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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Ashraf Farhan Husny SULAIMAN,
11
12 Petitioner,
13
14 v.

15 Kristi NOEM, Secretary, U.S.
16 Department of Homeland Security;
17 Pamela BONDI, U.S. Attorney General;
18 Todd LYONS, Acting Director,
19 Immigration and Customs Enforcement;
20 Jaime RIOS, Acting Director, Los
21 Angeles Field Office, Immigration and
22 Customs Enforcement, Enforcement and
23 Removal Operations;
24 Fereti SEMAIA, Warden, Adelanto ICE
25 Processing Center; EXECUTIVE
26 OFFICE FOR IMMIGRATION
27 REVIEW; IMMIGRATION AND
28 CUSTOMS ENFORCEMENT; and U.S.
DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Case No. 25-cv-03475

**PETITIONER'S EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

1 Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure, Petitioner
2 hereby moves the Court for emergency relief in the form of a temporary restraining
3 order (“TRO”).
4

5 Petitioner seeks an order enjoining Respondents from transferring him out of
6 this judicial district during the pendency of his Petition for a Writ of Habeas Corpus
7 or ordering them to return him if he has already been transferred. Petitioner seeks an
8 order enjoining Respondents from removing to Petitioner to the Palestinian Occupied
9 Territories (Palestine) in violation of his withholding of removal order. Petitioner
10 also seeks an order barring Respondents from removing him to a third country
11 without notice and an opportunity to be heard on any fear of persecution or torture
12 he has in that third country.
13
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15

16 Petitioner seeks this emergency relief because his removal would deprive him
17 of his constitutional and statutory rights and cause irreparable injury in the form of
18 persecution and torture.
19

20 Petitioner requests the Court schedule oral argument as soon as the Court’s
21 calendar allows and the parties are available, should it be necessary to resolve this
22 motion.
23

24 Petitioner further moves for the issuance of an order to show cause as to why
25 a preliminary injunction should not issue.
26
27
28

1 This application is supported by the Memorandum of Points and Authorities,
2 accompanying exhibits, as well as any additional submissions that may be considered
3 by the Court.
4

5 Respondents' position is unknown. *See* attached Certificate of Counsel.
6

7 DATED: December 19, 2025

s/ Keli M. Reynolds

Keli M. Reynolds

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Attorney for Petitioner

CERTIFICATE OF COUNSEL

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure, L.R. 7-19.1, and L.R. 65-1, I hereby certify that on December 19, 2025 at approximately 6:00pm, I sent an email to Daniel Beck, AUSA, Chief, Complex and Defensive Litigation Section, U.S. Attorney's Office, Central District of California. In the email, I provided Mr. Beck a summary of Petitioner's claims. Mr. Beck has not responded to counsel's email as of this filing.

I will provide a copy of the Application for a Temporary Restraining Order, Memorandum of Points and Authorities, Supporting Exhibits, and Petition for Writ of Habeas Corpus to Mr. Beck by emailing copies to Daniel.Beck@usdoj.gov shortly after filing the pleadings via CM/ECF.

Respectfully Submitted,

DATED: December 19, 2025

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Ashraf Farhan Husny SULAIMAN,

Case No.

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**[PROPOSED] ORDER ON
TEMPORARY RESTRAINING
ORDER**

13 Kristi NOEM, Secretary, U.S.
14 Department of Homeland Security;
15 Pamela BONDI, U.S. Attorney General;
16 Todd LYONS, Acting Director,
17 Immigration and Customs Enforcement;
18 Jaime RIOS, Acting Director, Los
19 Angeles Field Office, Immigration and
20 Customs Enforcement, Enforcement and
21 Removal Operations; Fereti SEMAIA,
22 Warden, Adelanto ICE Processing
23 Center; IMMIGRATION AND
24 CUSTOMS ENFORCEMENT; and U.S.
25 DEPARTMENT OF HOMELAND
26 SECURITY,

27 Respondents.
28

[PROPOSED] ORDER ON TEMPORARY RESTRAINING ORDER

Having reviewed the Application of Petitioner Ashraf Farhan Husny SULAIMAN for a temporary restraining, the Court temporarily restrains Respondents from transferring Petitioner outside the Central District of California during the pendency of his Petition for Writ of Habeas Corpus. If Respondents have transferred Petitioner outside the Central District, they are ordered to return him to the Central District immediately.

