

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Magomed Mumaev

Place of Confinement

Adelanto ICE Processing Center

Petitioner

v.

FERETI SEMAIA Warden, Adelanto ICE

Processing Center;

ERNESTO SANTA CRUZ, Field Office

Director, Los Angeles Field Office, United

States Immigration and Customs

Enforcement;

TODD M. LYONS, Acting Director,

United States Immigration and Customs

Enforcement;

KRISTI NOEM, Secretary of Homeland

Security;

PAMELA JO BONDI, Attorney General

of the United States, in their official

capacities,

Respondents.

Civil Action No.5:25-C-
V-03409

PETITIONER'S MOTION FOR AND MEMORANDUM IN SUPPORT OF
TEMPORARY RESTRAINING ORDER

MOTION

Petitioner Majored Mumaev respectfully moves the court for the following
relief by way of a temporary restraining order ("TRO"):

1 a) Issuance of an immediate order barring the Respondents from
2 removing Petitioner from this Federal District Court's jurisdiction, without
3 notice to the court and approval by the Court;

4 b) Issuance of an order that Respondents immediately release Petitioner
5 from custody under the same conditions as he was released prior to his October
6 1, 2025 detention;

7 c) Issuance of an order that Respondents return to Petitioner all property
8 confiscated from Petitioner during his arrest and processing into detention;

9 d) Issuance of an order that enjoins and restraints Respondents from re-
10 arresting or re-detaining Petitioner absent compliance with constitutional
11 protections, including notice and a hearing before a neutral fact-finder where
12 Respondents show (a) there are material changed circumstances which
13 demonstrate there is a significant likelihood of Petitioner's removal in the
14 reasonably foreseeable future, or (b) clear and convincing evidence shows that
15 Petitioner poses a danger to the community or a flight risk. At any such hearing,
16 Petitioner shall be allowed to have his counsel present; and

17 e) Issuance of an order waiving the bond requirement of Federal Rule of
18 Civil Procedure 65(c).

24 SUPPORTING MEMORANDUM

25 I. INTRODUCTION

26 Petitioner Magomed Mumaev respectfully moves this Court for an emergency
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1 order preventing his continued detention and transfer out of this district.

2 On December 16, 2025, Mr. Mumaev filed a petition for a writ of habeas
3 corpus challenging his unlawful detention by Immigration and Customs Enforcement
4 (ICE) and the Department of Homeland Security (DHS) and his continued detention.
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7 **II. NOTICE TO RESPONDENTS**

8 Undersigned counsel Inna Parizher contacted the U.S. Attorney's Office for the
9 Central District of California to meet and confer regarding this Motion on
10 December 23, 2025. (See Exhibit A, email to counsel for Respondents). Respondents'
11 counsel did not respond to Counsel Parizher's correspondence and did not state their
12 position on the request for Temporary Restraining Order.
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16 **III. FACTUAL BACKGROUND**

17 Mr. Mumaev is 25-years-old, a native of the Russian Federation and a citizen
18 of the Russian Federation. He was paroled into the United States on May 17, 2023,
19 in order to pursue his claim for asylum in the United States.
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21 The Department of Homeland Security initiated removal proceedings against
22 Mr. Mumaev on June 6, 2023.
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24 Mr. Mumaev filed his first application for asylum with the Executive Office of
25 Immigration Review ("EOIR") on February 12, 2024. He fully participated in his
26 removal proceedings, including filing evidence to support his claim, filing updated
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1 applications, and notifying the Court the one-time he changed his address.

2 During the more than twenty-two (22) months that he lived in the United
3 States, Mr. Mumaev was never arrested, charged with any crimes or violations. Mr.
4 Mumaev has significant and meaningful community ties in the United States.
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6 On April 3, 2025, over twenty-two (22) months after his parole into the United
7 States, and before his parole period actually expired, Mr. Mumaev was abruptly and
8 inexplicably detained by the Department of Homeland Security (“DHS”).
9

10 Mr. Mumaev was arrested without a warrant and without an individualized
11 assessment regarding whether he poses a danger to any person or property, or
12 whether he is a flight risk. His parole was revoked, also without an individualized
13 assessment.
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15 On October 9, 2025, the Immigration Court held a bond hearing for Mr.
16 Mumaev, pursuant to *Rodriguez v. Robbins*, 2:07-cv-03239 (C.D. Cal. Sept. 13,
17 2012).
18

19 Respondents presented no evidence of any arrests, convictions, citations, fines,
20 or other misconduct by Mr. Mumaev. Respondents likewise failed to present any
21 evidence that Mr. Mumaev had become a flight risk at any point since May 17,
22 2023. (See Exhibit B)
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24 Mr. Mumaev, by contrast, submitted ample evidence demonstrating that he is
25 not a flight risk: evidence of a bona fide sponsor - the owner of a gym where Mr.
26 Mumaev trained for a year - evidence of meaningful family connections in the
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1 United States, employment history in the United States, evidence that he was
2 employed as a police officer in Russia, and other evidence that demonstrates that he
3 is not a flight risk. (See Exhibit C)

4 Despite the complete absence of probative or relevant evidence justifying
5 continued detention, the Immigration Court—committing both factual and legal
6 error—denied bond and found that Mr. Mumaev posed a flight risk. (See Exhibit
7 D).
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9 Mr. Mumaev timely appealed the Court’s order. (See Exhibit E).
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11 12 **IV. ARGUMENT**

13 A temporary restraining order is governed by a four-factor test. “The standard
14 for issuing a temporary restraining order is the same as that for issuing a preliminary
15 injunction.” *Helal v. Janecka*, No. 5:25-CV-02650-HDV-JC, 2025 WL 3190132, at *2
16
17 (C.D. Cal. Oct. 24, 2025)
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19 Courts must consider whether Mr. Mumaev has shown: (1) a likelihood of
20 success on the merits, (2) that he is likely to suffer irreparable harm in the absence of
21 such relief, (3) that the balance of equities tips in his favor, and (4) that an injunction
22 is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); see
23 also *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014).
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25 In the alternative, the Court will grant the TRO if Mr. Mumaev can
26 demonstrate serious questions going to the merits of his claim – a lesser showing than
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1 a likelihood of success on the merits – and that the balance of hardship tips in his
2 favor, assuming the other two Winter factors have been met. *Friends of the Wild*
3 *Swan*, 767 F.3d 936, 942 (9th Cir. 2014).

4
5 Mr. Mumaev’s request for temporary restraining order seeks to preserve the
6 *status quo ante litem*, which, “refers not simply to any situation before the filing of a
7 lawsuit, but instead to ‘the last uncontested status which preceded the pending
8 controversy.’” *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir.
9 2000) *quoting Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th
10 Cir.1963). This is because “the currently existing status quo itself is causing [Mr.
11 Mumaev] irreparable injury, [and therefore] it is necessary to alter the situation so as
12 to prevent the injury, either by returning to the last uncontested status quo between the
13 parties, ..., by the issuance of a mandatory injunction, ..., or by allowing the parties to
14 take proposed action that the court finds will minimize the irreparable injury.” *Vargas*
15 *v. United States*, No. CV 24-21-DLB-CJS, 2025 WL 893394, at *2 (E.D. Ky. Mar. 24,
16 2025) *quoting Stenberg v. Cheker Oil Co.*, 573 F.2d 921, 925 (6th Cir. 1978). See also
17 *Shilling v. United States*, No. 25-CV-241-BHS, 2025 WL 926866, at *11 (W.D. Wash.
18 Mar. 27, 2025) (granting preliminary injunction).

19
20 Mr. Mumaev meets both the irreparable harm and likelihood of success prongs,
21 and the requested relief is not overly burdensome on Respondents. Alternatively, the
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1 balance of hardships and the serious questions going to the merits of his claim tip in
2 his favor. Accordingly, Mr. Mumaev merits issuance of a TRO.

3 **A. Petitioner Has Shown He is Likely to Succeed on the Merits of his Claim.**
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5 Mr. Mumaev's Habeas Petition raises four claims for relief based on violations
6 of substantive and procedural due process under the Fifth Amendment, and based on
7 statutory and regulatory violations by DHS. (See generally Pet.)
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9 Mr. Mumaev is likely to succeed on the merits of his claim that his re-detention
10 and premature revocation of his parole, without an individualized pre-deprivation
11 hearing violated due process and is depriving him of his constitutional liberty interest.
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13 For purposes of his Motion for Temporary Restraining Order, the Ninth Circuit
14 has "long recognized that likelihood of success on the merits is the most important
15 factor—and even more so when a constitutional injury is alleged." *Matsumoto v.*
16 *Labrador*, 122 F.4th 787, 804 (9th Cir. 2024). In fact, successfully proving that he is
17 likely to succeed on the merits of his habeas petition can be decisive in the Court's
18 determination to issue a temporary restraining order. "The first factor—likelihood of
19 success on the merits—is the most important (and usually decisive) one in cases
20 where a plaintiff brings a constitutional claim..." *Baird v. Bonta*, 81 F.4th 1036, 1041
21 (9th Cir. 2023).
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24 Mr. Mumaev is likely to succeed on the merits of his habeas petition because
25 his current detention blatantly violates his constitutionally protected liberty interest.
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1 This Court, along with numerous Federal District Courts in this Circuit, have
2 recognized a liberty interest for individuals like Mr. Mumaev, who have been paroled
3 into the United States by DHS upon their application for admission at a port of entry.
4 *Jackeline Yessica Torres Sotomayor Plaintiff, v. Pamela Bondi, et al. Defendants.* No.
5 5:25-CV-02939-CV (SSCX), 2025 WL 3691398, at *3 (C.D. Cal. Nov. 14, 2025)
6 (“Petitioner gained a liberty interest in her continued freedom when she was initially
7 released on parole.”) *See also Calderon v. Kaiser*, No. 25-CV-06695-AMO, 2025 WL
8 2430609, at *3 (N.D. Cal. Aug. 22, 2025); *Lara v. Noem*, No. 5:25-CV-3072-ODW
9 (JCX), 2025 WL 3255001, at *3 (C.D. Cal. Nov. 19, 2025)(“[W]hen Petitioner was
10 released on parole from his initial detention, he acquired a liberty interest which
11 entitles him to due process.”)
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15 Respondents are currently violating Mr. Mumaev’s fundamental liberty
16 interest.
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18 When Respondents paroled Mr. Mumaev into the United States, after making
19 an individualized assessment at the border, at that time they determined that he did not
20 pose a danger to anyone and was not a flight risk. *Helal v. Janecka*, No. 5:25-
21 CV-02650-HDV-JC, 2025 WL 3190132, at *1 (C.D. Cal. Oct. 24, 2025) (“[Petitioner]
22 was apprehended by Border Patrol on August 3, 2023, examined, determined not to be
23 a flight risk or a danger to the community, and released on his own recognizance on or
24 about August 17, 2023 with instructions to report to an Immigration and Customs
25 Enforcement (“ICE”) office in Los Angeles.”)
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1 There were no changes to those circumstances in the twenty-two (22) months
2 that Mr. Mumaev resided in the United States. Yet he was inexplicably and
3 unjustifiably detained by DHS on April 3, 2025. Furthermore, there was no
4 individualized assessment regarding Mr. Mumaev's circumstances prior to his being
5 detained. Therefore, Mr. Mumaev's current detention by DHS is in violation of his
6 due process rights. "Noncitizen detainees charged with being in the U.S. illegally are
7 entitled to procedural due process, meaning 'notice and opportunity to be heard
8 appropriate to the nature of the case.'" *Soledad Cruz Ramirez, Petitioner, v. Kristi*
9 *Noem, et al., Defendants-Respondents.*, No. 2:25-CV-02110-RFB-DJA, 2025 WL
10 3563294, at *5 (D. Nev. Dec. 12, 2025) *quoting Trump v. J. G. G.*, 604 U.S. 670, 672,
11 145 S. Ct. 1003, 1006, 221 L. Ed. 2d 529 (2025).

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15 Mr. Mumaev can meet the second factor in the *Mathews* test because his
16 current detention erroneously deprives him of his procedural due process rights. Mr.
17 Mumaev was not provided any opportunity to contest his detention prior to being
18 detained. He was not given any procedural safeguard before being unjustifiably
19 detained.
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22 The Court considers the risk of an erroneous deprivation of
23 [Petitioner's] interest through the procedures used, and the probable
24 value, if any, of additional procedures. The risk of erroneous
25 deprivation is extraordinarily high where ICE and DHS agency
26 officials have sole, unguided, and unreviewable discretion to detain
27 Petitioner despite their failure to make an individualized showing
28 that [his] detention is warranted. . . . These procedures substantially
mitigate the risk of erroneous deprivation of Petitioner's liberty,
because they require the government to establish that he presents a

1 flight risk or danger to the community to continue detaining her for
2 the pendency of removal proceedings. These procedures enforce the
3 constitutional requirement that “once the flight risk justification
4 evaporates, the only special circumstance [] present is the alien's
5 removable status itself, which bears no relation to a detainee's
6 dangerousness.

7 *Soledad Cruz Ramirez, Petitioner, v. Kristi Noem, et al., Defendants-Respondents.*,
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9 No. 2:25-CV-02110-RFB-DJA, 2025 WL 3563294, at *6–7 (D. Nev. Dec. 12, 2025)

10 [internal citations omitted].
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12 Mr. Mumaev has no criminal record and full complied with all requirements
13 and conditions of his participation in requesting asylum in the United States. He
14 participated in his removal proceedings and attended all hearings prior to his
15 detention. Despite this, he was detained and his parole was revoked by Respondents
16 without any procedural safeguards.
17

18 Mr. Mumaev’s private liberty interest is being erroneously deprived by
19 Respondents. Mr. Mumaev is likely to succeed in proving the due process claims of
20 his habeas petition.
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22 As to the third and fourth *Mathews* factors, although DHS has an interest in
23 ensuring that Mr. Mumaev appear in his removal proceedings
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25 “[t]hese interests are in fact served by the individualized
26 determination by an immigration judge, based on a review of
27 evidence presented by the government and the noncitizen, as to
28 whether an individual is dangerous or at risk of fleeing removal
proceedings, under existing, well-established procedures. In failing
to articulate any individualized reason why detaining [Mr. Mumaev]
is necessary to enforce immigration law, the question arises ‘whether
the detention is not to facilitate deportation, or to protect against risk

1 of flight or dangerousness, but to incarcerate for other reasons.’ And
2 the government has no interest in the unjustified deprivation of a
3 person's liberty. Moreover, . . . limiting the use of detention to only
4 those noncitizens who are dangerous or a flight risk through existing
5 bond procedures serves the government and public's interest by
6 reducing the fiscal and administrative burdens attendant to
7 immigration detention.

8 *Soledad Cruz Ramirez, Petitioner, v. Kristi Noem, et al., Defendants-Respondents.*,
9 No. 2:25-CV-02110-RFB-DJA, 2025 WL 3563294, at *7 (D. Nev. Dec. 12, 2025)
10 quoting *Demore v. Kim*, 538 U.S. 510, 532-533 (2003) (Kennedy, J. concurring) and
11 *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017).
12

13 Mr. Mumaev did everything that he was required to do to cooperate with
14 requesting asylum in the United States and with his removal proceedings. There can
15 be no claim on the part of ICE that he absconded or hid or did something that would
16 cause them to doubt that he would continue to cooperate in his removal proceedings.
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18 Again, because Mr. Mumaev will likely succeed on the merits of his habeas
19 petition - because he can favorably demonstrate all four *Mathews* factors - the Court
20 should grant him his Motion for a Temporary Restraining Order. *Baird v. Bonta*, 81
21 F.4th 1036, 1042 (9th Cir. 2023)(“[B]ecause of the importance of the first *Winter*
22 factor in cases where a [Petitioner] alleges a constitutional injury, it is no surprise that
23 our caselaw clearly favors granting preliminary injunctions to a plaintiff ... who is
24 likely to succeed on the merits of his [constitutional] claim.”)

