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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**

11 MUSSIE HAILE GHEBRESLASSIE,

Case No.: 5:25-cv-03447

12
13 **Petitioner,**

14 **vs.**

15 JAMES JANECKA, in his official capacity
16 as Warden of the Adelanto Detention
17 Facility

**PETITIONER GHEBRESLASSIE'S
MOTION FOR (1) TEMPORARY
RESTRAINING ORDER AND (2)
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION**

18 DAVID MARIN, in his official capacity as
19 Field Office Director of the Immigration
20 and Customs Enforcement, Enforcement
21 and Removal Operations Los Angeles Field
Office;

**Memorandum in Support,
Declarations, and Exhibits Submitted
Herewith**

22 KRISTI NOEM, in her official capacity as
23 Secretary of the Department of Homeland
24 Security;

Judicial Officer: Hon. David T. Bristow
Courtroom number: 4
Hearing Date and Time: None Set.

25 PAMELA BONDI, in her official capacity
26 as Attorney General of the United States,

27 **Respondents.**

28 **PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Case No. 5:25-cv-03447

**TO THE CLERK OF COURT, ALL PARTIES, AND THEIR ATTORNEYS
OF RECORD:**

PLEASE TAKE NOTICE Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 83.3(g) and having provided notice to Defendants of this motion, Petitioner Mussie Haile Ghebreslassie ("Petitioner" or "Mr. Ghebreslassie") moves this Court for a temporary restraining order and for the issuance of an order to show cause why a preliminary injunction should not issue as follows:

1) A temporary restraining order that Respondents JAMES JANECKA, in his official capacity as Warden of the Adelanto Detention Facility; DAVID MARIN, in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Los Angeles Field Office; KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; and PAMELA BONDI, in her official capacity as Attorney General of the United States be immediately enjoined from continuing to detain Petitioner, and following his release, be enjoined from re-detaining Petitioner without complying with all applicable regulatory, statutory, and Constitutional requirements predicate to such detention. Petitioner additionally seeks to enjoin Respondents from removing him from the United States to Eritrea or any other country without first complying with all applicable regulatory, statutory, and constitutional requirements predicate to such removal.

2) Respondents shall show cause on _____, 2025 at _____ why a preliminary injunction should not issue requiring them to act as described above.

3) The temporary restraining order shall remain effective until such time as the Court has ruled on whether a preliminary injunction should issue. Such relief is necessary to prevent Respondents from violating Petitioner's rights and applicable regulatory, statutory, and constitutional provisions.

PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
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Case No. 5:25-cv-03447

1 Petitioner requests that this Court waive any bond requirement because
2 enjoining Respondents from violating applicable regulatory, statutory, and
3 constitutional provisions will not financially affect Respondents.

4 This Motion is made on the grounds that Petitioner is likely to succeed on
5 the merits of this case, will suffer irreparable harm without immediate injunctive
6 relief, the balance of equities tips sharply in his favor, and the relief sought is in the
7 public interest. The accompanying Memorandum of Law, declarations, and exhibits
8 set forth the specific reasons, authorities, and facts warranting immediate relief.

9

10 Respectfully submitted.

11 Dated: December 22, 2025

/ss/ Ali M. Farahmand

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Ali M. Farahmand

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Law Offices of Ali M. Farahmand

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Attorney for Petitioner

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Mussie Haile Ghebreslassie

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PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

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Case No. 5:25-cv-03447

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **EASTERN DIVISION**

11 MUSSIE HAILE GHEBRESLASSIE,

Case No.: 5:25-cv-03447

12
13 Petitioner,

14 vs.

