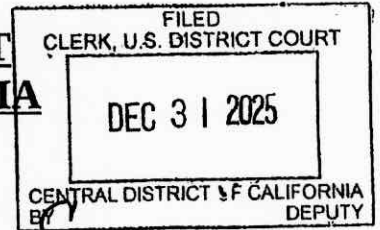


UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



AMBARTSOUM POGOSIAN,
Petitioner,

Case No.

EDCV 25-3628-MWF (PD)

v.

M. Bowen, Warden at the Adelanto ICE Processing Center;

Kristi Noem, Secretary of Homeland Security;

Pemela J. Bondi, Attorney General of the United States;

Thomas Giles, Los Angeles Field Office Director, Bureau
of Immigration and Customs Enforcement;

James Pilkington, Assistant Field Office Director, Adelanto
Detention Facility,

Respondents.

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**MOTION FOR A PRELIMINARY INJUNCTION AND FOR A TEMPORARY
RESTRAINING ORDER**

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Simultaneously with this documents, Petitioner has filed a petition for a Writ of Habeas Corpus Pursuant 28 U.S.C. § 2241. Because he is almost certain to prevail on at least one of his claims, he respectfully asks this Honorable Court to order his immediate release from custody while this case is litigated.

“A Plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Planned Parenthood Great Northwest v. Labrador*, 122 F .4th 825, 843-844 (9th cir. 2024) (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 .3d 1127, 1131 (9th Cir. 2011)). “Alternative, a preliminary injunction may issue where serious questions going to the merits were raised and the balance of hardships tips sharply in Plaintiff’s favor if the Plaintiff also shows the there is a likelihood of irreparable injury and that the injunction is in the public interest.” *Id. At 844*(quoting *Alliance for the Wild Rockies*, 632 F .3d at 1135). The standards for granting a temporary restraining order are the same as the standard for granting a preliminary injunction. *See O.M. v. Nat’l Women’s Soccer League, LLC*, 541 F .Supp. 3d 1171, 1177 (D. Or. 2021).

First, Petitioner is almost certain to succeed on the merits of his habeas petition for the reasons set forth in his petition. Second, illegal confinement is quintessentially irreparable harm, because “the deprivation of constitutional rights unquestionably constitutes irreparable injury.” *See Melendres v. Arpaio*, 695 F .3d 990, 1002 (9th Cir. 2012). Third, and finally, when the government is a party, as it is here, “the balance of equities and public interest factors merge.” *See Pimentel-Estrada v. Barr*, 464 F. Supp.

3d 1225, 1237 (W.D. Wash. 2020)(citing Drakes Bay Oyster Co. v. Jewell, 747 F .3d 1073, 1092 (9th Cir. 2014)). The risk of harm to petitioner far outweighs the government's interest in illegally detaining him, for it is "always in the public interest to prevent the violation of party's constitutional rights." *Melendres, 695 F .3d at 1002.*

=====CONCLUSION=====

This Honorable Court should grant a preliminary injunction and temporary restraining order, and order the followings:

- 1. Petitioner's immediate release from ICE custody;**
- 2. To issue an order directing the DHS and the Immigration Court to minimize Petitioner's injuries by proceeding with the case without any delays;**

Respectfully Submitted by,



Ambartsoum Pogolian. A# [REDACTED]
Adelanto ICE Processing Center
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