25 **1. The Immigration Court’s Order denying Mr. Mumaev bond and**
26 **finding him to be a flight risk was an abuse of discretion because the**
27 **Immigration Court did not apply the clear and convincing standard to the**
28 **evidence**

1 The October 9, 2025, bond hearing held by the Immigration Court violated Mr.
2 Mumaev's due process because did not comply with constitutional standards because
3 the Immigration Court did not apply the clear and convincing evidence standard to the
4 the evidentiary record. The Court's order denying Mr. Mumaev bond altogether based
5 on a finding that he is a flight risk constituted an abuse of discretion because it
6 directly in contradiction to the weight of the material, probative and relevant
7 evidence.
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10 This Court has jurisdiction to review Mr. Mumaev's bond hearing in his habeas
11 action. "This Court 'has habeas jurisdiction under 28 U.S.C. § 2241 to review [] bond
12 hearing determinations for constitutional claims and legal error.' *Ramos v. Sessions*,
13 293 F. Supp. 3d 1021, 1025 (N.D. Cal. 2018), vacated and remanded sub nom. *Ramos*
14 *v. Garland*, No. 18-15884, 2024 WL 933654 (9th Cir. Mar. 1, 2024), *quoting Singh v.*
15 *Holder*, 638 F.3d 1196, 1200–01 (9th Cir. 2011). "The Court has jurisdiction to review
16 the IJ's discretionary bond denial only 'where that bond denial is challenged as legally
17 erroneous or unconstitutional.'" *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 772–73
18 (N.D. Cal. 2019), *quoting Kharis v. Sessions*, 2018 WL 5809432, *4 (N.D. Cal.
19 November 6, 2018).
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23 This Court reviews the Immigration Court's standard applied at Mr. Mumaev's
24 bond hearing under an abuse of discretion standard. "After *Wilkinson*, the
25 determination whether an alien is 'dangerous' for immigration-detention purposes is a
26 mixed question of law and fact and is reviewable as a 'question of law.' *Martinez v.*
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1 *Clark*, 124 F.4th 775, 779 (9th Cir. 2024) citing *Wilkinson v. Garland*, 601 U.S. 209,
2 144 S.Ct. 780, 218 L.Ed.2d 140 (2024). “When questions require a close review of
3 agency-found facts, like the ‘dangerousness; determination, we review for an abuse of
4 discretion.” *Martinez v. Clark*, 124 F.4th 775, 784 (9th Cir. 2024)

5
6 Mr. Mumaev was not afforded a bond hearing that conformed with due process
7 because the Court’ abused its discretion when it found that no bond amount would
8 ensure Mr. Mumaev’s continued participation in his removal proceedings because Mr.
9 Mumaev was allegedly a flight risk. “Even though what constitutes ‘dangerousness’ is
10 malleable and involves agency discretion, *Wilkinson* instructs that this is still a legal
11 standard so long as federal courts can ‘assess whether an IJ correctly applied the
12 statutory standard to a given set of facts.’” *Martinez v. Clark*, 124 F.4th 775, 783 (9th
13 Cir. 2024), quoting *Wilkinson v. Garland*, 601 U.S. 209, 221 (2024).

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15 “Abuse of discretion review does [not] involve reweigh[ing] evidence but
16 rather determining whether the IJ applied the correct legal standard.” *Y.S.G. v.*
17 *Andrews*, No. 2:25-CV-1884-SCR, 2025 WL 2979309, at *8 (E.D. Cal. Oct. 22, 2025)
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19 citing *Martinez v. Clark*, 124 F.4th 775, 784 (9th Cir. 2024).