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

15 JAMES JANECKA, in his official capacity
16 as Warden of the Adeanto Detention
17 Facility;

18 DAVID MARIN, in his official capacity as
19 Field Office Director of the Immigration
20 and Customs Enforcement, Enforcement
21 and Removal Operations Los Angeles Field
Office;

22 KRISTI NOEM, in her official capacity as
23 Secretary of the Department of Homeland
24 Security;

25 PAMELA BONDI, in her official capacity
26 as Attorney General of the United States,

27 Respondents.

28 **MEMORANDUM OF LAW ISO MOTION FOR TEMPORARY RESTRAINING**

**PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

Case No. 5:25-cv-03447

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I. INTRODUCTION

“The Fifth Amendment’s Due Process Clause forbids the Government to ‘depriv[e]’ any ‘person ... of ... liberty ... without due process of law.’ Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petitioner, Mussie Haile Ghebreslassie, has been imprisoned without due process of law for nearly ten weeks. Facing the prospect of indefinite detention, Petitioner seeks habeas relief from this Court.

Petitioner, a 54 year old citizen of Eritrea entered the United States on October 10, 2008, without inspection through the US/Mexican border and subsequently Petitioner filed a Form I-589 Application for Asylum on May 13, 2009 based upon his fear of returning to Eritrea. He was ultimately placed in removal proceedings where he was granted relief under Article 3 of the Convention Against Torture (CAT).

On August 9, 2017, Petitioner was formally served with an “Order of Supervision” which required him to report annually to a designated ICE office and Petitioner faithfully appeared at the ICE office for the required annual check-in/reporting annually from that date until October 15, 2025. Nevertheless, on October 15, 2025, when Petitioner duly reported to ICE’s Los Angeles Field Office pursuant to the terms of his Order of Supervision, he was brutally arrested and remains unlawfully detained.

Petitioner was not arrested for violating the terms of his Order of Supervision. Nor was he detained because Respondents designated a third

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1 country to which he could be removed in conformity with the Convention
2 Against Torture. Instead the only “notice he has received was delivered to him on
3 December 1, 2025 in the form of a “Warning For Failure To Depart”.

4 Petitioner moves this Court for a temporary restraining order
5 and/or a preliminary injunction ordering his immediate release pending the
6 resolution of his habeas corpus petition because the illegality of his arrest and
7 continued detention is flagrant. Respondents have complied with *none* of its
8 regulatory and due process requirements. They never provided him actual notice of
9 the reasons for the revocation of his release. They never conducted an initial
10 interview to evaluate the basis of that revocation. And they never gave him an
11 opportunity to be heard. 8C.F.R. § 241.4(l); § 241.13(i)(3).
12

13 Moreover, Respondents have done nothing to terminate Petitioner’s
14 protections under the Convention Against Torture, which — at the very least
15 — would be necessary before he could be removed to Eritrea. Nor have
16 Respondents designated a third country to which Petitioner’s removal is reasonably
17 imminent. Petitioner is therefore not only likely, but certain, to prevail on the
18 merits of his habeas corpus petition because Respondents have no authority, under
19 immigration laws or otherwise, to arbitrarily detain people indefinitely.
20

21 Immediate injunctive relief is necessary because Petitioner’s
22 arbitrary detention continues to impose significant practical and constitutional
23 harms upon him. Petitioner continues to be arbitrarily denied his fundamental
24 constitutional right to liberty.
25

1 The balance of equities and the public interest also strongly favor
2 immediate relief. The government has no legitimate interest in unlawfully detaining
3 individuals without due process, and the public has a strong countervailing interest
4 in ensuring that the government does not abuse its awesome power to arrest
5 and detain. Restoring the status quo costs the government and the public nothing,
6 insofar as in the two decades Petitioner has lived under his Order of Supervision,
7 he has never missed a single check-in with ICE officials. Indeed, it was only because
8 he complied with his Order of Supervision that ICE had the opportunity to
9 unlawfully arrest and detain him.
10

11 Petitioner is represented by counsel, has deep ties to the community,
12 and has a track record of years of compliance with Respondents' demands. At present,
13 however, Respondents have not only failed to come forward with a sound legal basis
14 for detaining Petitioner; they have failed to come forward with *any basis* for doing
15 so. Petitioner therefore asks this Court to promptly grant his motions for a
16 temporary restraining order/preliminary injunction.
17

