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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Francisco Angel Roblero

Petitioner,

v.

John Cantu, et al.,

Respondents.

No. CV-25-03038-PHX-KML (DMF)

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (DOC. 1) AND TO MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION (DOC. 2)

INTRODUCTION

Respondents, John E. Cantu, Field Office Director, U.S. Immigration and Customs Enforcement ("ICE"); Todd M. Lyons, Acting Director, ICE; Kristi Noem, Secretary of Department of Homeland Security ("DHS"); and Pamela Bondi, Attorney General of the United States (Respondents), by and through undersigned counsel, respond in opposition to Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) and Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 2).

Petitioner Francisco Angel-Roblero (Petitioner) is under a final order of removal that is currently stayed by order of the Ninth Circuit Court of Appeals pending the issuance

of the mandate in his appeal. *See Roblero v. Bondi*, No. 24-6556, 2025 WL 2463743, at *2 n.1 (9th Cir. Aug. 27, 2025) ("The temporary stay of removal remains in place until the mandate issues. The motion for a stay of removal is otherwise denied.") Petitioner has been in custody since March 28, 2025, was denied bond by an Immigration Judge who determined Petitioner to be a flight risk and is likely to be removed soon after the mandate issues.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND.

Petitioner Francisco Angel-Roblero (hereinafter referred to as Angel) is a citizen of Mexico, born on [redacted] 1984, in Siltepec, Chiapas, Mexico. *See* Exhibit A, Declaration of Deportation Officer Brandy Berghouse), ¶¶ 1, 5. On May 2, 2002, Angel entered the United States at or near Sasabe, Arizona, without being admitted or paroled by an Immigration Officer. *Id.* ¶ 6.

On December 7, 2004, Phoenix Police Department ("PPD") officers in encountered Angel during a vehicle stop for knowingly displaying a false license plate. Angel failed to provide a driver's license. *Id.* ¶ 7. On August 25, 2006, the Phoenix Municipal Court found Angel guilty of knowingly displaying a false license plate, and failure to show a driver's license (sentence unknown). *Id.* ¶ 8. On August 3, 2011, the PPD charged Angel with taking identity of another and forgery. *Id.* ¶ 9. On August 18, 2011, the Maricopa County Supreme Court found Angel guilty of taking identity of another, a felony, and sentenced him with one year probation. *Id.* ¶ 10.

On August 23, 2011, ICE officers assigned to 287(g) program, encountered Angel at the Maricopa County Sheriff's Office ("MCSO") at the Lower Buckeye Jail Facility. During an interview Angel admitted to entering the United States at or near Sasabe, Arizona, without being admitted or paroled by an immigration officer. On that same date, MCSO turned over custody of Angel to ICE officers at the ICE Field Office in Phoenix. Angel was issued a Notice to Appear, Form I-862, charging him with violating Section 212(a)(6)(A)(i) of the Immigration and Nationality Act ("INA"), as a noncitizen present in

the United States without being admitted or paroled or who arrived in the United States at any time or place other than as designated by the Attorney General. On that same date, ICE transported Angel to the Florence Detention Center ("FDC") in Florence, Arizona. *Id.* ¶ 11.

On August 24, 2011, ICE transferred Angel to the Eloy Detention Center ("EDC") in Eloy, Arizona, for further processing. *Id.* ¶ 12. On September 19, 2011, an Immigration Judge ("IJ") in Eloy conducted an initial hearing in Angel's case. *Id.* ¶ 13. On October 21, 2011, an IJ issued Angel a Voluntary Departure under Safeguards. On that same date, ICE witnessed Angel's departure from the United States to Mexico. *Id.* ¶ 14.

On September 27, 2019, MCSO performed a traffic stop of Angel for suspected Driving Under the Influence ("DUI"). Upon further investigation, MCSO arrested Angel and charged him with DUI-Liquor/Drugs/Vapors/Combo and Extreme DUI. MCSO transported Angel to the Maricopa Couty Jail. On that same date, MCSO notified ICE officers that Angel was set to be released from their custody. ICE officers assigned to the Maricopa County Jail arrived and took custody of Angel. On that same date, MCSO turned over custody of Angel to ICE officers and issued him a Notice to Appear, Form I-862, charging him with violating Section 212(a)(6)(A)(i) of the INA, as a noncitizen present in the United States without being admitted or paroled or who arrived in the United States at any time or place other than as designated by the Attorney General. *Id.* ¶ 15.

