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

11
 12 Kauser Mohamoud Yusuf,
 13
 14 Petitioner,
 v.
 15 Kristi Noem, et al.,
 16
 Respondents.

No. 2:25-cv-03409-PHX-JJT (ASB)

**OBJECTION TO PROPOSED
 ORDER**

17 Respondents hereby object to the terms of the Temporary Restraining Order and
 18 Preliminary Injunction proposed by Petitioner. *See* Doc. 16. Neither the Petition for Writ of
 19 Habeas Corpus (Doc. 1) nor the Memorandum of Law in Support of Emergency Motion for
 20 Temporary Restraining Order and Preliminary Injunction (Doc. 8) challenged Petitioner’s
 21 potential removal. Rather, both sought Petitioner’s release from immigration detention.
 22 Petitioner’s proposed order, however, seeks to enjoin the Government from detaining
 23 Petitioner, transferring her outside the District of Arizona, or “removing Petitioner to any
 24 allegedly safe third country without first providing Petitioner with a full merits hearing
 25 before an immigration judge wherein he may seek asylum, withholding of removal, and/or
 26 deferral of removal under the Convention Against Torture with all normal appeal rights.”
 27 Doc. 16. That relief was not sought or requested in the Petition or Motion/Memo. Had it
 28 been, Respondents would have opposed the Motion/Memo and briefed the issue.

1 To be clear, Respondents did not and do not oppose Petitioner’s release from
2 immigration detention. They do, however, oppose the request to enjoin them from removing
3 Petitioner to a third county without providing additional, extra-statutory procedures prior to
4 removal from the United States because those claims wholly speculative and are already
5 being adjudicated in the nationwide *D.V.D.* class action, of which Petitioner is a non-opt out
6 class member. *See D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-cv-10676 (D. Mass.).

7 If the Court interprets the Petition or Motion as seeking relief from removal without
8 extra-statutory procedures, Respondents request that the Court permit them to withdraw
9 their Response to the Motion for Preliminary Injunction and Temporary Restraining Order
10 to oppose such relief and/or to oppose it in response to the Petition for Writ of Habeas
11 Corpus—in which, again, it was not requested or asserted as a claim for relief.

12 Respectfully submitted this 30th day of September, 2025.

13 TIMOTHY COURCHINE
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15 District of Arizona

16 *s/ Katherine R. Branch*
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