18 **II. STATEMENT OF FACTS**

19 **A. Petitioner came to the United States to seek refuge from imprisonment and** 20 **torture.**

21 Petitioner was born in Eritrea in 1971 and entered the United States
22 On October 10, 2008 without inspection through the US/Mexican border. ¶3.
23 He filed a Form 1-589 Application for Asylum on May 13, 2009 ¶4. He was
24 granted CAT and has lived in the US peacefully since that time. ¶5 Petitioner has
25 no remaining ties to Eritrea: he no longer has family in Eritrea, all of them
26

1 reside in the United States legally. He is an outspoken critic whose actions are
2 known to the Eritrean government. *Id*

3 **B. Petitioner's removal proceedings, grant of relief under the Convention**
4 **Against Torture, and post-proceedings life in the United States.**

5 On December 18, 2014, Petitioner was granted relief under the Convention
6 Against Torture allowing him to remain in the United States by order of an
7 Immigration Judge. *Id.* ¶ 6

8 Petitioner was issued an Order of Supervision on August 9, 2017 placing in
9 "Supervised Release" status. . *Id.* ¶ 7. The Order of Supervision required, among
10 other things, that Petitioner regularly report in person to an ICE officer. Petitioner
11 has dutifully done so. *Id.*

12 Over the next 8 years, until today, Petitioner pursued life much like any
13 other resident of the United States, living, working, and taking care of his family
14 and community. Throughout this time, Petitioner regularly reported to ICE without
15 incident. *Id.* Petitioner, however, has remained fearful of being returned to Eritrea.
16 As Petitioner explained in the attached declaration, his advocacy opposing the
17 Eritrean government, and the continuing human rights conditions in Eritrea are
18 the highest he recalls in recent memory. *Id.* Consistent with the Immigration
19 Judge's previous analysis, Petitioner believes that, if returned to Eritrea today, he
20 would likely be tortured and even executed. *Id.*

21
22 **C. ICE detains Petitioner without notice, explanation, or any due**
23 **process.**

24 As he had for the past 8 years, Petitioner went to an ICE facility for a routine
25

1 check-in on July 10, 2025. Ghebresslassie Decl. ¶ 8. Upon arrival, ICE advised
2 Petitioner that his supervised release was revoked, and ICE detained Petitioner
3 immediately. *Id.* Petitioner had no opportunity to prepare for his detention, or
4 speak with his family before being placed in an ICE holding cell. Petitioner asked
5 the ICE officials that detained him why his release was revoked and was told that
6 anyone in the United States who is under Withholding or Deferral of Removal
7 Orders were generally being detained. Ghebresslassie Decl. ¶ 10.

8 Petitioner has received no further explanation or documentation regarding
9 his general detention. *Id.* ICE has also not advised Petitioner regarding any
10 potential removal to Eritrea or another country. *Id.* Nor has ICE provided
11 Petitioner with any information regarding potential release, processing, or time
12 frame. *Id.* Petitioner has not even had any opportunity to ask questions or respond
13 to the putative bases for the revocation of his release. *Id.* And contrary to the
14 explicit language of 8 CFR § 241.4, Petitioner has not participated in any interview,
15 discussion, or other procedure despite being detained for nearly three weeks. *Id.*
16 Effectively, Petitioner has been detained with no notice, no explanation, no hearing,
17 no time limit, no indication of next steps, and no ability to rebut or counter his
18 detention — in sum, no due process.

21 **III. ARGUMENT**

22 **A. Standard of Review**

23 The standards governing the grant of a temporary restraining order and a
24 preliminary injunction are “substantially identical.” *Stuhlbarg Int’l Sales Co v.*
25 *John D. Brush & Co.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). The moving party

1 must demonstrate 1) a likelihood of success on the merits; 2) the likelihood of
2 irreparable harm if relief is denied; 3) the balance of equities in their favor; and 3)
3 and the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008). In determining
4 whether relief is warranted, the district court may consider the pleadings, as well as
5 declarations and exhibits submitted by the parties. *Johnson v. Couturier*, 572 F.3d
6 1067, 1083 (9th Cir. 2009).

