

JON M. SANDS  
Federal Public Defender  
KEITH J. HILZENDEGER #023685  
Assistant Federal Public Defender  
250 North 7th Avenue, Suite 600  
Phoenix, Arizona 85007  
(602) 382-2700 voice  
keith\_hilzendeger@fd.org  
*Attorneys for Petitioner Navaie*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Farhad Navaie,

Petitioner,

vs.

David R. Rivas, Warden, San Luis Regional  
Detention Center, et al.,

Respondents.

No.

**Motion for a Preliminary Injunction and  
for a Temporary Restraining Order**

Simultaneously with this document, Mr. Navaie has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. In his petition, he asserts that ICE has classified Iran as uncooperative with its efforts to repatriate Iranian citizens who have been ordered removed, such that his continued detention by immigration officials violates the Fifth Amendment's Due Process Clause. He also asserts that his detention is illegal because he has not been afforded a bond hearing before a neutral decisionmaker, in violation of the Due Process Clause. Because he is almost certain to prevail on at least one of these claims, he respectfully asks the 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, 843–44 (9th Cir. 2024) (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). "Alternatively, 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 that 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 standards for granting a preliminary injunction. *See O.M. ex rel. Moultrie v. Nat'l Women's Soccer League, LLC*, 541 F. Supp. 3d 1171, 1177 (D. Or. 2021). Here, Mr. Navaie can make all four of these showings.

First, he is almost certain to succeed on the merits of his habeas petition. His continued, indefinite detention in immigration custody violates the Due Process Clause of the Fifth Amendment because there is no significant likelihood that he can be removed to Iran in the reasonably foreseeable future. He is not a danger to the community. He is not a flight risk; before he was arrested by ICE officials in March 2025, he checked in regularly with ICE officials for 23 years as required by a previous supervised-release order. Second, illegal confinement is quintessentially irreparable harm, because "the deprivation of constitutional rights unquestionably constitutes irreparable injury." *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." *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 Mr. Navaie far outweighs the government's interest in illegally detaining him, for it is "always in the public interest to prevent the violation of a party's constitutional rights." *Melendres*, 695 F.3d at 1002.

For the foregoing reasons, Mr. Navaie respectfully asks the Court to grant a preliminary injunction and order his immediate release from custody.

Respectfully submitted:

August 19, 2025.

JON M. SANDS  
Federal Public Defender

s/Keith J. Hilzendeger  
KEITH J. HILZENDEGER  
Assistant Federal Public Defender  
*Attorney for Petitioner Navaie*