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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 Said SHAHMOHAMADIAN,
15 Petitioner,
16 v.
17 David MARIN, *et al.*,
18 Respondents.
19

No. 5:25-cv-03615-FWS-RAO

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE RE; PRELIMINARY
INJUNCTION; SUGGESTION OF
MOOTNESS**

Honorable Fred W. Slaughter
United States District Judge

**RESPONDENTS' OPPOSITION TO OSC RE: PRELIMINARY INJUNCTION;
SUGGESTION OF MOOTNESS**

On January 7, 2026, the Court issued an order granting Petitioner's Ex Parte Application for Temporary Restraining Order ("TRO") and ordering the Respondents to release Petitioner from custody on or before 12:00 p.m. on January 9, 2026 [Dkt. 11]. The Court's order further required Respondents to show cause on or before January 16, 2026 as to why a preliminary injunction should not issue. *Id.*

Respondents hereby show such cause. Petitioner was released from custody on January 8, 2026 and placed back on an Order of Supervision in compliance with this Court's Order. Petitioner's timely release was confirmed to his Counsel via E-Mail.

Consequently, this Court should deny Petitioner's Motion for Preliminary Injunction and dismiss the Petition for Habeas Corpus more generally. Because Petitioner has received the relief sought and is no longer in immigration custody, there is no further relief that this Court can provide. *Picrin-Peron v. Rison*, 930 F.2d 773, 775-76 (9th Cir. 1991). Recently, on January 12, 2026, the Honorable Judge Olguin denied as moot a motion for preliminary injunction and habeas petition after granting a temporary restraining order to release petitioner. The Court explained:

For a habeas petition to continue to present a live controversy after the petitioner's release or deportation . . . there must be some remaining 'collateral consequence' that may be redressed by success on the petition." *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007). "By contrast, where the grounds for habeas relief will not redress collateral consequences, a habeas petition does not continue to present a live controversy once the petitioner is released from custody." *Id.* "Collateral consequences create concrete legal disadvantages." *Alam v. Carter*, 843 F.Appx. 953, 954 (9th Cir. 2021) (internal quotation marks omitted).

Here, petitioner's release "does not give rise to collateral consequences that are redressable by success on his original petition." *Abdala*, 488 F.3d at

1 1065; *see Mejia v. Semaia*, 2025 WL 2633165, *2 (C.D. Cal. 2025) (“[I]f
2 release from custody fully resolves the claims raised in a habeas petition, the
3 claims are indeed moot.”). And petitioner’s contention that respondents
4 will be able to re-arrest and re-detain him ... appears to be “speculative and
5 hypothetical[.]” *Alam*, 843 F.Appx. at 954; *see id.* (holding that petitioner’s
6 release from detention mooted his petition for a writ of habeas corpus and
7 that “[a]ny risk of re-detention does not save his petition from mootness, as
8 he was released pursuant to court order and there is thus a legal impediment
9 to his re-detention”).

10 *Trujillo v. Janecka*, No. 5:25-cv-03002-FMO-SSC, 2026 U.S. Dist. LEXIS 5699, at *3
11 (C.D. Cal. Jan. 12, 2026).

12 Petitioner may argue that the case is not moot because Petitioner could
13 theoretically be re-detained. The possibility of re-detention is not grounds to continue
14 litigating a habeas petition. For example, the Honorable Judge Carter granted a TRO but
15 then denied the PI as moot in *Franciso Coc Tut v. Noem*, 5:25-cv-02701-DOC, Dkt. 13
16 (Oct. 30, 2025). Judge Carter addressed the re-detention argument and rejected it as a
17 basis to sustain a habeas action, explaining, “The Court understands Petitioners’
18 concerns regarding re-detention. Petitioners may seek relief from the Court should they
19 be re-detained by immigration officials and held without bond pursuant to the
20 Government’s new policy.” *Id.* at 3.

21 This Honorable Court reached a similar result in *J.P. v. Santacruz*, No. 8:25-CV-
22 01640-FWS, 2025 WL 2998305, at *1 (C.D. Cal. Oct. 24, 2025), a case where the
23 petitioner requested notice and a hearing before a neutral adjudicator prior to his
24 potential future re-detention and/or re-arrest. Judge Slaughter dismissed the case for lack
25 of subject matter jurisdiction, finding, “To the extent Petitioner challenges his future
26 detention and/or arrest at another physical appointment, the court finds Petitioner fails to
27 present sufficient allegations or evidence of the threat of future injury to confer Article
28 III standing.” *Id.* at *4. *See also See Iron Arrow Honor Society v. Heckler*, 464 U.S. 67,

70 (1983); *United States v. Geophysical Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a claim as to which no effective relief can be granted.”).

Accordingly, Respondents respectfully request that the Petitioner voluntarily dismiss this action, or that the Court issue an order to show cause re: dismissal.

Respectfully submitted,

Dated: January 16, 2025

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* The undersigned, counsel of record for the Federal Respondents certifies that this brief contains 688 words, which complies with the word limit of L.R. 11-6.1.