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

14 RAPHAEL GEVORGYAN,
15 Petitioner,
16 v.
17 KRISTI NOEM, *et al.*
18 Respondents.
19

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

**RESPONDENTS' RESPONSE TO
ORDER TO SHOW CAUSE
REGARDING PRELIMINARY
INJUNCTION**

[Declaration of Deportation Officer
Christopher Jensen filed concurrently]

Hon. Serena R. Murillo
United States District Judge

RESPONSE TO ORDER TO SHOW CAUSE

Petitioner Raphael Gevorgyan, who has a final order of removal directing his removal to Armenia and was taken into immigration custody on November 12, 2025 to effectuate that removal, 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. Through his *ex parte* application for temporary restraining order, he then requested the same relief. *See Ex Parte* Motion for a Temporary Restraining Order (the “TRO Application”), Docket No. 4. Respondents opposed. *See* Opp’n, Docket No. 8.

The Court granted the TRO Application, ordering Respondents to “immediately release Petitioner from immigration custody” and “place him on supervision under the same conditions before his re-detention.” Order at 12, Docket No 10; *see also id.* (further ordering Respondents to file a declaration by January 7, 2026, confirming that Petitioner has been released from immigration custody). The Court also ordered Respondents to show cause “why a preliminary injunction should not issue.” *Id.* at 13.

On or about January 2, 2026, Respondents released Petitioner from custody under the conditions of his July 29, 2019 Order of Supervision, thereby placing him on supervision under the same conditions as those that existed before his re-detention. *See* Decl. of Christopher Jenson ¶ 5. Petitioner has therefore already obtained the complete relief sought in his Petition over which this Court has jurisdiction. *See, e.g.*, Petition ¶ 1 (requesting release from detention); *cf. Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) (“Because [petitioner’s] claims lie outside the historic core of habeas corpus, we conclude the district court properly found it lacked jurisdiction to hear [his] petition.”), *cert. denied sub nom. Sands v. Bradley*, 144 S. Ct. 1382 (2024); *id.* at 1070 (explaining that “release from confinement is the only available remedy for claims at the writ’s core”); *see also* 28 U.S.C. § 2241(c) (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody.”).

Because the government has already released Petitioner, the alleged injury—the

1 detention itself—has ended, and there is no further relief for this Court to provide.¹ As the
2 Supreme Court has explained, once a challenged restraint has ceased to have any
3 continuing effect, “mootness . . . simply deprives us of our power to act; there is nothing
4 for us to remedy, even if we were disposed to do so.” *Spencer v. Kemna*, 523 U.S. 1, 18
5 (1998). “[T]he Ninth Circuit [too] has long held that [] ‘the writ of habeas corpus is limited
6 to attacks upon the legality or duration of confinement.’” *Pinson*, 69 F.4th at 1065 (citing
7 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v. Rodriguez*, 411
8 U.S. 475, 484 (1973) (“It is clear . . . from the common-law history of the writ . . . that the
9 essence of habeas corpus is an attack by a person in custody upon the legality of that
10 custody, and that the traditional function of the writ is to secure release from illegal
11 custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) (“Habeas is the exclusive remedy
12 . . . for the prisoner who seeks immediate or speedier release from confinement. Where
13 the prisoner’s claim would not necessarily spell speedier release, . . . suit may be brought
14 under § 1983.” (cleaned up)).

15 Nor can Petitioner salvage either his habeas claim or his request for injunctive relief
16 by speculating that he might be re-detained unlawfully at some indefinite point in the
17 future. Article III requires a concrete, actual or imminent injury; mere speculation about
18 possible future injury is insufficient. *See, e.g., City of Los Angeles v. Lyons*, 461 U.S. 95,
19 102 (1983) (making plain that plaintiff must show an injury or threat of injury that is “real
20 and immediate,” not “conjectural” or “hypothetical”); *Whitmore v. Arkansas*, 495 U.S.
21 149, 158 (1990) (“Each of these cases demonstrates what we have said many times before
22 and reiterate today: Allegations of possible future injury do not satisfy the requirements
23 of Art. III. A threatened injury must be ‘certainly impending’ to constitute injury in fact.”).
24 Relatedly, the mere “possibility” of irreparable harm is insufficient to sustain his burden
25 here. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008).

27 ¹ To the extent Petitioner has even validly argued that DHS refrain from removing
28 him outside this District, that argument is also rendered moot now with his release from
detention. *See also* Opp’n § IV n.1.

1 Instead, he must show “immediate threatened injury.” *Caribbean Marine Servs. Co., Inc.*
2 *v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l Coliseum Comm’n v.*
3 *Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). He cannot do so. Indeed, the
4 Court has already found so as to his third-country removal claim, observing as follows:

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

26 Order at 10. So too as to his other claims. After all, “[i]ssuing a preliminary injunction
27 based only on a possibility of irreparable harm is inconsistent with [the Supreme Court’s]
28 characterization of injunctive relief as an extraordinary remedy that may only be awarded

1 upon a clear showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22.
2 “Absent a sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*,
3 461 U.S. at 111 (emphasis added), Petitioner cannot establish standing to seek an
4 injunction much less irreparable harm. *See, e.g., Hai Chieu Dam v. Timothy Robbins*, 2:25-
5 cv-08133-JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address
6 whether petitioner was “in custody” because petition for an injunction barring re-
7 detainment was not ripe). Recently, where a petitioner argued that “his future detention is
8 not speculative because the call-in for a physical appointment is a typical ruse to re-detain
9 noncitizens on supervised release, and that he still faces a risk of unlawful future
10 detention,” the court found that he “fail[ed] to sufficiently allege an injury or threat of
11 injury because the event giving rise to the Petition has passed and Petitioner’s alleged
12 threat of future injury is too speculative and unripe” and relatedly that he “fail[ed] to
13 present sufficient allegations or evidence of the threat of future injury to confer Article III
14 standing.” *J.P. v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *4 (C.D.
15 Cal. Oct. 24, 2025). Because Petitioner is no longer in custody, cannot show any
16 continuing collateral consequence that this Court could redress via habeas, and relies only
17 on speculative future harm, his habeas petition does not present an Article III case-or-
18 controversy that this Court can redress. Without a live claim, he cannot show likelihood
19 of success on the merits or irreparable harm.

20 Accordingly, a preliminary injunction should not issue, the order-to-show-cause
21 (OSC) should be discharged, and the Petition should be dismissed.

1 Dated: January 6, 2026

Respectfully submitted,

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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 1,346 words, which complies with the word limit of Local Rule 11-6.1.

Dated: January 6, 2026

/s/ Pushkal Mishra
PUSHKAL MISHRA