UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

MUJTABA QEYAMI,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 5:25-cv-00087
	)	
MICHAEL BRECKON, WARDEN, ET AL..,	)	
	)	
Respondents.	)	

OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION

I. Introduction

On August 26, 2025, Petitioner Mujtaba Qeyami filed a habeas corpus action under 28 U.S.C. § 2241, which allows detainees and prisoners to challenge custody that violates the Constitution or laws of the United States. Doc. 1. Qeyami's § 2241 petition advances three claims: (1) the government "lack[s] statutory or constitutional authority to detain" him (*id.*, ¶ 93), (2) "if his detention is authorized at all," Qeyami is entitled to an individualized bond hearing under 8 U.S.C. § 1226(a) (*id.*, ¶¶ 98-99), and (3) his continued detention "without a bond hearing" violates the Fifth Amendment's Due Process Clause (*id.*, ¶¶ 103-04).

One day later, Qeyami filed a Motion for and Memorandum in Support of Temporary Restraining Order. Doc. 6. Qeyami's motion requests the Court to issue an order enjoining the government "from (1) transferring him from this district during the pendency of this habeas action, and (2) removing him without statutorily required process during the pendency of this habeas action." *Id.*, at 1. Of note,

Qeyami's motion does not seek release from detention, nor does it request the Court to rule on the legality of his detention. Rather, Qeyami's motion discusses the legality of his detention only insofar as it concerns the four-pronged test governing requests for injunctive relief. On Friday, August 29, 2025, the Court scheduled an evidentiary hearing on the merits of Qeyami's motion for Thursday, September 4, 2025. Doc. 8.

On Tuesday, September 2, 2025, Qeyami's counsel emailed the government's counsel Petitioner's motion and the Court's August 29, 2025 Order scheduling an evidentiary hearing. Although the government has not yet been served pursuant to Rule 4,[1] the government submits this response opposing Qeyami's motion in the interest of judicial economy.[2]

II. Factual Background[3]

Qeyami is a citizen of Afghanistan. Doc. 1, ¶¶ 6, 17; Respondents' Ex. 1, Decl. of Monique F. Shirley ("Shirley Decl."), ¶ 3. On or about February 5, 2025, Qeyami alleges he entered the United States at a port of entry without inspection, at which time he was apprehended and taken into custody by Customs and Border Protection.

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[1] Respondents do not waive, and this response should not be construed as a waiver of, service of the petition and summons. *See* Fed. R. Civ. P. 4(i).

[2] *See United States v. State of Ala.*, 791 F.2d 1450, 1458 (11th Cir. 1986) (allowing conversion of TRO into preliminary injunction when opposing party has notice); *Benavides v. Gartland*, No. 5:20-cv-46, 2020 WL 1914916, at *1 n.1 (S.D. Ga. Apr. 18, 2020) (Wood, J.) (same). The legal test governing motions for preliminary injunctive relief is the same test applicable to motions for TRO. *See, e.g., Ewe Grp., Inc. v. Bread Store, LLC*, 54 F. Supp. 3d 1343, 1347 (N.D. Ga. 2014).

[3] Respondents have had limited time to investigate the facts giving rise to this petition. At this preliminary stage, Respondents largely recite the allegations contained in the Petition, but do not concede Petitioner's allegations are accurate.

Id., ¶ 18. He was transferred to ICE custody and is now detained at Folkston D. Ray ICE Processing Center. *Id.*; Shirley Decl., ¶ 4.

When Department of Homeland Security ("DHS") officers encountered Qeyami following his illegal entry to the United States in early February 2025, Qeyami was processed for Expedited Removal under the provisions of 8 C.F.R. § 235.15 and Presidential Proclamation 10888, *Guaranteeing the States Protection Against Invasion*, 90 Fed. Reg. 333 (Jan. 20, 2025) ("INA § 212(f) Invasion Proclamation"). Shirley Decl., ¶ 5. Following a decision by the U.S. District Court for the D.C. Circuit in *RAICES v. Noem*, No. 25-0306, 2025 WL 1825431 (D.D.C. July 2, 2025), which enjoined parts of INA § 212(f) Invasion Proclamation, Qeyami was processed for and served with a form I-860 Notice of Expedited Removal ("I-860") pursuant to Immigration and Nationality Act ("INA") § 235(b)(1), on September 2, 2025. *Id.*, ¶ 6. Qeyami is presently detained under INA § 235(b)(1). *Id.*, ¶ 4.

III. Argument

Notwithstanding its complexity, few principles in immigration law are as well established as the proposition that arriving aliens possess only those rights regarding admission that Congress has provided by statute. Petitioner's motion elides over this truth in search of a facially plausible challenge to his detention. But Qeyami's concession that he is a foreign national who entered the United States at a port of entry without inspection all but scuttles this habeas corpus action. Irrespective of whether 8 U.S.C. § 1182(f), the INA § 212(f) Invasion Proclamation, or 8 C.F.R. § 235.15 authorize the detention of foreign nationals attempting to enter the United

States, the INA's Expedited Removal provisions, 8 U.S.C. § 1101 *et seq.*, provide the government with ample authority to detain Qeyami pending the completion of his removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(B)(ii) and (iii)(IV).

Although Qeyami's motion for TRO does not request his release from detention or an order resolving the legality of his detention, Qeyami correctly acknowledges that his request for injunctive relief hinges on his ability to demonstrate a likelihood of prevailing on his challenges to continued detention. Doc. 6, at 4-6. He cannot make that showing, and that alone is a sufficient basis to deny his motion. Moreover, to the extent there may exist metaphysical doubt on that point, Qeyami's purported irreparable injury is much too speculative to warrant relief in this context. Finally, Qeyami's brief cites no authority allowing the judiciary to second guess the Executive's detention and removal decisions in the manner he requests. His motion should be denied.

A. A Preliminary Injunction Is an Extraordinary Remedy.

"A preliminary injunction is an extraordinary remedy never awarded as of right." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). Because it is an extraordinary and drastic remedy, "its grant is the exception rather than the rule." *United States v. Lambert*, 695 F.2d 536, 539 (11th Cir. 1983). "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held." *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981); *see also Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, Fla.*, 896 F.2d 1283, 1284 (11th Cir. 1990) (noting that the chief function

of a preliminary injunction is "to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated.").

The moving party bears the burden to establish the need for a preliminary injunction. To grant such "extraordinary relief," the Court must find that the movant has established four essential elements: "(1) a likelihood of success on the merits of the overall case; (2) irreparable injury; (3) the threatened injury outweighs the harm the preliminary injunction would cause the other litigants; and (4) the preliminary injunction would not be averse to the public interest." *Benavides v. Gartland*, No. 5:20-cv-46, 2020 WL 3839938, at *4 (S.D. Ga. July 8, 2020) (Wood, J.). The most important of these factors is the likelihood of success on the merits, and if a movant is "unable to establish a likelihood of success on the merits, a court need not consider the remaining conditions prerequisite to injunctive relief." *Johnson & Johnson Vision Care, Inc. v. 1-800 Contacts, Inc.*, 299 F.3d 1242, 1247 (11th Cir. 2002).

A preliminary injunction should not be granted "unless the movant clearly established the burden of persuasion as to all four elements." *Horton v. City of Augustine, Fla.*, 272 F.3d 1318, 1326 (11th Cir. 2001) (quotation marks omitted). "[W]here the government is the party opposing the preliminary injunction, its interest and harm merge with the public interest." *Swain v. Junior*, 958 F.3d 1081, 1091 (11th Cir. 2020).

B. Petitioner Is Not Likely To Succeed on the Merits of His Habeas Corpus Claims.

Qeyami's verified § 2241 petition challenges the lawfulness of his detention. For several independent reasons, his challenges are not likely to succeed. Qeyami's

habeas corpus petition advances three claims: (1) the government lacks authority to detain him; (2) if he is subject to detention, he is entitled to a bond hearing under § 1226(a); and (3) his continued detention absent a bond hearing violates his Fifth Amendment due process rights. Assuming for argument's sake no bar precludes a merits-determination of these claims, his motion is doomed regardless. In short, Qeyami cannot come close to demonstrating a likelihood of success on his claims.

