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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

POURIA POURHOSSEINHENDABAD,
Plaintiff

CIVIL DOCKET NO. 1:25-CV-00987
SEC P

VERSUS

JUDGE DRELL

DONALD J TRUMP ET AL,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

REPORT AND RECOMMENDATION

Before the Court is a Motion for Temporary Restraining Order ("MTRO") (ECF No. 3) filed by Petitioner Pouria PourhosseinHendabad. For the reasons that follow, the MTRO should be GRANTED.

I. Background

Petitioner filed a Verified Petition For Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (the "Petition") on July 10, 2025. (ECF No. 1 at 6). According to the Petition and the pending MTRO, Petitioner is a 29-year-old Ph.D. student at Louisiana State University in Baton Rouge, Louisiana. *Id.* He is also an Iranian national who is now – and since June 22, 2025, has been – in the custody of the U.S. Department of Homeland Security, Immigration and Customs Enforcement ("DHS-ICE"). *See id.*

Petitioner alleges that he lawfully entered the United States in November 2024 with a nonimmigrant dependent F-2 visa,[1] a nonimmigrant dependent visa, after marrying his wife, who was herself lawfully present in the United States on an F-1 visa, a "student visa." *Id.* at 7-8. He was accepted into LSU's graduate program in mechanical engineering, and received his own F-1 visa on November 14, 2024. *Id.*

According to the verified Petition, on June 22, 2025, the day after the United States conducted airstrikes in Iran:

> Pouria heard a knock at the door [of the Baton Rouge apartment he shared with his wife]. He opened it to find two police officers dressed in dark blue uniforms asking him about a recent hit-and-run that he had reported. Pouria noted the damage on the car was minimal, but the officers asked to see it anyway. Pouria and his wife thus started to lead the officers to the parking lot of the apartment building, where they encountered two other uniformed officers at the bottom of the stairs. Once outside with the four officers, Pouria and his wife noticed seven vehicles in the lot that appeared to be waiting for them along with several uniformed agents, including agents from Immigration and Customs Enforcement ("ICE") who appeared to be wearing tactical gear and were equipped with weapons, helmets, and face coverings. The agents, benefitting from an unconstitutional ruse (as there were no exigent circumstances that prevented them from obtaining a judicial warrant) proceeded to handcuff Pouria and his wife, ultimately taking Pouria to the Central Louisiana ICE Processing Center ("CLIPC," or formerly "LaSalle Detention Center") in Jena, Louisiana.

Id. at 6-7.

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[1] An F-1 visa is a nonimmigrant visa that allows foreign nationals to enter the United States temporarily to pursue full-time academic studies at an accredited educational institution authorized by the U.S. government to accept foreign students. 8 U.S.C. § 1101(a)(15)(F)(i); 8 C.F.R. § 214.2(f); *see* also 8 U.S.C. § 1101(a)(15)(F). An F-2 visa is a nonimmigrant visa that allows the spouse and unmarried minor children (under 21) of an F-1 student visa holder to accompany or join the student in the United States for the duration of the F-1's authorized stay, subject to restrictions on employment and study. 8 C.F.R. § 214.2(f)(14); 8 U.S.C. § 1101(a)(15)(F)(ii).

Petitioner claims he received no legal process whatsoever until July 9, 2025, the day before he filed this Petition, and 16 days after he was detained. (ECF No. 1 at 6). Moreover, he denies there was any lawful justification for the initial encounter, his initial detention, or his continued detention to date.

Petitioner asserts claims for alleged violations of: his rights to substantive and procedural due process under the Fifth and Fourteenth Amendments to the United States Constitution; his right to equal protection under the Fifth Amendment; and his procedural rights under the Administrative Procedure Act. Petitioner seeks immediate release among other relief.