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21 In the case of Mr. Mumaev, the Immigration Court did not apply the clear and
22 convincing legal standard. “[D]ue process requires the Government to show by clear
23 and convincing evidence that an immigrant is a flight risk or a danger to the
24 community at the time of the bond hearing. . . . The clear and convincing evidence
25 standard ‘is a high burden and must be demonstrated in fact’” *Ramos v. Sessions*, 293
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1 E. Supp. 3d 1021, 1029 - 1030 (N.D. Cal. 2018), vacated and remanded sub nom.
2 Ramos v. Garland, No. 18-15884, 2024 WL 933654 (9th Cir. Mar. 1, 2024) *quoting*
3 *Obregon v. Sessions*, No. 17-CV-01463-WHO, 2017 WL 1407889, at *4 (N.D. Cal.
4 Apr. 20, 2017).

5
6 As previously stated, there was no evidence in the record that supported the
7 Immigration Court's finding of flight risk and order denying bond. "The clear and
8 convincing standard requires that the evidence establish 'an abiding conviction that
9 the truth of [the] factual contentions at issue is highly probable.'" *Y.S.G. v. Andrews*,
10 No. 2:25-CV-1884-SCR, 2025 WL 2979309, at *9 (E.D. Cal. Oct. 22, 2025) *quoting*
11 *Mondaca-Vega v. Lynch*, 808 F.3d 413, 422 (9th Cir. 2015) (en banc) and *Nat'l Res.*
12 *Def. Council, Inc. v. Pritzker*, 828 F.3d 1125, 1135 (9th Cir. 2016). There was no
13 evidence in the record that demonstrated that it is highly probable that Mr. Mumaev
14 posed a flight risk. The only evidence submitted by Respondents were background
15 checks generated by Respondents themselves - including documents generated on
16 May 17, 2023, when Mr. Mumaev was initially paroled into the United States and
17 found not to pose a danger or to be a flight risk. (See Exhibit B). Additionally,
18 Respondents tried to impeach Mr. Mumaev's credibility by providing forms he had
19 submitted to United States Citizenship and Immigration Services when he applied for
20 work authorization. (See Exhibit B). But these documents were clearly not probative
21 to the Immigration Court since the Court did not make a finding that Mr. Mumaev
22 was a flight risk because he lacked credibility.
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1 In contrast, Mr. Mumaev provided evidence that he had a *bona fide* United
2 States citizen sponsor, that his sister, brother-in-law and nieces and nephews resided
3 in the United States and - most importantly - that he was highly invested in
4 proceeding with and receiving a decision on his application for asylum. Respondents
5 did not provide any evidence to contravene those facts. (See Exhibit C).

7 “In reviewing the IJ’s determination, a district court . . . is limited to whether
8 the IJ’s decision ‘reflects clear legal error or is unsupported by sufficient evidence.’”
9
10 *Quan v. Barr*, No. 20-CV-08118-LB, 2021 WL 308610, at *4 (N.D. Cal. Jan. 29,
11 2021), *aff’d sub nom. Quan v. Garland*, No. 21-15416, 2022 WL 576215 (9th Cir. Feb.
12 25, 2022) *quoting Hilario Pankim v. Barr*, No. 20-CV-02941-JSC, 2020 WL 2542022,
13 at *8 (N.D. Cal. May 19, 2020).

15 The Immigration Court dismissed Mr. Mumaev’s sponsor as not having a
16 sufficiently close relationship with Mr. Mumaev, even though the sponsor had known
17 Mr. Mumaev for over one-year. (See Exhibit D). The Immigration Court did not at all
18 engage with the letters provided by Mr. Mumaev’s community contacts and his niece
19 and nephew. Nor did the Court did not address Mr. Mumaev’s employment history in
20 the United States, his past employment as a law enforcement officer in his home
21 country, and the ample evidence in the record regarding Mr. Mumaev’s efforts and
22 cooperation with his removal proceedings. (See Exhibit D). “[When] the IJ did not
23 actually analyze any of this evidence or attempt to explain why it did not mitigate” a
24 finding that Mr. Mumaev was a flight risk, the Immigration Court failed to correctly
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1 apply the clear and convincing standard in Mr. Mumaev's bond hearing. *Y.S.G. v.*
2 *Andrews*, No. 2:25-CV-1884-SCR, 2025 WL 2979309, at *10 (E.D. Cal. Oct. 22,
3 2025) *See also Ramos v. Sessions*, 293 F. Supp. 3d 1021, 1033 (N.D. Cal. 2018),
4 vacated and remanded sub nom. *Ramos v. Garland*, No. 18-15884, 2024 WL 933654
5 (9th Cir. Mar. 1, 2024)("[T]he record did not show that the IJ had adequately
6 considered the full record before her.")

