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

10 Arman KESHESHIAN,

11 Petitioner,

12 v.

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

Case No. 25-cv-03475

**PETITIONER'S RESPONSE TO
ORDER TO SHOW CAUSE RE:
MOOTNESS**

**TO THE HONORABLE JUDGE MICHELLE WILLIAMS COURT AND
COUNSEL FOR RESPONDENTS, KAREN E. SMITH:**

Counsel for Petitioner submits this Response to the Court's Order to Show Cause as to why the Court should not dismiss this action. ECF No. 12 ("OSC").

I. BACKGROUND

On December 25, 2025, this Court issued a Temporary Restraining Order, ordering Petitioner's immediate release. ECF No. 10 ("TRO"). In that same order, this Court set forth a briefing schedule on the preliminary injunction, ordering Respondents to show cause in writing as to why a preliminary injunction should not issue. *Id.* Petitioner was to respond no later than 7 days after Respondents' filing. *Id.*

Respondents submitted their opposition to a preliminary injunction on December 31, 2025. ECF No. 11. Petitioner did not respond within 7 days due to undersigned counsel's mis-calendaring of the due date as January 9, 2026.¹

In the OSC, the Court discharged the TRO, finding that a preliminary injunction would not be necessary as a result of Petitioner's release. OSC at p. 1.

II. PETITIONER'S CLAIMS REMAIN JUSTICIABLE

In his habeas petition, Petitioner requested, *inter alia*, an order (1) enjoining Respondents from revoking his release without providing him a determination by an impartial adjudicator that his detention is justified based on danger or flight risk,

¹ Petitioner's counsel was writing Petitioner's reply when the Court's OSC came through via email

1 which cannot be sufficiently addressed by alternative conditions of release and/or
2 supervision, at which hearing Respondents will bear the burden of proof of
3 demonstrating that he is a flight risk or a danger to the community; (2) enjoining
4 Respondents from re-detaining him without first notifying him of the reasons for the
5 revocation of his release, providing him with an opportunity to rebut those reasons,
6 and providing him with a prompt interview as required by regulation; and enjoining
7 Respondents from removing Petitioner to a third country without sufficient notice
8 and opportunity to demonstrate that he faces a specific risk of torture or persecution
9 in that third country. ECF No. 1, p. 17.

13 **A. Petitioner remains at risk of re-detention in violation of the laws and**
14 **regulations governing revocation of release.**

15 While Petitioner was released from Respondents' custody on December 24,
16 2025 pursuant to this Court's TRO, he was released on an order of supervision
17 ("OSUP"). *See Exhibit A*, Petitioner's Order of Supervision dated Dec. 24, 2025. Per
18 the OSUP, he must periodically check in with Immigration and Customs
19 Enforcement ("ICE"). *Id.* Therefore, Petitioner continues to face an imminent and
20 nonspeculative risk of detention.

23 Courts have found that risk of detention even while a petitioner is still at liberty
24 may provide a sufficient basis to grant relief. *See, e.g., Garro Pinchi v. Noem*, --- F.
25 Supp. 3d ---, 2025 WL 3691938, at *32 (N.D. Cal. Dec. 19, 2025) (rejecting argument
26 that "assertions of [plaintiffs'] likely detention" at ICE check-ins and courthouses
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1 “are too speculative and conclusory”); *Sun v. Santacruz*, No. 5:25-CV-02198-JLS-
2 JC, 2025 WL 2730235, at *7 (C.D. Cal. Aug. 26, 2025) (collecting cases of other
3 district courts within the Ninth Circuit finding “jurisdiction over habeas corpus
4 petitions and related motions seeking to enjoin the government from re-detaining
5 petitioners at in-person check-in appointments with immigration authorities”);
6 *Torosyan v. Nielsen*, No. 2:18-CV-5873-PSG (SK), 2018 WL 5784708, at *2 (C.D.
7 Cal. Sept. 27, 2018), report and recommendation adopted, No. 218CV5873PSGSK,
8 2018 WL 6167918 (C.D. Cal. Oct. 26, 2018) (granting motion for preliminary
9 injunction where petitioner was at liberty but faced detention “at any time”).
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13 Petitioner’s claims are not moot simply because he has been released by
14 Respondents, as numerous individuals in the same or similar circumstances as
15 Petitioner have been detained at immigration check-in appointments absent notice
16 and a hearing. *See, e.g., Esmail v. Noem*, No. 2:25-CV-08325-WLH-RAO, 2025 WL
17 3030590 (C.D. Cal. Sept. 12, 2025) (CAT grantee detained at routine ICE check-in);
18 *Khan v. Noem*, No. 1:25-CV-01411-EPG-HC, 2025 WL 3089352 (E.D. Cal. Nov. 5,
19 2025) (OSUP revoked during routine check-in); *Hashemi v. Noem*, 2:25-cv-10335-
20 HDV-SP (C.D. Cal. Nov. 19, 2025) (same). Thus, there is a tangible risk that, absent
21 a TRO, ICE will rearrest and re-incarcerate Petitioner at his upcoming ICE check-in
22 on March 3, 2026. *See Exhibit A*.
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27 In their response to this Court’s order to show cause why a preliminary
28 injunction should not issue, Respondents rely on two cases involving the

1 government's failure to provide a bond hearing. In *Zaragoza Mosqueda v. Noem et*
2 *al.*, 5:25-cv-002304-CAS-BFM (C.D. Cal. Sept. 16, 2025), the court held that the
3 request for a preliminary injunction was moot because all petitioners received bond
4 hearings pursuant to the court's order requiring hearings within seven days. *Id.* at 2.
5 Similarly, in *Coc Tut v. Noem*, 5:25-cv-02701-DOC-AGR (C.D. Cal. Oct. 30, 2025),
6 the preliminary injunction was moot because detainees received bond hearings under
7 a prior court order. By contrast, Petitioner seeks relief that has not been fully realized,
8 namely an order preventing re-detention absent compliance with governing
9 regulations. Because that relief remains outstanding, Petitioner's claims are not moot.
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13 **B. Petitioner remains at risk of unlawful removal to a third country**
14 **under ICE's third country removal procedures.**

