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

14 Artak Ovsepian, Alien # 
15 Petitioner,
16 v.
17 PAMELA BONDI, in her official
capacity as Attorney General, et al.
18 Respondents.
19

No. 5:25-cv-01937-MEMF-DFM

**RESPONSE TO ORDER TO SHOW
CAUSE**

Honorable Douglas F. McCormick
United States Magistrate Judge

RESPONSE TO ORDER TO SHOW CAUSE

Pursuant to the Court's August 8, 2025 Order accepting the Report and Recommendation of the Magistrate Judge granting in part Petitioner's Application for a Temporary Restraining Order, Dkt. 20, which requires Respondents to respond to an Order to Show Cause as to why a preliminary injunction should not issue, Respondents hereby responds as follows:

Petitioner Artak Ovsepien ("Petitioner") is subject to a final order of removal and remains in ICE custody as of this date. Respondents maintain their position expressed in the response to the TRO Application, Dkt. 8, which is reiterated below.

Petitioner's request for an injunction prohibiting Petitioner's transfer to a third country is speculative. Petitioner assumes with no evidence presented or factual support that he would be removed unlawfully to an undesignated third country and without notice and an opportunity to be heard. TRO Motion at 13-14. All that the Petitioner is requesting here is that the government follow the law when it comes to third country removals.

It is improper to prospectively enjoin the government to follow the law. *See Elend v. Basham*, 471 F.3d 1199, 1209 (11th Cir. 2006) (court cannot fashion an injunction that abstractly commands the Secret Service to obey the First Amendment, noting that injunction requiring party to do nothing more specific than 'obey the law' is impermissible."); *E.E.O.C. v. AutoZone, Inc.*, 707 F.3d 824, 841 (7th Cir. 2013) ("An obey-the-law injunction departs from the traditional equitable principle that injunctions should prohibit no more than the violation established in the litigation or similar conduct reasonably related to the violation."); *see, e.g. Lowery v. Circuit City Stores, Inc.*, 158 F.3d 742, 767 (4th Cir. 1998) (an "obey the law" injunction "impermissibly subjects a defendant to contempt proceedings for conduct unlike and unrelated to the violation with which it was originally charged"); *Burton v. City of Belle Glade*, 178 F.3d 1175, 1201 (11th Cir. 1999) ("As this injunction would do no more than instruct the City to 'obey the law,' we believe that it would not satisfy the specificity requirements of [Federal

1 Rule of Civil Procedure] 65(d) and that it would be incapable of enforcement.”); *City of*
2 *New York v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 144 (2d Cir. 2011) (“[A]n
3 injunction [must] be ‘more specific than a simple command that the defendant obey the
4 law.’”). As the Supreme Court has explained,

5 The specificity provisions of Rule 65(d) are no mere technical requirements.

6 The Rule was designed to prevent uncertainty and confusion on the part of
7 those faced with injunctive orders, and to avoid the possible founding of a
8 contempt citation on a decree too vague to be understood. Since an injunctive
9 order prohibits conduct under threat of judicial punishment, basic fairness
10 requires that those enjoined receive explicit notice of precisely what conduct
11 is outlawed.

12 *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974) (cleaned up). Reiterating existing law as
13 an injunction or TRO does not perform this function.

14 Petitioner asks this Court to order the government to follow the law and not
15 remove him to a country where “his life or freedom would be threatened because of five
16 protected grounds,” 8 U.S.C. § 1231(b)(3)(A), or where he would face a threat of torture,
17 8 C.F.R. §§ 208.16-208.18. TRO Motion at 10. Petitioner argues that the procedures
18 outlined in a March 2025 DHS memo violate statutory and regulatory provisions, and
19 therefore the detention is unlawful if Respondents are detaining him with the intent to
20 remove him to a third country without notice or opportunity to be heard. TRO Motion at
21 10-11. But this argument again assumes that Petitioner has suffered a constitutional
22 injury and that he is being unlawfully detained. *See Cortez*, 2019 WL 1508458, at *3.
23 Petitioner’s argument further assumes that the government will act in an unlawful
24 manner in the future and so the Petitioner will suffer a constitutional injury at some point
25 in the future. This contention does not warrant the extraordinary relief of an injunction.

1 Dated: August 15, 2025

Respectfully submitted,

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8 /s/ Soo-Young Shin
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12 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

13 The undersigned, counsel of record for Respondents, certifies that the
14 memorandum of points and authorities contains 661 words, which complies with the
15 word limit of L.R. 11-6.1.

16
17 Dated: July 30, 2025

18 /s/ Soo-Young Shin
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20 Attorneys for Respondents