The INA requires Qeyami's detention. It provides that an alien present in the United States or who arrives in the United States, whether at a designated port or otherwise, is deemed an "applicant for admission." 8 U.S.C. § 1225(a)(1). For certain inadmissible applicants for admission, the INA sets forth a streamlined procedure that the statutory scheme calls expedited removal. 8 U.S.C. § 1225(b)(1). One category of applicants for admission that is subject to expedited removal is an applicant for admission who is not in possession of valid entry documents. 8 U.S.C. §§ 1225(b)(1)(A)(i) and 1182(a)(7)(A)(i).

When an immigration officer determines that an applicant for admission is not in possession of valid entry documents, expedited removal is triggered. Pursuant to statutory command, the officer "shall order the alien removed from the United States without further hearing or review." 8 U.S.C. § 1225(b)(1)(A)(i). Individuals subject to this expedited process are subject to mandatory detention if they pursue withholding-from-removal relief. *See* 8 U.S.C. § 1225(b)(1)(B)(ii) and (iii)(IV). The only exception to mandatory detention for an alien subject to expedited removal is that an alien may be temporarily paroled by the executive branch into the United States, "on a case-by-

case basis for urgent humanitarian reasons or significant public benefit." 8 U.S.C. § 1182(d)(5)(A); *see also Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) (holding that the "only exception permitting the release of aliens detained under [§ 1225(b)] is the parole authority provided by [§ 1182(d)(5)(A)]"). Clearly, Qeyami's detention is authorized under existing immigration statutes.

1. Qeyami's habeas corpus claims are barred by statute and the Court lacks jurisdiction over them.

Under the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, removal proceedings generally provide the exclusive means for determining whether an alien is both removable from the United States and eligible for any relief or protection from removal. *See* 8 U.S.C. § 1229a. Review of expedited removal procedures is even more circumscribed. Congress severely limited judicial review of individuals subject to § 1225(b)(1), providing that, "[n]otwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, . . . no court shall have jurisdiction to review . . . any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of an order of removal pursuant to section 1225(b)(1) of this title[.]" 8 U.S.C. § 1252(a)(2)(A)(i). The only permissible review is "(A) whether the petitioner is an alien, (B) whether the petitioner was ordered removed under [§ 1225(b)(1)], and (C) whether the petitioner can prove . . . that the petitioner is [a lawful permanent resident], has been admitted as a refugee . . .or has been granted asylum[.]" 8 U.S.C. § § 1252(e)(2). These provisions prevent review of the individualized decision to detain Qeyami under § 1225(b)(1). *See, e.g., Chaviano v.*

Bondi, No. 25-cv-22451, 2025 WL 1744349, at *4-5 (S.D. Fla. June 23, 2025).

The plain language of 8 U.S.C. § 1252(g) and the Eleventh Circuit's consistent interpretation of this provision independently foreclose Qeyami's habeas corpus claims. Congress stripped federal district courts of jurisdiction over § 2241 challenges to an alien's detention in 8 U.S.C. § 1252(g). That section reads:

> Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.

8 U.S.C. § 1252(g).

Calling § 1252(g) "unambiguous," the Eleventh Circuit held that this statute "bars federal courts' subject-matter jurisdiction over any claim for which the 'decision or action' of the Attorney General (usually acting through subordinates) to commence proceedings, adjudicate cases, or execute removal orders is the basis of the claim." *Gupta v. McGahey*, 709 F.3d 1062, 1065 (11th Cir. 2013). The Court of Appeals interpreted the scope of "commencing proceedings" to include "[s]ecuring an alien while awaiting a removal determination." *Id.*

A subsequent panel made *Gupta*'s holding more plainly applicable to the facts of Qeyami's habeas corpus petition, finding that "ICE's decision to take [a noncitizen] into custody and to detain him during his removal proceedings . . . w[as] closely connected to the decision to commence proceedings, and thus w[as] immune from our review." *Alvarez v. U.S. Immigr. & Customs Enf't*, 818 F.3d 1194, 1203 (11th Cir.

2016). The Eleventh Circuit found that § 1252(g) barred Alvarez's claim, even though he alleged his detention violated the Fourth and Fifth Amendments because government officials made knowing misrepresentations to detain him. *Id.* at 1203–04; *see also Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 488 (1999) ("[A]n alien unlawfully in this country has no constitutional right to assert selective enforcement as a defense against his deportation."). "When asking if a claim is barred by § 1252(g), courts must focus on the action being challenged." *Canal A Media Holding, LLC v. United States Citizenship & Immigr. Servs.*, 964 F.3d 1250, 1257–58 (11th Cir. 2020). Efforts to challenge the refusal of immigration officials to exercise favorable discretion also fall under § 1252(g)'s jurisdictional provision. *Alvarez*, 818 F.3d at 1205.

Here, Qeyami's petition challenges a specific action—securing him during removal proceedings—that the Eleventh Circuit has ruled falls within the scope of "commencing proceedings" referenced in § 1252(g). *See Gupta*, 709 F.3d at 1065. Consequently, Qeyami's habeas corpus claims are precluded by statute. And Qeyami cannot demonstrate a likelihood of succeeding on claims that this Court is barred from entertaining.

2. *Assuming arguendo jurisdiction exists, Qeyami's habeas corpus claims are meritless nonetheless.*

a. The Fifth Amendment's Due Process Clause does not entitle Qeyami to a bond hearing.

The Supreme Court "has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his

application, for the power to admit or exclude aliens is a sovereign prerogative." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982) (citing cases). Because applicants for admission have not been admitted to the United States, their constitutional rights are truncated: "[w]hatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned." *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) (quoting *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950)); *see also Thuraissigiam*, 591 U.S. at 140 (under the Due Process Clause, applicants for admission have "only those rights regarding admission that Congress has provided by statute"). Here, "the procedure authorized by Congress" in § 1225(b) and related provisions expressly excludes the possibility of a bond hearing. *Mezei*, 345 U.S. at 212.

Among other things, aliens seeking admission may be detained without a bond hearing pending admission or removal. In *Mezei*, the Supreme Court held that an alien's detention at the border without a hearing to effectuate his exclusion from the United States did not violate due process. *Mezei*, 345 U.S. at 206. Mezei arrived at Ellis Island seeking admission into the United States; although he had resided in the United States previously, he had since been "permanently excluded from the United States on security grounds." *Id.* at 207. His home country would not accept him, and he had been detained for more than a year and a half to effectuate his exclusion when he filed a habeas petition seeking release into the United States. *Id.* at 207-08.

The Supreme Court held that Mezei's detention did not "deprive[] him of any statutory or constitutional right." *Id.* at 215. The Court reiterated that "the power to

expel or exclude aliens" is a "fundamental sovereign attribute exercised by the Government's political departments" that is "largely immune from judicial control." *Id.* at 210. The Court recognized that "once passed through our gates, even illegally," aliens "may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law." *Id.* at 212. "But an alien on the threshold of initial entry stands on a different footing" than an alien within the United States. *Id.* For aliens seeking admission, "[w]hatever the procedure authorized by Congress is, it is due process." *Id.* (quoting *Knauff*, 338 U.S. 544).