The Court also temporarily restrains Respondents from removing Petitioner to the Palestinian Occupied Territories (a/k/a, Palestine, a/k/a, the Occupied Territories).

The Court also temporarily restrains Respondents from removing Petitioner to a third country without written notice to both Petitioner and Petitioner's counsel. Following notice, Petitioner must be given a meaningful opportunity, and a minimum of 10 days, to raise a fear-based claim for withholding of removal or protection under the Convention Against Torture prior to removal.

If Petitioner demonstrates a "reasonable fear" of removal to a third country, Respondents must move to reopen Petitioner's removal proceedings. If Petitioner is not found to have demonstrated a "reasonable fear" of removal to the third country, Respondents must provide a meaningful opportunity, and a minimum 15 days, for Petitioner to seek reopening of his immigration proceedings.

1 IT IS SO ORDERED.

2

3 DATED: _____

4

United States District Judge

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10 Petitioner,

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25 CUSTOMS ENFORCEMENT; and U.S.
26 DEPARTMENT OF HOMELAND
27 SECURITY,

28 Respondents.

**MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT OF EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE**

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INTRODUCTION

Petitioner, Ashraf Farhan Husny SULAIMAN, (“Petitioner”) is a native of the Palestinian Occupied Territories and a citizen of no country. On June 18, 2015, an Immigration Judge granted Petitioner withholding of removal, which prohibits Respondents from removing him to the Palestinian Occupied Territories (“Palestine”). Should Respondents wish to remove Petitioner to the Palestinian Occupied Territories, the law sets forth specific procedures by which they can reopen the case and seek to set aside the grant of withholding of removal. Respondents apparently find these legal procedures too bothersome, so they plan to ignore them and remove Petitioner to the Palestinian Occupied Territories anyway, ripping him away from his U.S.-citizen wife and four U.S. citizen children. Petitioner has already demonstrated in Immigration Court that he would be persecuted and tortured if he is removed to the Palestinian Occupied Territories. Respondents are well aware of their legal and moral obligations to prevent this but apparently do not care about either. Such conduct cries out for immediate judicial relief.

In addition, while Petitioner has not been told that Respondents are seeking his removal to a third country, they have listed his country of birth as Jordan and presented him documents on the letterhead of the Embassy of Israel. Petitioner therefore seeks an order barring Respondents from removing him to a third country without notice and an opportunity to be heard on any fear of persecution or torture he has in that third country.

1
2
3 **STATEMENT OF FACTS**

4 Petitioner entered the United States as a visitor in or about 2001 with his wife
5 and son. He applied for asylum in the United States in approximately 2002. On June
6 18, 2015, Petitioner was granted withholding of removal to the Palestinian Occupied
7 Territories.¹ See Ex. A, Immigration Judge Order granting withholding of removal.
8 Petitioner's wife and son were granted asylum.
9

10 Petitioner is married to a U.S. citizen and the father of four U.S. citizen
11 children. Once Petitioner's son became a U.S. citizen, his son filed an I-130 petition
12 to classify Petitioner as an immediate relative of a U.S. citizen. See Declaration of
13 Patricia M. Corrales ("Corrales Decl.") at ¶ 4. Petitioner, through his immigration
14 attorney Patricia M. Corrales, has been seeking to reopen his case to apply for
15 permanent residence since April of 2024. *Id* at ¶ 4. He currently has a motion to
16 reopen pending before an Immigration Judge. *Id.* at ¶ 5.
17
18

19
20 On October 10, 2025, Petitioner received a letter from ICE's Enforcement and
21 Removal Operations ("ERO") to report to ERO in Santa Ana, California. *Id* at ¶ 6.
22 On December 8, 2025, Petitioner attended his ERO appointment in Santa Ana
23 accompanied by Attorney Corrales. *Id* at ¶ 7. On that day, ICE handcuffed him and
24
25

26 ¹ The Immigration Judge's order grants withholding of removal to the "Occupied Territories,"
27 and DHS has asserted its intention to remove Petitioner to "Palestine." Petitioner assumes that
28 DHS does not intend to remove Petitioner to Palestine because they are unaware that Palestine is
the Occupied Territories. For clarity, Petitioner will refer to the Occupied Territories/Palestine as
the Palestinian Occupied Territories.