II. Law and Analysis

Rule 65(b) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

> (1) Issuing Without Notice. The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if:
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> (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and
>
> (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

The purpose of a TRO is to "preserve, for a very brief time, the status quo, so as to avoid irreparable injury pending a hearing on the issuance of a preliminary injunction." *Norman Bridge Drug Co. v. Banner,* 529 F.2d 822, 829 (5th Cir. 1976); *see also, Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty.*, 415 U.S. 423, 439 (1974) (noting that ex parte TROs "should

be restricted to serving their underlying purpose of preserving the status quo"). The movant bears the burden of establishing that the movant is entitled entitlement to a TRO. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987).[2]

A TRO is a "an extraordinary and drastic remedy." *Anderson v. Jackson,* 556 F.3d 351, 360 (5th Cir. 2009). A court should issue a TRO to serve the "underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing, and no longer." *Granny Goose Foods v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70*, 415 U.S. 423, 439 (1974).[3]

In this case, a TRO is necessary to preserve the status quo and prevent potential irreparable harm pending an evidentiary or further proceeding. Petitioner has set forth "specific facts in [his] . . . verified complaint [that] clearly show that immediate and irreparable injury, loss, or damage will result . . . before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b).[4] Specifically, Petitioner alleges he was lawfully present in the United States, with an active F-1 visa valid for more than four more years. Petitioner had fulfilled all requirements to maintain his F-1 visa, which remained active at the time of filing, and had not failed to appear anywhere as directed or otherwise absconded or created exigent circumstances warranting his immediate detention.

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[2] A TRO may be treated as a preliminary injunction if an "adversarial hearing has taken place." *Butts v. Aultman*, 953 F.3d 353, 361 (5th Cir. 2020) (citing 11A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2951 (3d ed. 2019)).

[4] Petitioner's counsel has provided formal notice to the U.S. Attorney's Office, and has served courtesy copies of the motion while formal service was pending.

Petitioner also states that he was detained absent a judicial or administrative warrant; a timely notice to appear; an exigent or urgent circumstance, or; any other evidence that he may flee or may pose a danger or threat to others. Moreover, Petitioner claims he was not served a notice to appear at any immigration proceeding until 16 days after he was detained, and that Defendants have failed to follow required statutory procedures for visa revocation and for continued detention.

In these verified allegations, Petitioner has established that there is a grave risk he will suffer irreparable harm – specifically to include his possible continued detention and deprivation of liberty; revocation of his F-1 visa and/or other changes to his immigration status, and; meanwhile, separation from his personal life, his work, and his studies at LSU, among other things.

Finally, as to the issue of security, the U.S. District Court for the Middle District of Louisiana recently, and clearly, articulated the standards a court should follow:

> [T]he amount of security required pursuant to Rule 65(c) 'is a matter for the discretion of the trial court . . . .
>
> Accordingly, the judge usually will fix security in an amount that covers the potential incidental and consequential costs as well as either the losses the unjustly enjoined or restrained party will suffer during the period the party is prohibited from engaging in certain activities or the complainant's unjust enrichment caused by his adversary being improperly enjoined or restrained.
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> Indeed, the Fifth Circuit has ruled that the court may elect to require no security at all.

La. Delta Svc. Corps v. Corp. for Nat. and Comm. Serv., et al., No. CV 25-378-JWD-RLB, 2025 WL 1787429, at *30 (M.D. La. June 27, 2025). Here, a TRO poses no

discernable risk of undue costs, losses, or other hardship, and certainly not of any unjust enrichment to be gained by Petitioner. And the TRO is imposed with additional proceedings explicitly anticipated so that additional relief (and security) may be considered.

III. Conclusion

For the foregoing reasons,

IT IS HEREBY RECOMMENDED that the Motion for Temporary Restraining Order (ECF No. 3) be GRANTED for a period of up to 14 days once entered and docketed by date and time by the Clerk of Court, pending further orders from and/or proceedings before the Court.

IT IS ALSO RECOMMENDED that Defendants be ORDERED AND ENJOINED not to remove Petitioner from the United States or transfer Petitioner to another jurisdiction pending further orders from and/or proceedings before the Court.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service, unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and

Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error."

SIGNED on Monday, July 14, 2025.

JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE