


1 Sabrina Damast (CA SBN #305710 and NY SBN #5005251)
2 Amy Lenhert (CA Bar #227717)
3 Rocio La Rosa (CA Bar #314831)
4 Law Office of Sabrina Damast, Inc.
5 510 West 6th Street, Suite 330
6 Los Angeles, CA 90014
7 Telephone: (323) 475-8716
8 Emails: sabrina@sabrinadamast.com
9 amy@sabrinadamast.com
10 rocio@sabrinadamast.com

11 Counsel for Petitioner
12 Nadar Nadari

13 UNITED STATES DISTRICT COURT FOR THE
14 CENTRAL DISTRICT OF CALIFORNIA

15 Nadar Nadari, Alien # 

16 Petitioner,
17 v.

18 PAMELA BONDI, in her official capacity as
19 Attorney General,

20 KRISTI NOEM, in her official capacity as
21 Secretary of the Department of Homeland
Security,

U.S. DEPARTMENT OF HOMELAND
SECURITY,

ERNESTO SANTACRUZ, JR., in his official
capacity as Acting ICE Field Office Director,
Respondents.

Case No. 2:25-cv-07893-

TJH-BFM

REPLY TO RESPONDENTS'
OPPOSITION TO MOTION
FOR TEMPORARY
RESTRAINING ORDER

HEARING REQUESTED

1
2 **I. INTRODUCTION**

3 On August 21, 2025, Nadar Nadari (Petitioner), filed a petition for a writ of
4 habeas corpus challenging the unlawful revocation of his release on an order of
5 supervision and his continued detention without belief that his removal from the
6 United States is reasonably foreseeable. On August 25, 2025, Petitioner filed a
7 motion for a temporary restraining order (TRO). On August 26, 2025, Respondents
8 filed an opposition to the TRO. This reply follows.

9 **II. ARGUMENT**

10 Respondents argue this Court lacks the authority to bar them from
11 transferring Petitioner to another district. In addition, they argue that Petitioner's
12 request for an order barring his deportation to a third country is both speculative
13 and convoluted.

14 With respect to the first argument, Respondents make no attempt to grapple
15 with Justice Kavanaugh's concurrence in *Trump v. J.G.G.*, 604 U.S. ----, 145 S.Ct.
16 1003, 1007 (2025), which recognized that "all nine Members of the Court agree
17 that judicial review is available" of a detainee's challenge to his transfer by federal
18 immigration authorities. "I add only that the use of habeas for transfer claims is not
19 novel." *Id.* "That general rule holds true for claims under the Alien Enemies Act,
20 the statute under which the Government is seeking to remove these detainees. And

1 going back to the English Habeas Corpus Act of 1679, if not earlier, habeas corpus
2 has been the proper vehicle for detainees to bring claims seeking to bar their
3 transfers.” *Id.* (internal citation omitted). Accordingly, Petitioner respectfully
4 asserts that this Court does, in fact, have the authority to grant the relief requested
5 (an order barring Respondents from transferring him outside of the Central District
6 of California).

7
8 Second, with respect to the request for relief from a third country
9 deportation, Respondents make the curious observation that the requested
10 injunction is “an improper attempt to enjoin the government to follow the law.”
11 ECF 4, p. 2. “Petitioner’s argument further assumes that the government will act in
12 an unlawful manner in the future and so the Petitioner will suffer a constitutional
13 injury at some point in the future.” ECF 4, p. 6. Thus, Respondents apparently
14 concede that deporting Petitioner to a third country without the opportunity to raise
15 a fear-related claim is, in fact, unlawful.

16 And yet, it is undisputed that Respondents’ own policy, as articulated in the
17 March 2025 memo, is to deport people to third countries without any further
18 procedure (such as a fear interview) if the United States has received “diplomatic
19 assurances” from the third country that non-citizens will not be persecuted or
20 tortured there. ECF 1-7. Thus, the only reasonable conclusion is that Respondents
21 concede that the procedures outlined in this memo are unlawful, and this Court

1 should enjoin them from using those procedures to deport Petitioner to a third
2 country.

3 As to Respondents' complaint that the requested relief is too convoluted, it
4 mirrors the relief issued in a similar matter pending in this District. *See Ovsepien v.*
5 *Bondi, et al.*, 5:25-cv-01937-MEMF-DFM, ECF 20 (CD Ca. Aug. 8, 2025)
6 (unpub).

7 **III. CONCLUSION**

8 For the foregoing reasons, as well as those articulated in the initial moving
9 papers, Petitioner respectfully submits that he has met the criteria for a temporary
10 restraining order.

11 **RESPECTFULLY SUBMITTED this 27th day of August, 2025**

12 **/s/ Sabrina Damast**

Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

13 Amy Lenhert, CA SBN #227717

Rocio La Rosa, CA SBN#314831

14 Law Office of Sabrina Damast, Inc.

510 West 6th Street, Suite 330

15 Los Angeles, CA 90014

(O) (323) 475-8716

16 (E) sabrina@sabrinadamast.com

amy@sabrinadamast.com

17 rocio@sabrinadamast.com