7
8 The Immigration Court failed to consider that Mr. Mumaev has a strong case
9 favoring a grant of asylum, and this is also a significant fact in proving that he is not a
10 flight risk. *Doe v. Chestnut*, No. 1:24-CV-00943-EPG-HC, 2025 WL 3240400, at *14
11 (E.D. Cal. Nov. 20, 2025)("These limited avenues of relief from removal significantly
12 increase his risk of flight.")

13
14 Mr. Mumaev's bond hearing violated his due process rights. Mr. Mumaev was
15 not afforded a meaningful individualized assessment to determine whether his
16 detention - and the isolation of his fundamental liberty interest - serve a legitimate
17 purpose. In short, the bond hearing that was held for Mr. Mumaev does not undermine
18 his claims asserted in his habeas petition.

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21 **B. Petitioner will Suffer Irreparable Harm Absent Issuance of a Temporary**
22 **Restraining Order.**

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24 In the absence of a TRO, Mr. Mumaev will continue to suffer unlawful
25 detention and multiple violations of his constitutional rights. He is also at risk of
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1 transfer outside of this judicial district. Each of these events would cause Mr.
2 Mumaev irreparable harm.

3 Mr. Mumaev's allegations of constitutional violations - namely his
4 fundamental liberty interest and his due process right not to be subject to arbitrary and
5 unjustified detention - permits a *per se* finding of irreparable harm. "It is well
6 established that the deprivation of constitutional rights 'unquestionably constitutes
7 irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012), *quoting*
8 *Elrod v. Burns*, 427 U.S. 347, 373 (1976). "[U]nlawful detention certainly constitutes
9 extreme or very serious damage, and that damage is not compensable in damages."
10 *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017). "Accordingly, [w]hen an
11 alleged deprivation of a constitutional right is involved, ... most courts hold that no
12 further showing of irreparable injury is necessary." *Baird v. Bonta*, 81 F.4th 1036,
13 1042 (9th Cir. 2023) *quoting* 11A Charles Alan Wright & Arthur R. Miller, *Federal*
14 *Practice and Procedure* § 2948.1 (3d ed. 1998).

15 "[C]ourts consider all of the *Winter* factors and assess irreparable harm and the
16 public interest through the prism of whether or not the plaintiff has shown a likelihood
17 of success on the merits. *California Rifle & Pistol Ass'n, Inc. v. Los Angeles Cnty.*
18 *Sheriff's Dep't*, 745 F. Supp. 3d 1037, 1051 (C.D. Cal. 2024) *quoting* *Baird v. Bonta*,
19 81 F.4th 1036, 1044 (9th Cir. 2023)

20 **C. The Balance of Equities Tip in Petitioner's Favor and the Public Interest**
21 **Favors Issuance of a Temporary Restraining Order.**
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1 The balance of equities and public interest merge in cases against the
2 government. *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023); see also *Nken v.*
3 *Holder*, 556 U.S. 418, 436 (2009). Here, the balance favors Mr. Mumaev.

4 Mr. Mumaev does not contest Respondents' ability to detain noncitizens and
5 remove noncitizens under the immigration laws. But those interests cannot outweigh
6 Mr. Mumaev's fundamental constitutional interests. "The Ninth Circuit has
7 recognized that 'neither equity nor the public's interest are furthered by allowing
8 violations of federal law to continue.'" *Soledad Cruz Ramirez*, Petitioner, v. Kristi
9 Noem, et al., Defendants-Respondents., No. 2:25-CV-02110-RFB-DJA, 2025 WL
10 3563294, at *8 (D. Nev. Dec. 12, 2025) quoting *Galvez v. Jaddou*, 52 F.4th 821, 832
11 (9th Cir. 2022). Respondents "cannot suffer harm from an injunction that merely ends
12 an unlawful practice or reads a statute as required to avoid constitutional concerns."
13 *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). "[I]t is always in the
14 public interest to prevent the violation of a party's constitutional rights." *Melendres v.*
15 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