7 **B. Petitioner is likely to prevail on the merits.**

8 Respondents' authority to detain Petitioner derives solely and exclusively
9 from 8 U.S.C. § 1231(a)(6). That statute permits Respondents to detain certain
10 classes of aliens beyond ninety (90) days after a final order of removal. Here,
11 Petitioner's removal order was entered and Respondents released him nearly 11
12 years ago after an immigration judge found that sending Petitioner to Eritrea would
13 violate this nation's obligations under the Convention Against Torture and that his
14 "removal [was] no longer reasonably foreseeable." *Zadvydas*, 533 U.S. at 699.
15

16 Since his release, Petitioner has been subject to an Order of Supervision,
17 which requires him to regularly report to ICE in person. For nearly two decades,
18 Petitioner has faithfully reported to ICE and built his life in the United States.
19 Nevertheless, on October 15, 2025, Respondents summarily revoked Petitioner's
20 release without cause, without explanation, and without due process. Petitioner is
21 likely to prevail on the merits because Respondents' detention of him is
22 procedurally and substantively unlawful.

23 **1.** Individuals under legal restraint, but who are free from physical
24 restraint, have a liberty interest that entitles them to constitutional due process
25 before they are incarcerated. *Morrissey v. Brewer*, 408 U.S. 471 (1972); *see also*

1 *Young v. Harper*, 520 U.S. 143, 152 (1997) (holding that individuals placed in a
2 pre-parole program created to reduce prison overcrowding have a protected
3 liberty interest requiring pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S.
4 778, 781-82 (1972) (holding that individuals released on felony probation
5 have a protected liberty interest requiring predeprivation process). *Hurd v.*
6 *District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“The Supreme Court
7 has repeatedly held that in at least some circumstances, a person who is in fact
8 free of physical confinement — even if that freedom is lawfully revocable —
9 has a liberty interest that entitles him to constitutional due process before he is
10 re-incarcerated.”); *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004).

11
12 In general, “the Constitution requires some kind of a hearing *before* the
13 State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
14 113, 127 (1990) (original emphasis). Only in a “special case” where post-
15 deprivation remedies are “the only remedies the State could be expected to
16 provide” can post-deprivation process satisfy the requirements of due process. *Id.*
17 at 128. And the denial of such process warrants injunctive relief. *See, e.g.,*
18 *Rodriguez Diaz v. Kaiser*, No. 25-cv-05071, Order (N.D. Cal. June 14, 2025)
19 (TRO prohibiting the government from re-detaining the petitioner without notice
20 and a hearing before a neutral adjudicator); *T.P.S. v. Kaiser*, No. 25-cv-05428,
21 Order (N.D. Cal. June 30, 2025) (same).

22 Respondents’ own regulations recognize this due process requirement and
23 set forth minimal requirements before they can revoke a non-citizen’s release
24 pending deportation. Respondents must 1) provide the individual notice of the
25 reasons for the revocation; 2) conduct an interview to review the revocation

1 at the time the individual is taken into custody; and 3) give the individual a
2 meaningful opportunity to be heard on the reasons for the revocation. 8 C.F.R.
3 § 241.4(l); *see also id.* §241.13 (i)(3). Respondents did none of these things.

4 **First**, Respondents have never provided Petitioner with a notice of
5 revocation as required. To constitute notice under § 214.4(l), ICE must assert the
6 specific a regulatory basis for revocation (from among the discrete bases set out in
7 the regulation) and “identify . . . specific . . . circumstances to support the[]
8 assertions.” *Perez-Escobar v. Moniz*, No. 25-cv-11781-PBS, 2025 WL 2084102
9 (D. Mass., Jul. 24, 2025).

10 District courts have ordered individuals released via habeas corpus for lack
11 of adequate notice in the face of far more specific notice than was provided to
12 Petitioner. *See, e.g., Perez-Escobar*, 2025 WL 2084102 at *2 (“ICE’s notice
13 merely asserted that ‘there is a significant likelihood of removal[, etc.] . . . The
14 notice does not identify any specific changed circumstances to support these
15 assertions. . . . ICE’s failure to give Petitioner meaningful notice . . . violated
16 the regulation and due process.”).