On September 28, 2019, Angel was transported from the Phoenix Field Office to the FDC. *Id.* ¶ 16. On September 30, 2019, ICE transported Angel to EDC for further processing. *Id.* ¶ 17. On November 17, 2019, an IJ issued Angel a bond in the amount of $25,000. *Id.* ¶ 18. On November 25, 2019, Angel bonded out of ICE custody. *Id.* ¶ 19. On January 15, 2020, the Phoenix Municipal Court found Angel guilty of the DUI-Liquor/Drugs/Vapors/Combo and Extreme DUI (sentence unknown). *Id.* ¶ 20.

On January 10, 2023, an IJ ordered Angel removed from the United States to Mexico. *Id.* ¶ 21. On February 2, 2023, Angel filed an appeal with the Board of Immigration Appeals ("BIA"). *Id.* ¶ 22. On September 27, 2024, the BIA dismissed

Angel's appeal. *Id.* ¶ 23. On October 25, 2024, Angel filed a Petition for Review with the 9th Circuit Court of Appeals, which automatically issued a stay of removal. *Id.* ¶ 24.

On February 12, 2025, Special Agents with Homeland Security Investigations along with the ICE Mobile Criminal Apprehension Team, encountered Angel during a surveillance operation, and arrested him. On that same date, ICE officers issued a Notice–Immigration Bond Cancelled, Form I-391, regarding Angel's immigration bond. ICE officers then transported Angel to the ICE Phoenix Field Office. *Id.* ¶ 25. On February 13, 2025, ICE inadvertently removed Angel in spite of the stay of removal issued by the Ninth Circuit Court of Appeals. *Id.* ¶ 26.

On March 28, 2025, Angel presented himself at the San Luis Port of Entry in San Luis, Arizona, to be paroled into the United States. ICE officers from the Phoenix Field Office brought Angel into custody pending a decision from the Ninth Circuit Court of Appeals. *Id.* ¶ 27. On March 29, 2025, ICE officers transported Angel to the FDC for further processing. *Id.* ¶ 28. On March 30, 2025, ICE officers transferred Angel to the EDC. *Id.* ¶ 29. On July 7, 2025, an IJ denied Angel's request for bond due to Angel being a flight risk. *Id.* ¶ 30.

On August 27, 2025, the Ninth Circuit Court of Appeals denied Angel's petition for review of the BIA's decision. *Roblero v. Bondi*, No. 24-6556. The Ninth Circuit's temporary stay of removal remains in effect until the mandate issues. *Id.*

II. THE HABEAS PETITION SHOULD BE DENIED.

A. Standard Governing Detention of Aliens with Final Removal Orders.

The detention, release, and removal of aliens subject to a final order of removal is governed by 8 U.S.C. § 1231. Pursuant to § 1231(a)(1)(A), the Attorney General has 90 days to remove an alien from the United States after an order of removal becomes final. The removal period begins on the latest of three events. As relevant to this case, "[i]f the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order." *Id.* § 1231(a)(1)(B)(ii). During this "removal period," detention of the alien is mandatory. *Id.* § 1231(a)(2)(A). After the 90-day period, if the

alien has not been removed and remains in the United States, his detention may be continued, or he may be released under the supervision of the Attorney General. *Id.* § 1231(a)(3) and (a)(6). ICE may detain an alien for a "reasonable time" necessary to effectuate the alien's removal. *Id.* § 1231(a). However, indefinite detention is not authorized by the statute. *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

In *Zadvydas*, the Supreme Court defined six months as a presumptively reasonable period of detention for aliens, like Petitioner, who are detained under section 1231(a). *See Zadvydas*, 533 U.S. at 701-702. *Zadvydas* places the burden on the alien to show, after a detention period of six months, that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701. If the alien makes that showing, the Government must then introduce evidence to refute that assertion to keep the alien in custody. *See id.*; *see also Xi v. I.N.S.*, 298 F.3d 832, 839-40 (9th Cir. 2002). The court must "ask whether the detention in question exceeds a period reasonably necessary to secure removal. It should measure reasonableness primarily in terms of the statute's basic purpose, namely, assuring the alien's presence at the moment of removal. *Zadvydas*, 533 U.S. at 699.