1 detained him. *Id.* Petitioner fainted and lay unconscious for approximately 15
2 minutes while ICE officials tried to force Attorney Corrales out of the room. *Id.*
3 When Petitioner regained consciousness, ICE officials led him away in handcuffs.
4 He has been detained in ICE custody since and is currently at Adelanto ICE
5 Processing Center. *Id.* at ¶ 8.
6

7
8 On the ICE detainee locator, Petitioner's country of birth is listed as Jordan,
9 despite him having never lived in Jordan. *Id.* at ¶ 9; *see also*, Ex. C, printout of ICE
10 detainee locator on Dec. 19, 2025.
11

12 On December 17, 2025, ICE officers presented Petitioner documents on the
13 letterhead of the Embassy of Israel. Corrales Decl. at ¶ 10, *see also*, Ex. B, email
14 between Attorney Corrales and Deportation Officer J. Suarez. Petitioner's
15 immigration attorney immediately emailed Petitioner's Deportation Officer ("DO"),
16 J. Suarez, and informed DO Suarez that she does not consent to any DO contacting
17 her client without her authorization. *Id.* She also informed them that Petitioner feared
18 removal to Israel and requested, on Petitioner's behalf, a hearing during which he
19 could present a fear claim if ICE planned to deport him to Israel. *Id.*
20
21

22 DO Suarez responded to Petitioner's immigration attorney that Petitioner was
23 presented with a travel document request for the government of his country and that
24 Petitioner is being removed to Palestine and not Israel. *See* Ex. B.
25

26 DO Suarez also asserted that Petitioner will be placed on "Failure to Comply"
27 status if he refuses to fill out the travel document request form a second time. *Id.*
28

1 Petitioner's removal to the Palestinian Occupied Territories would be in
2 violation of an Immigration Court order withholding his removal to the Occupied
3 Territories.
4

5 On information and belief, Respondents are also planning to remove Petitioner
6 to Israel or Jordan, or another third country. None has been designated, and no fear
7 screening has occurred.
8

9 ARGUMENT

10 The requirements for granting a Temporary Restraining Order are
11 "substantially identical" to those for granting a preliminary injunction. *Stuhlbarg Int'l*
12 *Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).
13

14 Petitioner must demonstrate that (1) he is likely to succeed on the merits of his
15 claims; (2) he is likely to suffer irreparable harm in the absence of preliminary relief;
16 (3) the balance of equities tips in his favor; and (4) an injunction is in the public
17 interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). A sliding scale test
18 may be applied, and an injunction should be issued when there is a stronger showing
19 on the balance of hardships, even if there are "serious questions on the merits ... so
20 long as the plaintiff also shows a likelihood of irreparable harm and that the
21 injunction is in the public interest." *All. for the Wild Rockies v. Cottrell*, 632 F.3d
22 1127, 1135 (9th Cir. 2011); *see also Flathead-Lolo-Bitterroot Citizen Task Force v.*
23 *Montana*, 98 F.4th 1180, 1190 (9th Cir. 2024). A temporary restraining order
24 preserves the *status quo ante litem*, which refers to the "last uncontested status which
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1 preceded the pending controversy.” *Flathead-Lolo-Bitterroot Citizen Task Force*, 98
2 F.4th at 1191; *Shilling v. United States*, No. 25-CV-241-BHS, 2025 WL 926866, at
3 *11 (W.D. Wash. Mar. 27, 2025) (granting preliminary injunction).