15 Respondents are regularly removing individuals to countries other than the
16 individual's country of citizenship ("third-country removals"). On March 30, 2025,
17 Respondent Noem issued a memorandum setting forth a procedure by which a
18 noncitizen with a removal order could be removed to a country other than the
19 countries designated on the noncitizen's removal order, so-called "third country
20 removals." Exhibit B, Noem Memo, "Guidance Regarding Third Country
21 Removals." As of July 9, 2025, this memorandum is in effect. *See Y.T.D. v. Andrews*,
22 2025 WL 2675760, at *9 (E.D. Cal. Sept. 18, 2025). Under this policy, if the United
23 States has received "diplomatic assurances" from a third country that noncitizens
24 removed to that country will not be persecuted or tortured, DHS may remove that
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1 noncitizen “without the need for further procedures,” including notice and
2 opportunity to be heard on a fear of persecution or torture.
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4 If no diplomatic assurances are received, the ICE memo instructs officers to
5 serve on the individual a Notice of Removal that includes the intended country of
6 removal *Y.T.D.*, 2025 WL 2675760. at *9-10. It instructs officers not to ask whether
7 the individual is afraid of removal to that country. *Id.* It states that officers should
8 “generally wait at least 24 hours following service of the Notice of Removal before
9 effectuating removal” but that “[i]n exigent circumstances, [ICE] may execute a
10 removal order six (6) or more hours after service of the Notice of Removal as long
11 as the [noncitizen] is provided reasonable means and opportunity to speak with an
12 attorney prior to removal.” *Id.*
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16 The memo further instructs that if the noncitizen “does not affirmatively state
17 a fear of persecution or torture if removed to the country of removal listed on the
18 Notice of Removal within 24 hours, [ICE] may proceed with removal to the country
19 identified on the notice.” *Id.* at *10. If the noncitizen “does affirmatively state a fear
20 if removed to the country of removal, then ICE will refer the case to U.S. Citizenship
21 and Immigration Services (“USCIS”) for a screening for eligibility for withholding
22 of removal and protection under the Convention Against Torture (“CAT”). “USCIS
23 will generally screen within 24 hours.” *Ibid.* If USCIS determines that the noncitizen
24 does not meet the standard, the individual will be removed. *Ibid.* If USCIS determines
25 that the noncitizen has met the standard, then the policy directs ICE to either move
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1 to reopen removal proceedings “for the sole purpose of determining eligibility for
2 [withholding of removal protection] and CAT” or designate another country for
3 removal. *Ibid.*

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5 Respondents reportedly have negotiated with numerous countries to accept
6 deportees from other nations. These countries include Uganda, Honduras, El
7 Salvador, Costa Rica, Cuba, Jamaica, Mexico, Laos, Myanmar, Yemen, South
8 Sudan, Eswatini, Guatemala, Kosovo, Ghana, Rwanda, Paraguay, and Panama.²
9 While the details of these agreements are not known, their existence reveals the
10 government’s growing list of countries who have purportedly provided the
11 “diplomatic assurances” that obviate the need for notice and an opportunity to be
12 heard on a fear claim.
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15 16 **III. CONCLUSION**

17 Petitioner requests that this Court issue a final order:

18 (1) enjoining Respondents from re-detaining him absent compliance with 8
19 C.F.R. § 241.4(d)(1), 8 C.F.R. § 241.13(i), and all other governing law; and
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22 ² Edward Wong, et al., *Inside the Global Deal-Making Behind Trump's Mass*
23 *Deportations*, N.Y. TIMES (June 25, 2025),
24 [https://www.nytimes.com/2025/06/25/us/politics/trumpimmigrants-](https://www.nytimes.com/2025/06/25/us/politics/trumpimmigrants-deportations.html)
25 [deportations.html](https://www.nytimes.com/2025/06/25/us/politics/trumpimmigrants-deportations.html); Camilo Montoya-Galvez, *U.S. broadens search for deportation*
26 *agreements, striking deals with Honduras and Uganda, documents show*, CBS
27 NEWS (Aug. 21, 2025), [https://www.cbsnews.com/news/us-deportation-agreements-](https://www.cbsnews.com/news/us-deportation-agreements-honduras-uganda/)
28 [honduras-uganda/](https://www.cbsnews.com/news/us-deportation-agreements-honduras-uganda/); Matthew Mpoke Bigg, *Why African Countries Keep Making*
Deals to Accept U.S. Deportees, N.Y. TIMES (Sept. 23, 2025),
[https://www.nytimes.com/2025/09/23/world/africa/african-countries-us-](https://www.nytimes.com/2025/09/23/world/africa/african-countries-us-deportees.html)
[deportees.html](https://www.nytimes.com/2025/09/23/world/africa/african-countries-us-deportees.html)

1 (2) enjoining Respondents from removing him to a third country without notice
2 and an opportunity to be heard on any fear of persecution or torture he has in that
3 third country.
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5 Only a final order from this Court on the merits of Petitioner's outstanding
6 claims will ensure that his rights are preserved.
7

8 Respectfully Submitted,

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10 DATED: January 12, 2026

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner

ATTACHMENTS

A. Petitioner's Current Order of Supervision

**B. Noem, Kristi, "Guidance Regarding Third Country Removals,"
March 30, 2025**