B. Petitioner's Detention is Lawful and Constitutionally Permitted.

On January 10, 2023, an IJ ordered Petitioner removed from the United States to Mexico. On appeal, the BIA and the Ninth Circuit Court of Appeals both upheld the order of removal. The removal order is final. Petitioner claims his bond is still in force and effect, but it is not. On November 17, 2019, an IJ issued Petitioner a bond and on November 25, 2019, he bonded out of ICE custody. Thereafter, he was ordered removed, and his bond was cancelled. Petitioner went back before an IJ in July 2025, and his request for bond was denied. When the IJ ordered Petitioner removed, it was a significant change in his circumstances.

In *Zadvydas*, the Supreme Court designated six months as a presumptively reasonable period of time to allow the Government to remove an alien detained under 8 U.S.C. § 1231(a), but an alien is not automatically entitled to release after six months of

detention. *Id.* at 701 ("This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.") (emphasis added). The passage of time alone is insufficient to establish that no significant likelihood of removal exists in the reasonably foreseeable future. *Lema v. I.N.S.*, 214 F. Supp. 2d 1116, 1118 (W.D. Wash. 2002). In *Lema*, where the alien had been detained for more than a year, the district court held that the passage of time was only the first step in the analysis, and that the alien must then provide good reason to believe that no significant likelihood of removal exists in the reasonably foreseeable future. *Id.*

Here, Petitioner has been detained under a final order of removal[1] since March 28, 2025, but the 90-day removal period has not yet been triggered because Petitioner's removal was stayed by the Ninth Circuit Court of Appeals, which has not yet issued the mandate and terminated the stay.[2] Even if the removal period had been triggered, under *Zadvydas*, DHS would then have a presumptively reasonable additional six-month time period within which to remove Petitioner. *Zadvydas*, 533 U.S. at 701. Here, once the mandate issues, DHS will have 90-days to remove Petitioner, during which time his detention is mandatory, and then an additional six months before Petitioner's detention could even be categorized as prolonged. Assuming the mandate issues around October 27, 2025, the 90-day removal period will expire at the end of January 2026, and the earliest date that Petitioner could file a ripe habeas petition would be in July 2025. Petitioner's habeas and motion for temporary restraining order and preliminary injunction are thus

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[1] Petitioner's removal order became final when the BIA affirmed the order on September 27, 2024. 8 U.S.C. § 1101(a)(47)(b)(i).

[2] The Immigration Judge mistakenly treated Petitioner as if he was not under a final order of removal but denied bond anyway, finding that Petitioner was a flight risk. Exhibit A ¶ 30.

premature. Moreover, as soon as the Ninth Circuit's stay of the removal order expires, Petitioner will likely be removed.[3]

In *Zadvydas*, the Court emphasized that the "basic purpose" of immigration detention is "assuring the alien's presence at the moment of removal" and concluded this purpose was not served by the continued detention of aliens whose removal was not "reasonably foreseeable." *Id.* at 699. Removal was not reasonably foreseeable in *Zadvydas* because no country would accept the deportees or because the United States lacked an extradition treaty with their home countries. That is not the case here where there is no impediment to removing Petitioner to Mexico once the Ninth Circuit's temporary stay of removal expires. Similarly, in *Clark v. Martinez*, 543 U.S. 371, 386 (2005), an alien's removal to Cuba was not reasonably foreseeable when the Government conceded "that it is no longer even involved in repatriation negotiations with Cuba." *Id.* at 386. And in *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006), the Ninth Circuit relied on the apparent impossibility of removal in holding that an alien's continued detention was not authorized where the BIA had twice awarded the alien asylum, as well as protection under the Convention Against Torture ("CAT"), yet his detention continued for over five years while the Government appealed the decisions. *Id.* at 1081. The Ninth Circuit held that Nadarajah had successfully demonstrated that, as a result of the asylum and CAT determinations, there was a "powerful indication of the improbability of his foreseeable removal." *Id.* This case is distinguishable from *Zadvydas*, *Clark*, and *Nadarajah* because Petitioner's detention is not prolonged, and he is an alien whom the Government lawfully can remove and is in the process of removing.