4
5 Here, Petitioner meets both the irreparable harm and likelihood of success
6 prongs, and the requested relief is not overly burdensome on Respondents.
7 Accordingly, Petitioner merits issuance of a TRO.

8
9 **I. Petitioner Is Likely To Succeed On The Merits Of His Claims.**

10 This habeas petition challenges Petitioner’s ongoing detention, as the purpose
11 of his detention is either his removal to the Palestinian Occupied Territories or a third
12 country without notice and a reasonable opportunity to present a fear claim. His
13 removal would therefore violate the Immigration and Nationality Act and his Fifth
14 Amendment right to due process.
15

16
17 The Withholding of Removal statute, 8 U.S.C. § 1231(b)(3)(A), prohibits
18 Respondents from removing a noncitizen to any country from which he has been
19 granted withholding of removal, unless such grant is formally terminated by lawful
20 means. § 1231(b)(3)(A), provides that ‘the Attorney General may not remove an alien
21 to a country if the Attorney General decides that the alien's life or freedom would be
22 threatened in that country because of the alien’s race, religion, nationality,
23 membership in a particular social group, or political opinion.’” *Johnson v. Guzman*
24 *Chavez*, 594 U.S. 523, 530 (2021). Petitioner won just such an order in 2015. Ex. A.
25
26
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28

1 “If an alien is granted withholding-only relief, DHS may not remove
2 the alien to the country designated in the removal order unless the order
3 of withholding is terminated. [8 C.F.R.] §§ 208.22, 1208.22. But
4 because withholding of removal is a form of country specific relief,
5 nothing prevents DHS from removing [the] alien to a third country
6 other than the country to which removal has been withheld or deferred,
[8 C.F.R.] §§ 208.16(f), 1208.16(f); see also §§ 208.17(b)(2),
1208.17(b)(2).”

7 *Guzman Chavez*, 594 U.S. at 531-32 (some internal citations omitted). It is clear,
8 therefore, that the Immigration and Nationality Act (“INA”) prevents the government
9 from removing Petitioner to the Palestinian Occupied Territories. Despite this,
10 Respondents have clearly stated their intention to remove Petitioner to “Palestine.”
11 Ex. B, email from DO Suarez (“Your client is not being removed to Isreal (*sic*) he is
12 being removed to Palestine...”). Petitioner is likely to succeed on the merits of his
13 claim that his removal to the Palestinian Occupied Territories would be unlawful and
14 must be enjoined.
15
16
17

18 It is true that Respondents may remove a non-citizen to a third country (i.e., a
19 country in which the non-citizen does not hold citizenship) if removal to their country
20 of citizenship is impractical, inadvisable or impossible. See 8 U.S.C.
21 § 1231(b)(2)(E)(ii). However, as set forth above, DHS is barred from removing a
22 non-citizen to a country where the non-citizen’s life or freedom would be threatened
23 because of five protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS is barred
24 from deporting a non-citizen to a country where they face a threat of torture. See 8
25 C.F.R. §§ 208.16-208.18.
26
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28

1 Notwithstanding the statutory and regulatory prohibitions on removing non-
2 citizens to countries where they face potential persecution or torture, on March 30,
3 2025, Respondent Noem issued a memo governing third country removals. *See* Ex.
4 D, USCIS Memorandum, Kristi Noem, “Guidance Regarding Third Country
5 Removals,” (Mar. 30, 2025). This memo states that if the United States has received
6 “diplomatic assurances” from a third country that non-citizens removed to that
7 country will not be persecuted or tortured, DHS may remove that non-citizen
8 “without the need for further procedures.” *Id.* at 1.

9 The procedure laid out in this memo violates the statutory and regulatory
10 provisions requiring Respondents to provide a non-citizen with a forum to
11 demonstrate an individualized risk of torture or persecution in a specific country. The
12 memo purports to rely on blanket assurances from third countries that non-citizens
13 generally will not be tortured or persecuted to circumvent the obligation to determine
14 if an individual non-citizen faces a risk of torture or persecution.

