July 29, 2019, ICE released Petitioner from custody and placed him on supervision
9 subject to certain conditions of release. *Id.* Petitioner agreed, for example, “not [to]
10 commit any crimes while on this Order of Supervision.” Dkt. 8-1 at 7. ICE warned
11 Petitioner that “violation of these conditions may result in [him] being taken into Service
12 custody and you being criminally prosecuted.” *Id.* at 7. Between June 2022 and August
13 2025, Petitioner was convicted of multiple crimes. *Id.* at 2.

14 On November 10, 2025, officers from the Burbank Police Department conducted a
15 traffic stop where Petitioner’s wife was the driver, and he was the passenger. Dkt. 1 at 3.
16 The officers mistook Petitioner for his brother, who was subject to an active arrest
17 warrant, and arrested him. *Id.*

18 On November 12, 2025, Petitioner was released from police custody. *Id.* ICE
19 detained Petitioner upon his release. *Id.* According to Petitioner’s attorney, the ICE
20 officers told Petitioner they were revoking his supervision and “that they intended to seek
21 his removal to a third country.” *Id.* At 5:00 p.m. that day, Deportation Officer D. Young
22 served Petitioner with a Notice of Revocation of Release (“Notice”). *See* Dkt. 8-1 at 11–
23 12. The Notice stated ICE was revoking his release pursuant to 8 C.F.R. § 241.13
24 (“Section 241.13”) because of his arrest on November 10. *Id.* at 11.

25 On December 16, 2025, Petitioner filed the Petition. *See* Dkt. 1. He names as
26 Respondents Kristi Noem, Secretary of the United States Department of Homeland
27

28 ¹ Page citations refer to CM/ECF pagination.

1 Security; Pamela Bondi, Attorney General of the United States; Todd Lyons, Acting
2 Director of ICE; Jaime Rios, Acting Director of the Los Angeles Field Office of ICE's
3 Enforcement and Removal Operations Division; Fereti Semaia, Warden of the Adelanto
4 ICE Processing Center; the United States Department of Homeland Security; and ICE.
5 Dkt. 1 at 6–7.

6 Petitioner asserts five claims against Respondents. *Id.* at 13–17. The first claim
7 asserts that Respondents did not properly revoke his release under Section 241.13(i)(2)
8 because there is no significant likelihood that his removal is reasonably foreseeable. *Id.* at
9 13–14. The second claim asserts that Respondents violated the procedures for revoking
10 his release under Section 241.13(i)(3) (“revocation procedures claim”). *Id.* at 14. The
11 third claim asserts that Respondents violated 8 U.S.C. § 1231(a)(6) (“Section 1231”)
12 because his removal is not reasonably foreseeable. *Id.* at 15. The fourth claim asserts that
13 Respondents violated Section 1231 and the Fifth Amendment’s Due Process Clause
14 because they did not provide him with an individualized determination as to whether his
15 re-detention was warranted. *Id.* at 16. The fifth claim asserts ICE’s new procedures for
16 removing noncitizens to a third country violates unspecified statutory and regulatory
17 provisions that require Respondents to give a noncitizen a forum to demonstrate an
18 individualized risk of torture or persecution in a specific country (“third-country removal
19 claim”). *Id.* at 16–17.

20 Petitioner also filed this Ex Parte Application on December 16. *See Dkt. 4.* He asks
21 the Court to temporarily (1) enjoin Respondents from transferring him out of the Central
22 District of California; (2) order Respondents to immediately release him from custody
23 and to place him back on supervision; (3) enjoin Respondents from removing him to a
24 third country without adequate notice; and (4) enjoin Respondents from re-detaining him
25 without a court order or “absent the provision of an informal interview where Petitioner
26 can contest the reason for the revocations of his OSUP and demonstrate that his removal
27 is not reasonably foreseeable.” Dkt. 4-1 at 7–8.

1 On December 16, this Court directed Respondents to file an opposition by
2 December 23, 2025, and directed Petitioner to file a reply by December 26, 2025. Dkt. 6.