Petitioner's habeas petition is premature, but even if it were not, Petitioner has failed to establish there is no significant likelihood of removal in the reasonably foreseeable

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[3] The decision in *Roblero v. Bondi* was filed on August 27, 2025, and the Mandate will issue about 60 days after that, which is roughly October 27, 2025. The Ninth Circuit's decision was submitted on August 19, 2025, and Petitioner filed his Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and Preliminary Injunction on August 21, 2025.

future. And, the Government has established that there is a significant likelihood of removal in the reasonably foreseeable future. Uncertainty as to Petitioner's exact removal date does not warrant his release. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1064 (9th Cir. 2008). Petitioner's continued detention is not constitutionally indefinite as contemplated by *Zadvydas* and instead remains necessary to ensure his presence at the time of removal. *Zadvydas*, 533 U.S. at 701. The habeas petition should be denied.

C. The APA/Mandamus Claims Fall Outside the Core of Habeas Corpus And Thus the Court Lacks Habeas Jurisdiction Over This Claim.

The habeas petition asserts two constitutional claims seeking release from custody and a third claim for mandamus alleging USCIS has not responded to Petitioner's application for a T nonimmigrant visa. In another habeas action that asserted a mandamus claim, this Court stated:

> In *Pinson v. Carvajal*, the Ninth Circuit clarified the scope of claims that may be brought in habeas corpus proceedings. 69 F.4th 1059 (9th Cir. 2023). A claim sounds in habeas corpus only "if a successful petition demonstrates that the detention itself is without legal authorization." *Id.* at 1070 (emphasis in original). "By contrast, claims that if successful would not necessarily lead to the invalidity of the custody are not at the core of habeas corpus," and the court thus lacks jurisdiction to consider them. *Id.* at 1071. In determining whether a claim lies in habeas corpus, "the relevant question is whether, based on the allegations in the petition, release is *legally required* irrespective of the relief requested." *Id.* at 1072 (emphasis in original).

E.Q. v. Cantu, et al., No. CV-25-02442-PHX-KML (CDB), Doc. 20, "Order to Show Cause" at 1-2 (August 18, 2025). In that case, as in this one, the Petitioner only filed, and only paid for, a habeas petition, not a mandamus complaint.

Here, Petitioner's claims in the Third Cause of Action, and the prayer for mandamus, would not result in his release from immigration detention in the absence of other discretionary actions by USCIS. In this case, Petitioner submitted the T nonimmigrant visa application recently, on May 5, 2025. Now Petitioner asks this Court to determine whether USCIS has been following its policies without any reference to what kind of decision USCIS might produce, and what effect it would have on his current

detention. Petitioner complains that there has not yet been a Bona Fide Determination ("BFD") of his claim. However, a favorable BFD would not necessarily lead to his release, it would only result in a temporary stay of removal. That is, release would not be legally required because under the regulations:

> (i) The filing of an Application for T Nonimmigrant Status has no effect on DHS authority or discretion to execute a final order of removal, although the applicant may request an administrative stay of removal pursuant to 8 CFR 241.6(a).
>
> (ii) If the applicant is in detention pending execution of the final order, the period of detention (under the standards of 8 CFR 241.4) reasonably necessary to bring about the applicant's removal will be extended during the period the stay is in effect.
>
> (iii) If USCIS subsequently determines under the procedures in [8 C.F.R. § 214.205] that the application is bona fide, the final order of removal, deportation, or exclusion will be automatically stayed, and the stay will remain in effect until a final decision is made on the Application for T Nonimmigrant Status.

8 C.F.R. § 214.204(b)(2)(ii)-(iii).[4]

Nothing in the statutes or regulations governing T nonimmigrant visas requires that the applicant be released from immigration detention if the applicant receives a favorable BFD. Indeed, even a favorable BFD only results in the next step by USCIS, in its sole jurisdiction and discretion, to decide if it will approve the application. See 8 C.F.R. § 214.204(a).

