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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 Ashraf Farhan Husny Sulaiman,

12 Petitioner,

13 v.

14 Kristi Noem, et al.,

15 Respondents.
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Case No. 5:25-cv-03475-PA-SSC

**PETITIONER'S REPLY IN
SUPPORT OF APPLICATION
FOR PRELIMINARY
INJUNCTION**

Hon. Percy Anderson
United States District Judge

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REGULATIONS

<u>8 C.F.R. § 1208.16(b)(2)</u>	5
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1 **REPLY IN SUPPORT OF PRELIMINARY INJUNCTION**

2 Petitioner submitted an *ex parte* application for temporary restraining order
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4 (“TRO”) and order to show cause on December 19, 2025. ECF No. 4. The Court
5 issued a TRO on December 20, 2025, enjoining Respondents from removing
6 Petitioner to Palestine, and from removing Petitioner from the Central District of
7 California “unless Petitioner, after receiving proper notice and an opportunity to be
8 heard, is ordered removed to a third country.” ECF No. 8. Respondents submitted
9 their response and opposition to this Court’s order to show cause why a preliminary
10 injunction should not issue on January 2, 2026. ECF No. 15. Petitioner replies herein.

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13 **I. RESPONDENTS’ OPPOSITION**

14 Respondents oppose injunctive relief and argue that it is not necessary. *See,*
15 *generally,* ECF No. 15, p. 4. In the alternative, Respondents recommend that this
16 Court follow the approach in *Nadari v. Bondi*, 2025 U.S. Dist. LEXIS 205655, 2:25-
17 cv-07893-JLS-BFM, ECF No. 12 (C.D. Cal. Sept. 10, 2025).

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20 **II. ARGUMENT**

21 **A. Respondents’ Inconsistent Statements on Removal to the Occupied**
22 **Territories Create an Ongoing Risk of Irreparable Harm that**
23 **Warrants Injunctive Relief**

24 Respondents first assert that injunctive relief is not necessary because the
25 government is not attempting to remove Petitioner to Palestine. ECF No. 15, p. 4.
26 Respondents state that the government acknowledges that Petitioner has been granted
27 withholding of removal to Palestine and therefore cannot be removed to Palestine.
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1 *Id.*; see also, ECF No. 15-1, ¶12.

2 Respondents further contend that, “Petitioner does not present opposing
3 evidence demonstrating that he nonetheless faces a significant risk of being removed
4 to Palestine.” ECF No. 15, p. 4. But before this Court entered its order enjoining
5 Petitioner’s removal to the Palestinian Occupied Territories,¹ Petitioner’s
6 Deportation Officer (“DO”), J. Suarez, explicitly stated that Respondents intended to
7 remove Petitioner to Palestine. ECF No. 4-5, p. 2. DO Suarez communicated this
8 intention directly to Petitioner’s immigration counsel. *Id.*

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12 Now, Respondents claim that there is no evidence that they would defy the
13 Immigration Judge’s (“IJ”) order. ECF No. 15, p. 4. Nevertheless, the IJ’s order was
14 in place when DO Suarez stated, “Your client is not being removed to Israel he is
15 being removed to Palestine.” ECF No. 4-5. Respondents do not explain why DO
16 Suarez made that statement to Petitioner’s immigration attorney. In fact, they do not
17 address DO Suarez’s statement at all.

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20 Petitioner demonstrated that his life or freedom would be threatened if
21 removed to the Occupied Territories. *See* ECF No. 4-4 (order granting withholding
22 of removal); *see also*, 8 C.F.R. § 1208.16(b)(2) (standard for withholding of removal
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25 ¹ As noted in Petitioner’s prior filings, the Immigration Judge’s withholding of removal
26 order prohibits removal to the Occupied Territories. In their opposition, Respondents refer
27 to the Occupied Territories as the “Israeli Occupied Territories.” ECF No. 15-1, ¶8.
28 Petitioner’s prior deportation officer referred to the Occupied Territories as “Palestine.”
ECF No. 4-5. Petitioner clarifies that any reference herein to Palestine or the Occupied
Territories refers to the Israeli Occupied Territories, as they are the same territories.

1 requires applicant to demonstrate that it is more likely than not he will be persecuted
2 in the country of removal).

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4 Petitioner shows more than “some possibility” that he will suffer irreparable
5 harm if he is removed to Palestine. *See Nken v. Holder*, 556 U.S. 418, 434 (2009)
6 (“simply showing some ‘possibility of irreparable injury’ ... fails to satisfy the
7 second factor”). The grant of withholding of removal eliminates speculation: the
8 Immigration Judge has already found a probability of persecution. A grant of
9 withholding of removal is an adjudicative determination that return to the country of
10 withholding would more likely than not result in persecution on a protected ground
11 and therefore may not lawfully occur. Removal to Palestine would therefore expose
12 the applicant to the very harm the Immigration Judge has already found sufficiently
13 likely to warrant mandatory protection. Given DO Suarez’ unexplained statement
14 that Respondents intend to remove Petitioner to Palestine, continuing injunctive relief
15 is necessary.
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20 **B. Respondents’ Internal Guidance Regarding Third Country**
21 **Removals Creates an Ongoing Risk That He Will Be Deprived of**
22 **Notice Absent Injunctive Relief**

23 Respondents also assert that injunctive relief is not necessary because the
24 government will provide Petitioner with advance notice and an opportunity to raise
25 a fear-based claim as to removal to a third country. ECF No. 15, p. 4. The Department
26 of Homeland Security (“DHS”) has internal guidance that says otherwise. *See* ECF
27 No. 4-7. DHS has a policy of removing noncitizens to third countries “without the
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1 need for further procedures” when the United States has received diplomatic
2 assurances that the noncitizen will not be persecuted or tortured. *Y.T.D. v. Andrews*,
3 2025 WL 2675760, at *9 (E.D. Cal. Sept. 18, 2025). If no diplomatic assurances are
4 received, the ICE memo instructs officers to serve on the individual a Notice of
5 Removal that includes the intended country of removal *Id.* at *9-10. It instructs
6 officers not to ask whether the individual is afraid of removal to that country. *Id.* It
7 states that officers should “generally wait at least 24 hours following service of the
8 Notice of Removal before effectuating removal” but that “[i]n exigent circumstances,
9 [ICE] may execute a removal order six (6) or more hours after service of the Notice
10 of Removal as long as the [noncitizen] is provided reasonable means and opportunity
11 to speak with an attorney prior to removal.” *Id.*

12 Respondents’ bald assertion that they will provide notice and an opportunity
13 to be heard flies in the face of their own internal guidance. Given the necessity of
14 injunctive relief, Petitioner agrees with Respondents that the specific degree of notice
15 set forth in *Nadari, supra*, at ECF No. 12, pp. 2-3, is appropriate.

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21 Respectfully Submitted,

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23 DATED: January 9, 2026

24 s/ Keli M. Reynolds
25 KELI M. REYNOLDS
26 Olmos & Reynolds Law Group, LLP
27 Attorney for Petitioner
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WORD COUNT CERTIFICATION

The undersigned, counsel of record for Petitioner certifies that this Memo contains
1,097 words, which complies with the word limit of L.R. 11-6.1.

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