16 In fact, a grant of the Temporary Restraining Order and immediate release of
17 Mr. Mumaev could benefit Respondents. "[C]ontinuing to enforce [Mr. Mumaev's]
18 detention would likely impose more costs upon the Government, as it would be
19 required to continue funding and overseeing [Mr. Mumaev's] detention." *Eliezer*
20 *Tezara Munoz*, Petitioner, v. Robert Lynch et al., Respondents., No. 1:25-CV-1632,
21 2025 WL 3687338, at *5 (W.D. Mich. Dec. 19, 2025). "[T]he Ninth Circuit has
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1 recognized that the costs to the public of immigration detention are staggering.”

2 *Parvinder Singh S. B., Petitioner, v. Christopher Chestnut, et al., Respondents.*, No.

3 1:25-CV-01981-TLN-CSK, 2025 WL 3718833, at *2 (E.D. Cal. Dec. 23, 2025)

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5 Respondents cannot show here how the government’s interests overcome the
6 irreparable injury to Mr. Mumaev. As noted above, the hardship for Mr. Mumaev is
7 concrete and severe and weigh sharply in favor of granting the requested TRO.

8 Respondents “cannot reasonably assert that [they are] harmed in any legally
9 cognizable sense by being enjoined from constitutional violations.” *Zepeda v. U.S.*
10 *I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) see also *Rodriguez v. Robbins*, 715 F.3d
11 1127, 1145 (9th Cir. 2013) (“[The Government] cannot suffer harm from an injunction
12 that merely ends an unlawful practice[.]”). Moreover, the public has a strong interest
13 in ensuring its government follows the law and the Ninth Circuit has recognized that
14 the “costs to the public of immigration detention are staggering[.]” *Hernandez*, 872
15 F.3d at 996.

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20 V. THE COURT SHOULD NOT REQUIRE PETITIONER TO PROVIDE
21 SECURITY
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23 The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This
24 rule permits a court to grant preliminary injunctive relief “only if the movant gives
25 security in an amount that the court considers proper to pay the costs and damages
26 sustained by any party found to have been wrongfully enjoined or restrained.” FRCP
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65(c). But it is well established that Rule 65(c) does not impose a mandatory requirement for a bond, but rather “invests the district court ‘with discretion as to the amount of security required, if any.’” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (quoting *Barahona-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)). In particular, “[t]he district court may dispense with the filing of a bond when it concludes there is no realistic likelihood of harm to the defendant from enjoining his or her conduct.” *Johnson v. Courturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). Here, there is no realistic likelihood of harm to Respondents if the Court grants the requested TRO, and it would pose a significant hardship on Mr. Mumaev who is incarcerated to have a bond imposed. “Courts have waived any bond in similar situations where [Petitioners] face financial constraints and have made a showing of likelihood of success.” *Winnett v. Caterpillar, Inc.*, 579 F. Supp. 2d 1008, 1043 (M.D. Tenn. 2008), rev’d, 609 F.3d 404 (6th Cir. 2010). See also *Mktg. Displays Int’l v. Shaw*, 646 F. Supp. 3d 897, 908 (E.D. Mich. 2022), appeal dismissed and remanded, 93 F.4th 967 (6th Cir. 2024) (“[G]iven the strength of [Petitioner]’s case, the Court will waive the security requirement in this matter.”)

The Court should exercise its discretion and waive the requirement to post a bond under Rule 65(c).

VI. CONCLUSION

For the foregoing reasons, Mr. Mumaev respectfully submits that he has met the criteria for a temporary restraining order. He asks the Court to enjoin

1 Respondents from transferring him out of this judicial district – or, if he has been
2 transferred, to order his return to the district. He also asks the Court to order him
3 immediately released from detention.

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5 RESPECTFULLY SUBMITTED this 26th day of December, 2025

6
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