This Court lacks jurisdiction over Petitioner's Third Cause of Action because it is not at the core of habeas corpus.

D. Alternatively, the Third Cause of Action Fails to State a Claim.

Plaintiff asserts that USCIS's failure to adjudicate his T nonimmigrant visa application violates his due process rights, particularly since he could be removed while his application is pending, creating a barrier to relief that violates his right to a meaningful process. However, the Ninth Circuit has rejected similar arguments, holding that

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[4] Petitioner cites repeatedly to 8 C.F.R. § 214.11, but that section was superseded in 2024.

"procedural delays, such as routine processing delays, do not deprive aliens of a substantive liberty or property interest unless the aliens have a 'legitimate claim of entitlement' to have their applications adjudicated within a specified time." *Ruiz-Diaz v. United States*, 703 F.3d 483, 487 (9th Cir. 2012) (quoting *Bd. of Regents v. Roth*, 408 U.S. 564, 577 (1972)).

In *Ruiz-Diaz*, the Ninth Circuit considered a regulation that barred a category of aliens from filing applications for adjustment of status under 8 U.S.C. § 1255(a) concurrently with a visa petition from a sponsoring employer, which meant the aliens had to wait for approval of their employers' petitions before they could seek adjustment of status. Because of the delays inherent in acquiring approval of a visa petition, aliens subject to this regulation could be deprived of relief if their visas expired before their adjustment applications were adjudicated. A group of aliens lawfully present in the United States on five-year visas brought suit against the government, asserting that the regulation, coupled with the processing delays, violated their due process rights. The Ninth Circuit acknowledged that the delays "often mean that their five-year visas have expired before" their applications could be considered, which "makes it more difficult for plaintiffs to obtain" the relief they sought. *Id.* at 487-88. Nonetheless, the Ninth Circuit held that the aliens could not claim that their due process rights were violated because they had not identified a "'legitimate claim of entitlement' to have the petitions approved before their visas expire." *Id.* at 487 (quoting *Roth*, 408 U.S. at 577); *see also Mudric v. Att'y Gen. of U.S.*, 469 F.3d 94, 99 (3d Cir. 2006) (holding that an eight-year delay in the processing of an alien's application for asylum did not violate his due process rights "because [the alien] simply had no due process entitlement to the wholly discretionary benefits of which he and his mother were allegedly deprived, much less a constitutional right to have them doled out as quickly as he desired"). In the comparable U visa context, the Ninth Circuit determined that habeas petitioners with pending U visa petitions "do not identify any cognizable liberty interest in remaining in the country while their applications are pending." *Velarde-Flores v. Whitaker*, 750 F. App'x 606, 607 (9th Cir. 2019).

Here, Plaintiff likewise lacks any legitimate claim of entitlement to having his

application adjudicated immediately before his removal. No statute or regulation requires USCIS to take action on Plaintiff's Application within a set period, so Plaintiff lacks a constitutionally protected interest in receiving a full adjudication within a certain period of time. *See Pulido v. Cuccinelli*, 497 F. Supp. 3d 79, 95 (D.S.C. 2020) (finding that plaintiffs had no due process right to receive a waitlist determination on their U visa petitions within a certain amount of time or in having their U visa petitions adjudicated within a certain timeframe). Therefore, USCIS's processing of Plaintiff's T nonimmigrant visa application in the normal course does not deprive Plaintiff of a substantial right. Plaintiff's due process claim alleged in the Third Cause of Action should be dismissed for failure to state a claim.

III. A PRELIMINARY INJUNCTION IS NOT WARRANTED.

A "preliminary injunction is an extraordinary and drastic remedy." *Munaf v. Geren*, 553 U.S. 674, 689-90 (2008). A district court should enter a preliminary injunction only "upon a clear showing that the [movant] is entitled to such relief." *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). To obtain a preliminary injunction, the moving party must demonstrate (1) that it is likely to succeed on the merits of its claims; (2) that it is likely to suffer an irreparable injury in the absence of injunctive relief; (3) that the balance of equities tips in its favor; and (4) that the proposed injunction is in the public interest. *Id.* at 20. These factors are mandatory. As the Supreme Court has articulated, "[a] stay is not a matter of right, even if irreparable injury might otherwise result" but is instead an exercise of judicial discretion that depends on the particular circumstances of the case. *Nken v. Holder*, 556 U.S. 418, 433 (2009) (quoting *Virginian R. Co. v. United States*, 272 U.S. 658, 672 (1926)).