17 **Second**, though Respondents took Petitioner into custody nearly ten weeks
18 ago, they have still not provided him with an initial interview to review the
19 reasons his release was revoked as is required by Section 241.4(l)(1). This initial
20 interview is no formality. It is necessary to protect against arbitrary, capricious,
21 and unlawful deprivations of an individual’s constitutionally protected liberty
22 interest. District courts across the country have therefore not hesitated to
23 order the release of immigration detainees where ICE has not satisfied this
24 minimal safeguard of individual liberty. *See, e.g., Phan v. Beccerra*, No. 25-
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MEMORANDUM OF LAW ISO MOTION FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

1 cv-1757-DC-JDP, 2025 WL 1993735 (E.D. Cal., July 16, 2025) (“Because there
2 is no indication that an informal interview was provided to Petitioner, the court
3 finds Petitioner is likely to succeed on his claim that his re-detainment was
4 unlawful.”); *Wing Nuen Liu v. Carter*, No. 25-cv-3036-JWL, 2025 WL 1696526
5 (D. Kan., Jun 17, 2025) (granting habeas where “petitioner was not granted the
6 required interview upon the revocation of his release”); *Serring Ceesay v.*
7 *Kurzdorfer*, No. 25-cv-267, 2025 WL 1284720 (W.D.N.Y., May 2, 2025)
8 (same).

9 **Third**, Respondents have given Petitioner no opportunity to be heard on the
10 reasons for the revocation of his release. As the Ninth Circuit noted, also in
11 the immigration context, an opportunity to be heard, at a minimum, means
12 “opportunity to be heard at a meaningful time and in a meaningful manner”
13 — that is, under circumstances that allow the non-citizen “to present pertinent
14 information.” *Villa-Anguiano v. Holder*, 727 F.3d 873, 881 (9th Cir. 2013); see
15 also *Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019 (2025) (statement of
16 Sotomayor, J.) (“in order to revoke conditional release, the Government must
17 provide adequate notice” and give the noncitizen “an opportunity to respond to the
18 reasons” offered for the revocation.) (quoting 8 C.F.R. § 241.4(l)(1)).

19 Respondents must respect due process. And Respondents must comply
20 with their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347
21 U.S. 260, 267(1954). Section 241.4 establishes procedures designed to protect the
22 fundamental liberty interest that people within the United States have
23 against arbitrary detention by an indifferent or hostile bureaucracy. See *Waldron v.*
24 *I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993) (Where an immigration “regulation is
25

1 promulgated to protect a fundamental right derived from the Constitution or a
2 federal statute,' like the opportunity to be heard, 'and [ICE] fails to adhere to it,
3 the challenged [action] is invalid'''). Respondents' failure to follow their own
4 rules is therefore independently sufficient to establish a denial of procedural due
5 process as well as Petitioner's certainty to prevail on the merits of his habeas
6 corpus petition.

7 2. Wholly apart from Respondents indifference to the procedural safeguards
8 against arbitrary detention, Petitioner's detention violates the Supreme Court's
9 unambiguous directive that immigration detainees may *only* be held for "a
10 period reasonably necessary to bring about the alien's removal from the
11 United States." *Zadvydas*, 533 U.S. at 689, 701. Where, as here, there is no
12 reasonable prospect of imminent removal, detention becomes arbitrary, is no
13 longer authorized by statute, and violates basic American norms of due process.

14 The only indication Petitioner has been given as to why he was summarily
15 detained was a vague reference by an ICE official to potential removal to a
16 participating third country of aliens who are under Withholding or Deferral of
17 Removal Orders. Petitioner was never provided a copy of this "detention order" or
18 its legal basis. Nor could such a blanket "detention order" provide a
19 justification for Petitioner's detention.