3 On December 23, 2025, at 6:50 p.m., Respondents filed their Opposition with
4 evidence in support. *See* Dkt. 8; Dkt. 8-1. This evidence shows that just a few hours
5 before the Opposition was filed, Deportation Officer J. Preciado served Petitioner with an
6 Amended Notice of Revocation of Release (“Amended Notice”). Dkt. 8-1 at 14–15. The
7 Amended Notice states that ICE was now revoking his release under Section 241.13 and
8 8 C.F.R. § 241.4 due to his convictions from 2022 through 2025, his recent arrest, and
9 because ICE has now determined that he could be “expeditiously removed from the
10 United States[.]” *Id.* at 14. According to a document titled Alien Informal Interview Upon
11 Revocation of Supervision Under 8 C.F.R. § 241.4(l); 8 C.F.R. § 241.13(j), Officer
12 Preciado informally interviewed Petitioner on December 23, 2025. *See id.* at 17. The
13 form states that Preciado made the following oral response to the reasons for his
14 revocation: “N/A.” *Id.* The form also claims that Petitioner did not provide a written
15 statement or any documents. *Id.*

16 The *Ex Parte* Application is now fully briefed and ready for decision.

17 **III. LEGAL STANDARD**

18 Federal Rule of Civil Procedure 65(b) governs temporary restraining orders
19 (“TRO”). A TRO is an extraordinary remedy meant to preserve the *status quo* and to
20 prevent irreparable harm “just so long as is necessary to hold a hearing and no longer.”
21 *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of*
22 *Alameda Cnty.*, 415 U.S. 423, 439 (1974).

23 The standard for issuing a TRO and preliminary injunction is the same. *See Xuyue*
24 *Zhang v. Barr*, 612 F. Supp. 3d 1005, 1012 (C.D. Cal. 2020) (citing *Stuhlbarg Int’l Sales*
25 *Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)). To obtain
26 a TRO, the movant must establish “that he is likely to succeed on the merits, that he is
27 likely to suffer irreparable harm in the absence of preliminary relief, that the balance of
28 equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat.*

1 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The final two factors merge when a TRO
2 is sought against the government, as is true here. *Nken v. Holder*, 556 U.S. 418, 435
3 (2009).

4 In cases where there may be a strong showing on the balance of hardships but a
5 weaker showing on the likelihood of success, a movant may still obtain a TRO under the
6 Ninth Circuit’s sliding-scale approach. *Where Do We Go Berkeley v. Cal. Dep’t of*
7 *Transp.*, 32 F.4th 852, 859 (9th Cir. 2022). Under this sliding-scale approach, a movant
8 may obtain a TRO if the movant can show (1) there are serious questions going to the
9 merits, (2) there is a likelihood of irreparable injury, (3) the balance of hardships tips
10 sharply towards the movant, (4) and the injunction is in the public’s interest. *All. for the*
11 *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). “‘Serious questions’ are
12 ones ‘that “cannot be resolved one way or the other at the hearing on the injunction
13 because they require more deliberative investigation.”’” *Flathead-Lolo-Bitterroot Citizen*
14 *Task Force v. Montana*, 98 F.4th 1180, 1192 (9th Cir. 2024) (quoting *Manrique v. Kolc*,
15 65 F.4th 1037, 1041 (9th Cir. 2023)). “They ‘need not promise a certainty of success, nor
16 even present a probability of success, but must involve a “fair chance of success on the
17 merits.”’” *Id.* (quoting *Republic of the Phil. v. Marcos*, 862 F.2d 1355, 1362 (9th Cir.
18 1988)). Even under this sliding-scale approach, a movant must still “make a showing on
19 all four prongs.” *Cottrell*, 632 F.3d at 1135.

20 The movant carries the burden of persuasion and must make a clear showing of
21 entitlement to the requested relief. *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012).
22 Given the exigent nature of a TRO, a movant can rely on allegations in a verified
23 complaint, exhibits, declarations, or affidavits, even if inadmissible under the Federal
24 Rules of Evidence. *See Thalheimer v. City of San Diego*, 645 F.3d 1109, 1116 (9th Cir.
25 2011) (“A verified complaint may be treated as an affidavit, and, as such, it is evidence
26 that may support injunctive relief.”), *overruled on other grounds by Board of Trs. of*
27 *Glazing Health & Welfare Tr. v. Chambers*, 941 F.3d 1195, 1199 (9th Cir. 2019) (en
28 banc); *Flynt*, 734 F.2d at 1394 (“The trial court may give even inadmissible evidence