A. Petitioner Cannot Establish a Likelihood of Success on the Merits.

As established above, Petitioner is unlikely to succeed on the merits of his habeas petition where the 90-day removal period has not yet been triggered, and, in any event, he has been detained for less than the presumptively reasonable six-month period of time defined by the Supreme Court in *Zadvydas*. *See Zadvydas*, 533 U.S. at 701. Beyond that, Petitioner cannot meet his burden to establish that his removal is not likely to happen in

the reasonably foreseeable future when it seems relatively clear that he will be removed soon after the Ninth Circuit mandate issues. *Id.* For the reasons argued in full above, Petitioner is unlikely to succeed on his claim that his continued detention is unlawful under *Zadvydas* and therefore unlikely to succeed on the merits of his habeas petition. *Id.*

B. Petitioner Cannot Establish Irreparable Harm.

Petitioner "must demonstrate immediate threatened injury as a prerequisite to preliminary injunctive relief." *Caribbean Marine Servs. Co. v. Baldridge*, 844 F.2d 668, 674 (9th Cir. 1988). The "possibility" of injury is "too remote and speculative to constitute an irreparable injury meriting preliminary injunctive relief." *Id.* "Subjective apprehensions and unsupported predictions . . . are not sufficient to satisfy a plaintiff's burden of demonstrating an immediate threat of irreparable harm." *Id.* at 675-76.

Petitioner's entire argument mistakenly presumes he is not under a valid final removal order. *See, e.g.*, Doc. 2 at 6-7 ("[Petitioner] will suffer immediate and irreparable harm absent an order from this Court enjoining the government from continuing his unlawful custody and prohibiting the government to re-arrest him at any future time, unless and until he first receives a hearing before a neutral adjudicator.") Petitioner's fact-based argument for irreparable harm is a rehash of arguments rejected by the Immigration Judge, Board of Immigration Appeals, and Ninth Circuit Court of Appeals. *Roblero v. Bondi*, 2025 WL 2463743, at *1 ("Substantial evidence supports the IJ and BIA's determination that Roblero did not demonstrate that his qualifying relatives would suffer exceptional and extremely unusual hardship if he were removed.")

In any case, Petitioner's confinement is neither illegal nor unconstitutional but rather necessary to assure his presence at the time of removal. *Zadvydas*, 533 U.S. at 701. Because his removal is significantly likely to occur in the reasonably foreseeable future, habeas relief should not be granted as he has not established any irreparable harm from his continued detention while the Government seeks to assure his presence and execute the valid final removal order.

C. The Public Interest and Balance of the Equities Favors the Government.

Where the Government is the opposing party, the balance of equities and public interest factors merge. *Nken*, 556 U.S. at 435. Where the Government is the opposing party, courts "cannot simply assume that ordinarily, the balance of hardships will weigh heavily in the applicant's favor." *Id.* at 436 (citation and internal quotation marks omitted). Here, the public interest weighs in favor of denying the motion for a preliminary injunction. "Control over immigration is a sovereign prerogative." *El Rescate Legal Servs., Inc. v. Exec. Office of Immigration Review*, 959 F.2d 742, 750 (9th Cir. 1992). The public interest lies in the Executive's ability to enforce U.S. immigration laws and ensure presence of removable aliens at the moment of removal. *Zadvydas*, 533 U.S. at 699.

D. The Court Should Require a Bond.

If the Court decides to grant relief, it should order a bond pursuant to Fed. R. Civ. P. 65(c), which states "The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c) (emphasis added). Here, because Petitioner is subject to removal, the amount of any bond should be akin to an appearance bond.

IV. CONCLUSION

For the reasons stated herein, Respondents ask the Court to deny the motion for temporary restraining order and preliminary injunction and dismiss the habeas petition.

RESPECTFULLY SUBMITTED September 3, 2025.

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