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

9 Farshid Djahandideh,

10 Petitioner,

11 vs.

12 Luis Rosa, Jr., Warden, et al.,

13 Respondents.
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No. 2:25-cv-3337-PHX-SPL (CDB)

Motion for a Preliminary Injunction

15 Along with his amended petition for a writ of habeas corpus under 28 U.S.C. § 2241, Mr.
16 Djahandideh is filing this motion for a preliminary injunction and a temporary restraining order.
17 In his petition, he asserts that he cannot be removed to Iran, the Netherlands, or Germany, such
18 that his continued detention by immigration officials violates the Fifth Amendment's Due
19 Process Clause. He also asserts that his detention is illegal because he has not received notice and
20 an opportunity to seek relief from removal to a country other than Iran. Because he is almost
21 certain to prevail on at least one of these claims, he respectfully asks the Court to order his
22 immediate release from custody while this case is litigated.

23 "A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on
24 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
25 balance of equities tips in his favor, and that an injunction is in the public interest." *Planned*
26 *Parenthood Great Northwest v. Labrador*, 122 F.4th 825, 843–44 (9th Cir. 2024) (quoting *Alliance*
27 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). "Alternatively, a preliminary
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1 injunction may issue where serious questions going to the merits were raised and the balance of
2 hardships tips sharply in plaintiff's favor if the plaintiff also shows that there is a likelihood of
3 irreparable injury and that the injunction is in the public interest." *Id.* at 844 (quoting *Alliance for*
4 *the Wild Rockies*, 632 F.3d at 1135). Here, Mr. Djahandideh can make all four of these showings.

5 First, he is almost certain to succeed on the merits of his habeas petition. His continued,
6 indefinite detention in immigration custody violates the Due Process Clause of the Fifth
7 Amendment because there is no significant likelihood that he can be removed to Iran in the
8 reasonably foreseeable future. Likewise, he cannot be removed to either the Netherlands or
9 Germany, because these countries have apparently refused to accept him for removal. Second,
10 illegal confinement is quintessentially irreparable harm, because "the deprivation of
11 constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d
12 990, 1002 (9th Cir. 2012). Third, and finally, when the government is a party, as it is here, "the
13 balance of equities and public interest factors merge." *Pimentel-Estrada v. Barr*, 464 F. Supp. 3d
14 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th
15 Cir. 2014)). The risk of harm to Mr. Djahandideh inflicted through illegal detention in
16 immigration custody far outweighs the government's interest in illegally detaining him, for it is
17 "always in the public interest to prevent the violation of a party's constitutional rights."
18 *Melendres*, 695 F.3d at 1002.

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

21 Respectfully submitted:

December 8, 2025.

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