15 As Respondents are apparently willing to remove Petitioner to the Palestinian
16 Occupied Territories in violation of a clear order, Petitioner assumes Respondents
17 are also willing to remove him to a third country without notice or an opportunity to
18 present a fear claim. As Petitioner is listed as having been born in Jordan and been
19 presented documents on the Israeli Embassy letterhead, to the extent that
20 Respondents intend to remove Petitioner to a third country without notice or the
21 opportunity to demonstrate that he is at a particularized risk of torture or persecution

1 in that third country, such removal is unlawful and should be enjoined.

2 **II. Petitioner Will Suffer Irreparable Harm In The Absence Of A TRO.**

3
4 In the absence of a TRO, Petitioner is at risk of transfer outside of this judicial
5 district and removal to either a country where his life and freedom are threatened. He
6 has already proven this and been granted withholding of removal to the Palestinian
7 Occupied Territories. Ex. A. Now he faces removal to that country in violation of
8 that order, or an undesignated third country with no notice and no opportunity to
9 present a fear claim. Either of these events would cause Petitioner irreparable harm.
10
11 “[T]hird-country removals are subject to the same mandatory protections that exist
12 in removal or withholding-only proceedings.” *D.V.D. v. U.S. Dep’t of Homeland*
13 *Sec.*, 2025 WL 1453640, at *3 (D. Mass. May 21, 2025).
14
15

16 If Petitioner is removed unlawfully and without notice, he may never be
17 returned. *See Trump v. J.G.G.*, 604 U.S. ----, 145 S.Ct. 1003, 1101 (2025)
18 (Sotomayor, J., dissenting) (noting government’s position that “even when it makes
19 a mistake, it cannot retrieve individuals from the Salvadoran prisons to which it has
20 sent them”); *Abrego Garcia v. Noem*, No. 25-1404, 2025 WL 1135112, at *2 (4th
21 Cir. Apr. 17, 2025) (“both the United States and the El Salvadoran governments
22 disclaim any authority and/or responsibility to return” unlawfully removed
23 noncitizen); *Arguelles v. U.S. Att’y Gen.*, 661 F. App’x 694, 716 (11th Cir. Nov. 23,
24 2016) (unpub) (“[I]n *Nken[v. Holder, 556 U.S. 418 (2009)]*, the Supreme Court told
25 us removal from the United States [after entry of a removal order] is not categorically
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28

1 irreparable because removed petitioners ‘who prevail [in a petition for review] can
2 be afforded effective relief by facilitation of their return.’ 556 U.S. 418, 435. But... it
3 is implicit in this rule that removal *does* constitute irreparable harm when facilitation
4 of a removed petitioner’s return will *not* be possible.” (emphasis in original)); *D.V.D.*,
5 2025 WL 1453640 at *23 (“The irreparable harm factor likewise weighs in Plaintiffs’
6 favor. Here, the threatened harm is clear and simple: persecution, torture, and death.
7 It is hard to imagine harm more irreparable.”). Until the Habeas Petition is
8 adjudicated, Petitioner’s transfer or removal to a third country without notice should
9 be restrained.²

13 **III. The Balance Of Equities Tips In Petitioner’s Favor And A TRO Is In** 14 **The Public Interest.**

15 The balance of equities and public interest merge in cases against the
16 government. *See Nken*, 556 U.S. at 436. Here, the balance favors Petitioner.

17
18 Petitioner does not contest Respondents’ ability to prosecute criminal offenses,
19 detain noncitizens, and remove noncitizens under the immigration laws. Here, the
20

21
22 ² Justice Kavanaugh’s concurrence in *J.G.G.* made clear that federal courts,
23 reviewing habeas petitions, have the authority to block the transfer of a detainee.
24 *See J.G.G.*, 145 S.Ct. at 1007 (J. Kavanaugh, concurring) (recognizing that “all nine
25 Members of the Court agree that judicial review is available” of a detainee’s
26 challenge to his transfer by federal immigration authorities). “I add only that the use
27 of habeas for transfer claims is not novel.” *Id.* “That general rule holds true for
28 claims under the Alien Enemies Act, the statute under which the Government is
seeking to remove these detainees. And going back to the English Habeas Corpus
Act of 1679, if not earlier, habeas corpus has been the proper vehicle for detainees
to bring claims seeking to bar their transfers.” *Id.* (internal citation omitted).