20 Petitioner's removal to Eritrea has been barred for eleven years because an
21 immigration judge determined that "it is more likely than not that he would suffer
22 torture" in Eritrea. Ex. A to Kazemi Decl., Board of Immigration Appeals
23 Decision (Oct. 11, 2005); *see also* 8 C.F.R. § 1208.16(c)(2). That finding grants
24 Petitioner an indefinite deferral of removal pursuant to this Nation's
25

1 commitments under the Convention Against Torture. 8 C.F.R. § 1208.17. To
2 reverse that finding or to terminate that deferral, Respondents must file a
3 motion in Immigration Court and come forward with all evidence “relevant to
4 the possibility that the alien would be tortured” if his deferral is terminated. *Id.*
5 § 1208.17(d). Petitioner, then, would have the right to notice of the “time, place,
6 and date of the termination hearing,” as well as a right to supplement the factual
7 record. *Id.* And an immigration judge, not Respondents, would make a de novo
8 determination as to whether the deferral should be terminated. *Id.*

9
10 None of those procedures have been followed here. Nor have Respondents
11 **designated some third country that is prepared to accept Petitioner’s removal**
12 **that could justify his detention. As the Ninth Circuit has squarely held,**
13 **such notice** is required by 8 U.S.C. § 1231(b)(3)(A) as well as the “basic tenet
14 of constitutional due process: that individuals whose rights are being
15 determined are entitled to notice of the issues to be adjudicated, so that they
16 will have the opportunity to prepare and present relevant arguments and
17 evidence.” *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

18 Providing such notice and opportunity to present a fear-based claim prior
19 to deportation also implements the United States’ obligations under international
20 law. *See* United Nations Convention Relating to the Status of Refugees, July 28,
21 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of
22 Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267; Refugee Act of 1980,
23 Pub. L. 96-212, § 203(e), 94 Stat. 102, 107 (codified as amended at 8 U.S.C. §
24 1231(b)(3)); *INS v. Stevic*, 467 U.S. 407, 421 (1984) (noting that the Refugee Act
25 of 1980 “amended the language of [the predecessor statute to § 1231(b)(3)],

1 basically conforming it to the language of Article 33 of the United Nations
2 Protocol”); *see also* United Nations Convention Against Torture and Other
3 Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature*
4 Dec. 10, 1984, art. III, S. Treaty Doc. No. 100-20(1988), 1465 U.N.T.S. 85,
5 114; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. 105-277,
6 Div. G, subdiv. B, title XXII, § 2242, 112 Stat. at 2681–822 (codified at Note to 8
7 U.S.C. § 1231) (“It shall be the policy of the United States not to expel, extradite,
8 or otherwise effect the involuntary return of any person to a country in which
9 there are substantial grounds for believing the person would be in danger of
10 being subjected to torture, regardless of whether the person is physically
11 present in the United States.”); United Nations Committee Against Torture,
12 General Comment No. 4 ¶ 12, 2017, Implementation of Article 3 of the
13 Convention in the Context of Article 22, CAT/C/GC/4 (“Furthermore, the
14 person at risk [of torture] should never be deported to another State where
15 he/she may subsequently face deportation to a third State in which there are
16 substantial grounds for believing that he/she would be in danger of being subjected
17 to torture.”).

19 In short, Respondents have come forward with no legitimate basis on which
20 to detain Petitioner or to revoke his release. The detention of removable aliens is
21 not a punishment. It cannot be used for its in terrorem value as a general
22 deterrent to immigration. And it cannot be used to meet monthly arrest quotas.
23 Petitioner is therefore likely to prevail on the merits because Respondents
24 cannot use pretextual, vague, and passive voice constructions like “it has
25 been determined” and a “decision has been made based on a review of your

1 immigration and criminal history,” *Perez-Escobar*, 2025 WL 2084102, at *2,
2 to convert the administrative detention of individuals moving through the
3 deportation process into the “indefinite detention” of non-citizens, *Zadvydas*, 533
4 U.S. at 682.