1 some weight, when to do so serves the purpose of preventing irreparable harm before
2 trial.”); *K-2 Ski Co. v. Head Ski Co.*, 467 F.2d 1087, 1088 (9th Cir. 1972) (“A verified
3 complaint or supporting affidavits may afford the basis for a preliminary injunction.”).
4 Unverified allegations in the pleadings and unsupported and conclusory statements are
5 not enough to prevail on a motion for a TRO. *See Herb Reed Enters., LLC v. Fla. Ent.*
6 *Mgmt., Inc.*, 736 F.3d 1239, 1250 (9th Cir. 2013) (reversing district court’s order granting
7 preliminary injunction where it relied on unsupported and conclusory statements);
8 *Greenberg v. Guzman*, No. CV 14-00866, 2014 WL 12569551, at *2 (C.D. Cal. July 28,
9 2014) (“A motion for preliminary injunction must be supported by ‘[e]vidence that goes
10 beyond the unverified allegations of the pleadings.’”) (quoting 9 Charles Alan Wright &
11 Arthur R. Miller, *Fed. Prac. & Proc.* § 2949 (2011)).

12 **IV. DISCUSSION**

13 **A. Likelihood of Success on the Merits**

14 Petitioner argues he is likely to succeed on all his claims. Dkt. 4-1 at 11–17. For
15 the reasons stated below, the Court only addresses the revocation procedures claim
16 (Claim 2) and the third-country removal claim (Claim 5).

17 **1. Revocation Procedures Claim (Claim 2)**

18 Petitioner argues he is likely to succeed on his revocation procedures claim
19 because Respondents violated the procedures for revoking his release as required under 8
20 C.F.R. § 241.13(j)(3). Dkt. 4-1 at 14–15.

21 The Fifth Amendment’s Due Process Clause prohibits the government from
22 depriving a person of life, liberty, and property without due process of law. *See U.S.*
23 *Const. amend. V*. At its core, due process requires the government to give a person
24 reasonable notice and an opportunity to be heard. *See A. A. R. P. v. Trump*, 605 U.S. 91,
25 94–95 (2025) (citing *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314
26 (1950)). These protections extend to all persons physically present in the United States.
27 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). This includes noncitizens and those whose
28 presence is “lawful, unlawful, temporary, or permanent.” *Id.* The Supreme Court has

1 repeatedly held for over a century that noncitizens present in the United States must be
2 afforded certain procedural due process protections before they are detained or removed.
3 *See, e.g., A. A. R. P.*, 605 U.S. at 94 (“‘It is well established that the Fifth Amendment
4 entitles aliens to due process of law’ in the context of removal proceedings.”) (quoting
5 *Reno v. Flores*, 507 U.S. 292, 306 (1993)); *Zadvydas*, 533 U.S. at 693 (holding that the
6 Due Process Clause protects noncitizens subject to a final order of deportation); *Reno*,
7 507 U.S. at 306 (determining that due process is afforded to noncitizens); *Wong Wing v.*
8 *United States*, 163 U.S. 228, 238 (1986) (concluding that the Due Process Clause protects
9 noncitizens subject to removal order); *Yamataya v. Fisher*, 189 U.S. 86, 100 (1903)
10 (stating that administrative officers may not disregard due process of law when executing
11 the deportation of noncitizens).

12 The Immigration and Nationality Act details the procedures for removing a
13 noncitizen from the United States. *Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021).
14 When a noncitizen has been ordered removed, ICE must remove the noncitizen within 90
15 days. 8 U.S.C. § 1231(a)(1)(A). If the noncitizen is not removed within 90 days, he must
16 be released subject to supervision governed by 8 C.F.R. §§ 241.4 (“Section 241.4”) or
17 241.13 (“Section 241.13”). *See id.* § 1231(a)(3).