As such, applicants for admission detained under § 1225(b)(1) are ineligible for release on bond because § 1225(b)(1) "mandate[s] detention of aliens throughout the completion of applicable proceedings and not just until the moment those proceedings begin." *Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018). As it relates to foreigners and aliens who have not been admitted into the United States pursuant to law, "the decisions of the executive or administrative officers, acting within powers expressly conferred by Congress, are due process of law." *Nishimura Ekiu v. United States*, 142 U.S. 651, 660 (1892) (emphasis added); *see also Johnson v. Guzman Chavez*, 594 U.S. 523, 526 (2021) (holding that aliens who have been ordered removed "are not entitled to a bond hearing while they pursue withholding of removal"); *Richardson v. Reno*, 162 F.3d 1338, 1363 (11th Cir. 1998) (rejecting due process challenge by alien detained under § 1225(b)(2) who alleged "the INA's limiting his bond requests in these removal proceedings to written request to the INS district director, without any judicial review by an immigration judge, deprives him of due process"), *vacated on*

other grounds, 526 U.S. 1142 (1999), *reinstated in relevant part*, 180 F.3d 1311 (11th Cir. 1999). "[T]he Due Process Clause provides nothing more." *Thuraissigiam*, 591 U.S. at 140. Qeyami's claims to the contrary are meritless.

3. Qeyami has not established irreparable injury.

The government submits that the "likelihood of success on the merits" is the most important criterion for this Court's consideration; consequently, the Court may conclude its analysis and rule in the government's favor absent further analysis. But even if the Court examines the remaining elements, the determination that Qeyami's motion for injunctive relief should be denied remains constant.

Irreparable injury must be specific: "The injury must be neither remote nor speculative, but actual and imminent." *Ne. Fla. Chapter of the Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990) (internal quotation marks and citation omitted). Merely showing a "possibility" of irreparable harm is insufficient. *Winter*, 555 U.S. at 22. "Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Id.*

Here, Qeyami has failed to meet his burden of demonstrating more than a possibility he will sustain irreparable injury absent his requested injunction. Again, Qeyami's motion does not contest his continued detention. Instead, Qeyami conjures speculative scenarios devoid of citation to anything in the record in support of his

claim that he will be irreparably harmed if the Court fails to grant his motion.

In this regard, Qeyami's own allegations undermine his claim that he is at imminent risk of sustaining irreparable harm. When advantageous to his litigating position, he complains, "There is no likelihood that he will be deported from the United States in the reasonably foreseeable future." Doc. 6, at 11. But he premises his remaining arguments on his unsupported belief that he is on the verge of being transferred "somewhere incommunicado at the [government's] whim." *Id.*, at 12. Insofar as his motion is concerned, this inconsistency is seemingly lost on Qeyami. That Qeyami can imagine scenarios in which he sustains serious injury does nothing to demonstrate that these injuries are "actual and imminent."

4. Qeyami has not shown that the public interest weighs in favor of granting an injunction.

As noted above, "where the government is the party opposing the preliminary injunction, its interest and harm merge with the public interest." *Swain*, 958 F.3d 1091 (11th Cir. 2020). Here, the public interest lies in ensuring that aliens facing removal adhere to lawfully established procedures for challenging removal and detention. This is the plain intent of our Nation's elected branches, and the Supreme Court has counseled that courts sitting in equity should not override the policy choices Congress chose. *See United States v. Oakland Cannabis Buyers' Co-op.*, 532 U.S. 483, 497 (2001) (holding no medical necessity exception to marijuana manufacture and distribution). The proposal Qeyami asks this Court to choose would hinder immigration authorities attempting to allocate limited resources, in favor of an ad hoc patchwork of judicial decisions that place conflicting demands on public

officers—all while "jeopardiz[ing] the orderly and efficient administration of this country's immigration laws" and thus negatively impacting the public interest. *Sasso v. Milhollan*, 735 F. Supp. 1045, 1049 (S.D. Fla. 1990); *see also Coal. for Econ. Equity v. Wilson*, 122 F.3d 718, 719 (9th Cir. 1997) ("[I]t is clear that a state suffers irreparable injury whenever an enactment of its people or their representatives is enjoined."). Qeyami has not established that the public interest weighs in favor of injunctive relief.