5 **C. Petitioner will suffer irreparable harm if injunctive relief is denied.**

6 While Petitioner continues to languish in ICE detention, indefinitely and for
7 no lawful purpose, his business will continue to deteriorate. These losses will
8 not only impact on his own financial well-being, but also the financial security
9 of his family. That includes his elderly mother, who recently suffered a stroke
10 and lives with and is cared for by Petitioner. Kazemi Decl. ¶ 9. Respondents
11 precipitous and arbitrary actions not only cost Petitioner, but innocent members of
12 the community who depend upon him. *Id.* These irreparable harms are why the
13 Ninth Circuit has held that “unlawful detention certainly constitutes ‘extreme or
14 very serious’ damage, and that damage is not compensable in damages.”
15 *Hernandez*, 872 F.3d at 999. And each extra day of that unlawful detention
16 irreparably harms Petitioner’s fundamental constitutional rights. *Warsolder v.*
17 *Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005) (Where “alleged deprivation of a
18 constitutional right is involved, most courts hold that no further showing of
19 irreparable injury is necessary.”) (quoting *Wright & Miller*, Fed.
20 *Prac. Proc.* § 2948.1); *see also Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir.
21 2012) (“It is well established that the deprivation of constitutional rights
22 ‘unquestionably constitutes irreparable injury.’”) (quoting *Elrod v. Burns*, 427 U.S.
23 347, 373 (1976)).
24
25

D. Both the equities and the public interest are served by granting relief.

Because Respondents appear in their official capacities, the third and fourth injunction factors merge. *Drakes Bay Oyster v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014). Here, the public interest strongly favors immediate injunctive relief.

First, the public has a strong interest in the preservation of the status quo against unlawful government action. Federal district courts across this state have held that this interest is best served by granting injunctive relief against unlawful governmental efforts to detain non-citizens by the misuse of immigration authorities. See, e.g., *Phan*, 2025 WL 1993735; *Pinchi v. Noem*, No. 25-cv-5632-RMI-FL, Order (N.D. Cal., Jul. 4, 2025); *Domingo-Ros v. Archambealt*, No. 25-cv-1208-DMS-DEB, Order (S.D. Cal., May 18, 2025); *Doe v. Becerra*, No. 25-cv-647-DJC-DMC, Order (E.D. Cal., Mar 3, 2025).

Second, the public has a strong and compelling interest in ensuring that federal officials comply with the law. *Inland Empire—Immigrant Youth Collective v. Duke*, No. EDCV 17-2048, 2017 WL 5900061, at *10 (C.D. Cal. Nov. 20, 2017) (enjoining USCIS from terminating DACA status and noting “the public has a strong interest in ensuring that the nation’s immigration laws are robustly—and fairly—enforced” (emphasis in original))

Third, the public has a financial as well as a humane interest in ensuring that the government’s detention authorities are not used profligately. As the Ninth Circuit has recognized, “the costs to the public of immigration detention are ‘staggering.’” *Hernandez*, 872 F.3d at 996. The public has avoided those costs for the better part of two decades, while Petitioner has remained under his Order of Supervision.

1 Throughout that time, Petitioner regularly reported to ICE without issue,
2 Kazemi Decl. ¶ 8, and Respondents have never had any cause to doubt his
3 whereabouts or amenability to the federal government's jurisdiction. Petitioner
4 has deep familial and business ties in the community. *Id.* ¶ 9. He is represented
5 by counsel, who can receive legal notices on his behalf.

6 In short, Petitioner's continued unlawful detention imposes nothing but
7 costs on him, on the public, and on those who depend upon him. The balance of
8 equities, and the public interest, therefore, strongly tip against those costs and the
9 grant of the relief requested

10
11 **IV. CONCLUSION**

12 For the foregoing reasons, Petitioner asks that his motions for a Temporary
13 Restraining Order and a Preliminary Injunction be GRANTED without delay.

14 Respectfully submitted.

15 Dated: December 22, 2025

/ss/ Ali M. Farahmand

16 Ali M. Farahmand

17 Law Offices of Ali M. Farahmand

18 Attorney for Petitioner

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