18 To revoke release, ICE must comply with certain procedures. *See* 8 C.F.R.
19 §§ 241.4(l)(1), 241.13(i)(3). “*Upon revocation*,” ICE must notify the noncitizen of the
20 reasons for revoking his release. *Id.* (emphasis added). Once the noncitizen is returned to
21 ICE’s custody, it must “conduct an initial informal interview *promptly*” to afford the
22 noncitizen an opportunity to respond to the reasons for his revocation. *Id.*

23 ICE, like any federal agency, has a duty to follow its own regulations. *See United*
24 *States v. Ramos*, 623 F.3d 672, 683 (9th Cir. 2010). Because these regulations were
25 promulgated to protect fundamental due process rights afforded to released noncitizens
26 who have been ordered removed, ICE’s failure to follow such regulations violates due
27 process, even in the absence of prejudice to the noncitizen. *See United States v.*
28 *Raya-Vaca*, 771 F.3d 1195, 1205 (9th Cir. 2014) (explaining that a regulation that

1 protects fundamental due process rights “implicates due process concerns even without a
2 prejudice inquiry”); *see also Delkash v. Noem*, No. 5:25-cv-01675, 2025 WL 2683988, at
3 *5 (C.D. Cal. Aug. 28, 2025) (concluding petitioner was likely to succeed on procedural
4 due process claim where evidence showed the government failed to comply with due
5 process requirements of Section 241.13(i)(3)); *Hoac v. Becerra*, No. 2:25-cv-01740, 2025
6 WL 1993771, at *3–4 (E.D. Cal. July 16, 2025) (concluding petitioner showed a
7 likelihood of success on procedural due process claim where evidence showed ICE did
8 not provide noncitizen with an initial interview).

9 Petitioner is likely to succeed on the merits of this claim. On November 12, 2025,
10 Respondents took Petitioner into custody and served him with the Notice that stated his
11 release was being revoked because of his recent arrest. Dkt. 1 at 3; Dkt. 8-1 at 11–12.
12 Respondents did not provide him with an informal interview until December 23, 2025—
13 42 days after ICE took him into custody. *See Dkt. 8-1 at 17*. While Section 241.13(i)(3)
14 does not define what it means to conduct a “prompt” informal interview, providing an
15 informal interview 42 days or nearly six-weeks after re-detention cannot be reasonably
16 construed as “prompt.” *See Martinez v. Noem*, No. 25-cv-2740, 2025 WL 3171738, at *3
17 (S.D. Cal. Nov. 13, 2025) (holding respondents violated Section 241.13’s promptness
18 requirement where petitioner received informal interview 32 days after re-detention);
19 *Rasakhamdee v. Noem*, No. 3:25-cv-02816, 2025 WL 3102037, at *5 (S.D. Cal. Nov. 6,
20 2025) (holding respondents violated Section 241.13’s promptness requirement where
21 petitioner received informal interview 6 weeks after re-detention); *M.S.L. v. Bostock*, No.
22 6:25-cv-01204, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025) (holding respondents
23 violated Section 241.13’s promptness requirement where petitioner received informal
24 interview 27 days after re-detention).

25 Respondents argue that the belated informal interview was prompt because it was
26 given the same day they served the Amended Notice. Dkt. 8 at 15–16. Section
27 241.13(i)(3) makes clear, however, that ICE must “conduct an initial informal interview
28 promptly after his . . . *return to Service custody*,” not after service of the latest amended

1 notice. *See* 8 C.F.R. § 241.13(i)(3) (emphasis added). Petitioner was returned to custody
2 on November 12, 2025. Dkt. 1 at 3; Dkt. 8-1 at 2. Respondents did not provide him with
3 an informal interview until December 23, 2025. *See* Dkt. 8-1 at 17. This 42-day delay
4 cannot be reasonably construed as prompt.

5 For these reasons, Petitioner has clearly shown that he is likely to succeed on the
6 merits of his revocation procedures claim (Claim 2).