C. The Court Lacks Authority to Order the Location of Qeyami's Detention or to Enjoin Qeyami's Transfer.

Regardless of Qeyami's inability to carry his burden on the four-pronged test governing requests for injunctive relief, his motion fails for an independent reason. The relief his motion seeks—an order enjoining the government from transferring Qeyami to another district or removing him "without statutorily required process" during the pendency of this action—falls beyond the scope of this Court's authority. Put simply, this Court lacks jurisdiction over ICE's discretionary decision concerning where to detain aliens in immigration detention; it therefore lacks authority to enjoin Qeyami's potential transfer to a different location. Qeyami's claims otherwise constitute a challenge to the commencement of removal proceedings over which this Court lacks jurisdiction pursuant to 8 U.S.C. § 1252(g). *See Alvarez*, 818 F.3d at 1202.

The commencement of proceedings requires ICE to determine whether, when, and where to commence such proceedings, meaning that § 1252(g) bars this Court's review of ICE's decision where to initiate removal proceedings. *See, e.g.*, *Alvarez*, 818 F.3d at 1203 ("The challenge to ICE's decision, made by its counsel, Defendant Emery,

essentially asks this Court to find that the agency should have chosen a different method of commencing proceedings. The district court was correct to find that Section 1252(g) strips us of the power to entertain such a claim."); *Arostegui v. Holder*, 368 F. App'x 169, 171 (2d Cir. 2010) (holding, upon a petition for review of a final removal order: "Whether and when to commence removal proceedings is within the discretion of DHS, and we do not have jurisdiction to review such decisions, unless petitioner raises constitutional claims or questions of law.") (citing 8 U.S.C. § 1252(g)).

Additionally, the Executive's authority under 8 U.S.C. § 1231(g) to decide the location of detention for individuals detained pending removal proceedings falls within the review bar codified in 8 U.S.C. § 1252(a)(2)(B)(ii). That is because, under § 1231(g), ICE "necessarily has the authority to determine the location of detention of an alien in deportation proceedings," including whether to change that location during the pendency of proceedings. *Gandarillas-Zambrana v. Bd. Immigration Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *see, e.g.*, *Wood v. United States*, 175 F. App'x 419, 420 (2d Cir. 2006) (holding that the Secretary "was not required to detain [Plaintiff] in a particular state" given the Secretary's "statutory discretion" under § 1231(g)).

In sum, a district court may not exercise jurisdiction over ICE's decision to detain an alien in a given location and may not order ICE to transfer an alien from one location to another. *See, e.g.*, *Salazar v. Dubois*, No. 17-cv-2186 (RLE), 2017 WL 4045304, at *1 (S.D.N.Y. Sept. 11, 2017) (concluding that the district court "does not have authority to issue an order to change or keep [an alien] at any particular

location"); *Zheng v. Decker*, No. 14-cv-4663 (MHD), 2014 WL 7190993, at *15-16 (S.D.N.Y. Dec. 12, 2014) (denying petitioner's request that the Court order ICE not to transfer him to another jurisdiction, holding that § 1231(g) transfer authority "is among the Attorney General's 'discretionary' powers"). *See* 8 U.S.C. § 1252(a)(2)(B)(ii) (barring district courts from exercising subject matter jurisdiction over "any . . . decision or action of the Attorney General . . . the authority for which is specified under this subchapter [8 U.S.C. §§ 1151-1381] to be in the discretion of the Attorney General . . ."). For these reasons, this Court lacks authority to award Qeyami the injunctive relief he seeks.

D. If the Court Issues an Injunction, It Should Require Qeyami to Give Security Pursuant to Rule 65(c).

Rule 65(c) of the Federal Rules of Civil Procedure states that a court may issue a preliminary injunction "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." Should the Court grant an injunction to Qeyami, the government respectfully requests, pursuant to executive policy, that this Court require him to provide an appropriate security amount to ensure that the government is paid for any damages it sustains. *See Presidential Memorandum, Ensuring the Enforcement of Federal Rule of Civil Procedure 65(c)*, 2025 WL 762840 (March 11, 2025). The government leaves the amount of such security to this Court's sound discretion. *See BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (amount of security required by Rule 65(c) is a matter within the discretion of the trial court).

IV. Conclusion

This Court should deny Qeyami's motion for temporary restraining order.

Respectfully submitted, this 4th day of September, 2025.

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