1 likelihood of Petitioner's success on the merits, combined with the established
2 constitutional framework that requires the government to proceed lawfully when
3 effectuating removal, strongly tips the balance of equities in Petitioner's favor.
4 "There is generally no public interest in the perpetuation of unlawful agency action.
5 To the contrary, there is a substantial public interest in having governmental agencies
6 abide by the federal laws that govern their existence and operations." *See League of*
7 *Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (internal
8 quotation marks and citations omitted).

9
10
11
12 Petitioner's constitutional right to be free of unlawful detention weighs heavily
13 in the public interest. And the public has a critical interest in preventing wrongful
14 removals, "particularly to countries where they are likely to face substantial harm."
15 *Nken*, 556 U.S. at 436. As Petitioner's continued detention without imminent removal
16 cannot be lawful, there can be no public interest in prolonging that circumstance. *See*
17 *e.g., Washington v. DeVos*, 481 F.Supp.3d 1184, 1197 (W.D. Wash. 2020).

18
19
20 Respondents cannot show here how the government's interests overcome the
21 irreparable injury to Petitioner. As noted above, the hardship for Petitioner is concrete
22 and severe. He faces removal to a territory where he is likely to be imprisoned,
23 detained, and tortured.

24 25 **IV. The Court Should Not Require Petitioner To Provide Security.**

26
27 The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This
28 rule permits a court to grant preliminary injunctive relief "only if the movant gives

1 security in an amount that the court considers proper to pay the costs and damages
2 sustained by any party found to have been wrongfully enjoined or restrained.” FRCP
3 65(c). But it is well established that Rule 65(c) does not impose a mandatory
4 requirement for a bond, but rather “invests the district court ‘with discretion as to the
5 amount of security required, *if any*.’” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th
6 Cir. 2003) (quoting *Barahona-Gomez v. Reno*, 167 F.3d 1228, 1237 (9th Cir. 1999)).
7
8 In particular, “[t]he district court may dispense with the filing of a bond when it
9 concludes there is no realistic likelihood of harm to the defendant from enjoining his
10 or her conduct.” *Johnson v. Courturier*, 572 F.3d 1067, 1086 (9th Cir. 2009). Here,
11 there is no realistic likelihood of harm to Respondents if the Court grants the
12 requested TRO, and it would pose a significant hardship on Petitioner who is
13 incarcerated to have a bond imposed. The Court should exercise its discretion and
14 waive the requirement to post a bond under Rule 65(c).
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19 CONCLUSION

20 For the foregoing reasons, Petitioner respectfully submits that he has met the
21 criteria for a temporary restraining order. He asks the Court to enjoin Respondents
22 from transferring him out of this judicial district – or, if he has been transferred, to
23 order his return to the district – and from removing him either to (1) the Palestinian
24 Occupied Territories in violation of the withholding of removal order, or (2) a third
25 country without proper notice and opportunity to be heard.
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Respectfully Submitted,

DATED: December 19, 2025

s/ Keli M. Reynolds
KELI M. REYNOLDS
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Attorney for Petitioner

WORD COUNT CERTIFICATION

The undersigned, counsel of record for Petitioner certifies that this Memo contains
3,235 words, which complies with the word limit of L.R. 11-6.1.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Attorney for Petitioner

TABLE OF EXHIBITS

- Exhibit A** Immigration Judge's Order Granting Withholding of Removal to the Occupied Territories
- Exhibit B** Email Correspondence between Attorney Corrales and DO Suarez
- Exhibit C** ICE Detainee Locator Printout Showing Country of Birth as Jordan
- Exhibit D** March 30, 2025 Guidance re Third Country Removals