7 2. Third-Country Removal Claim (Claim 5)

8 Petitioner also argues he is likely to succeed on his third-country removal claim.
9 Dkt. 4-1 at 16–17.

10 This claim, however, is not ripe for decision. Article III of the Constitution
11 confines federal courts to deciding live cases or controversies. *See* U.S. Const. art. III,
12 § 2. Article III is comprised of four justiciability doctrines: ripeness, standing, mootness,
13 and political question. *See* *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 352 (2006).
14 Relevant here are the closely related doctrines of ripeness and standing. The ripeness
15 doctrine prevents federal courts from prematurely deciding issues that are abstract,
16 hypothetical, or speculative. *Flaxman v. Ferguson*, 151 F.4th 1178, 1184 (9th Cir. 2025).
17 This doctrine is “drawn both from Article III limitations on judicial power and from
18 prudential reasons for refusing to exercise jurisdiction” *Project Veritas v. Schmidt*,
19 125 F.4th 929, 940 (9th Cir. 2025) (quoting *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*,
20 538 U.S. 803, 808 (2003)). The ripeness doctrine boils down further into two
21 components: constitutional ripeness and prudential ripeness. *Id.* at 941.

22 Constitutional ripeness is synonymous with Article III’s injury-in-fact prong for
23 standing. *See* *Twitter, Inc. v. Paxton*, 56 F.4th 1170, 1173 (9th Cir. 2022). Whether
24 framed as constitutional ripeness or standing, a claim is ripe if the person suffers an
25 injury that is concrete and imminent, among other things. *See* *Flaxman*, 151 F.4th at
26 1185. An injury is concrete if it actually exists. *Clark v. City of Seattle*, 899 F.3d 802, 809
27 (9th Cir. 2018). And an imminent injury is one that is “certainly impending.” *See* *Clapper*
28 *v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013). Prudential ripeness, by contrast, is

1 “guided by two overarching considerations: the fitness of the issues for judicial decision
2 and the hardship to the parties of withholding court consideration.” *See Project Veritas*,
3 125 F.4th at 941 (quoting *Bishop Paiute Tribe v. Inyo Cnty.*, 863 F.3d 1144, 1154 (9th
4 Cir. 2017)). When no live case or controversy exists, a federal court must refrain from
5 issuing advisory opinions or declaring rights in hypothetical cases. *See Clark*, 899 F.3d at
6 808.

7 Petitioner’s third-country removal claim is not constitutionally ripe. While he
8 asserts that the officers who detained him originally said “they intend[] to seek his
9 removal to a third country,” Dkt. 1 at 3, Officer Jensen attests that ICE intends to remove
10 him to Armenia and that no “request for removal to a third country has been made,” Dkt.
11 8-1 at 3. Moreover, there is no evidence in the Notice or Amended Notice that suggests
12 ICE intends to remove him to a country other than Armenia. *See Dkt. 8-1 at 11–12, 14–*
13 *15*. Petitioner’s injury is neither concrete nor imminent. Thus, this claim is not
14 constitutionally ripe for decision. *See Yang v. Kaiser*, No. 2:25-cv-02205, 2025 WL
15 2791778, at *2 n.3 (E.D. Cal. Aug. 20, 2025) (denying motion for a temporary restraining
16 order to prevent the government from removing petitioner to a third country because that
17 issue was not presently before the district court where there was no evidence to support
18 that petitioner was subject to a third-country removal); *cf. Grigorian v. Bondi*, No. 25-
19 CV-22914, 2025 WL 1895479, at *6 (S.D. Fla. July 8, 2025) (holding plaintiff did not
20 have standing to bring third-country-removal claim where plaintiff’s deprivation of
21 ability to raise fear based claim before removal to a third country had not yet happened).
22 And because this claim is not constitutionally ripe, the Court need not decide whether the
23 claim is prudentially ripe. *See Wolfson v. Brammer*, 616 F.3d 1045, 1063 (9th Cir. 2010)
24 (declining to reach prudential ripeness where claims were not constitutionally ripe).

25 Accordingly, Petitioner has not clearly shown that he is likely to succeed, or has a
26 fair chance of success, on his third-country removal claim.

B. Irreparable Harm

Petitioner argues he is likely to suffer irreparable harm in the absence of temporary relief because he will remain in detention even though he has been deprived of his procedural due process rights afforded under Section 241.13(i)(3). See Dkt. 4-1 at 17–18.

“It is well established that the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)).

Here, Petitioner has shown he is likely to suffer irreparable harm because Respondents deprived him of a prompt informal interview once he was returned to ICE custody, which is guaranteed to him under Section 241.13(i)(3). In turn, “‘no further showing of irreparable injury is necessary.’” *Pinchi v. Noem*, No. 5:25-cv-05632, 2025 WL 2084921, at *6 (N.D. Cal. July 24, 2025) (quoting *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005)).

C. Balance of Equities and Public Interest

Petitioner finally argues the last two factors—balance of equities and public interest—weigh in favor of granting the *Ex Parte* Application. Dkt. 4-1 at 20–21.

“The public has a strong interest in upholding procedural protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the public of immigration detention are staggering.” *Diaz v. Kaiser*, No. 3:25-cv-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025) (quoting *Jorge M.F. v. Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021)). Moreover, Petitioner faces continued unlawful detention because Respondents failed to provide him with a prompt informal interview under Section 241.13(i)(3). Nor does the belated informal interview 42 days after ICE took him into custody remedy the otherwise unlawful revocation of his release. Respondents, by contrast, will suffer minimal injury with a short delay in their ability to revoke Petitioner’s release upon adequate notice and a prompt informal interview.

1 **D. Bond**

2 A court may issue a temporary restraining order “only if the movant gives security
3 in an amount that the court considers proper to pay the costs and damages sustained by
4 any party found to have been wrongfully enjoined or restrained.” Fed. R. Civ. P. 65(c).
5 “Despite the seemingly mandatory language, ‘Rule 65(c) invests the district court “with
6 discretion as to the amount of security required, *if any*.’”” *Johnson v. Couturier*, 572 F.3d
7 1067, 1086 (9th Cir. 2009) (quoting *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir.
8 2003)). A district court ““may dispense with the filing of a bond when it concludes there
9 is no realistic likelihood of harm” to the nonmovant. *Id.* (quoting *Jorgensen*, 320 F.3d at
10 919). The nonmovant is not absolved of its “obligation of presenting evidence that a bond
11 is needed, so that the district court is afforded an opportunity to exercise its discretion in
12 setting the amount of the bond.” *Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills*,
13 321 F.3d 878, 883 (9th Cir. 2003).

14 Here, Respondents have not presented any evidence that would show a bond is
15 necessary in this case. The Court thus exercises its discretion and waives the bond
16 requirement.

17 **V. CONCLUSION**

18 For the above reasons, the *Ex Parte* Application is **GRANTED, IN PART**, as
19 follows:

- 20 1. Respondents, their officers, agents, servants, employees, and attorneys, and
21 other persons who are in active concert or participation with
22 Respondents are **ORDERED** to immediately release Petitioner from
23 immigration custody. Respondents are also **ORDERED** to place Petitioner
24 on supervision under the same conditions before his re-detention.
25 Respondents must file a declaration by January 7, 2026, confirming
26 Petitioner has been released from immigration custody;
27 2. Respondents, their officers, agents, servants, employees, and attorneys, and
28 other persons who are in active concert or participation with

Respondents are also **ENJOINED** from revoking Petitioner's release without adequate notice and from detaining him without a prompt informal interview;

3. This order will remain in effect until January 16, 2026, at 5:00 p.m. This order may be extended for good cause or with Respondents' consent;
4. Respondents are **ORDERED TO SHOW CAUSE**, in writing, why a preliminary injunction should not issue. This response is due by **January 16, 2025**. Petitioner may file a response by **January 23, 2026**. The Court will set a hearing only if necessary.
5. Because the Court finds that Petitioner is entitled to the requested temporary injunctive relief on his revocation procedures claim, the Court need not address the remaining three claims (Claims 1, 3, and 4) asserted in the Petition. *See Doe v. Noem*, 781 F. Supp. 3d 1055, 1067 n.2 (E.D. Cal. Apr. 17, 2025) (declining to address petitioner's remaining immigration-related claims because he was entitled to temporary injunctive relief under his APA claim); *L.G.M.L. v. Noem*, No. No. 25-2942, 2025 WL 2671690, at *16 (D.D.C. (Sep. 18, 2025) (declining to address petitioners' remaining immigration-related claims where petitioners were entitled to temporary injunctive relief on TVPRA claim); *Okyem v. Noem*, No. 25-CV-2120, 2025 WL 2551137, at *3 (C.D. Ill. Apr. 21, 2025) (declining to address petitioner's due process or Declaratory Judgment Act claims because petitioner was entitled to temporary injunctive relief on APA claims).

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