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13 UNITED STATES DISTRICT COURT
 14 DISTRICT OF NEVADA

15 Mohamed Hassan Barka,
 16 Petitioner,
 17 v.
 18 John Mattos, NSDC Warden; Michael
 Bernacke, Field Director, West Valley City
 19 Office of ICE ERO; Todd Lyons, ICE
 Acting Director; Kristi Noem DHS
 20 Secretary; Pam Bondi, U.S. Attorney
 General, *et al.*,
 21 Respondents.

Case No. 2:25-cv-01781-GMN-MDC

**Motion for Temporary Restraining
 Order**

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POINTS AND AUTHORITIES

Petitioner Mohamed Hassan Barka faces immediate irreparable harm because (1) he is being subject to indefinite immigration detention with no reasonable prospect of removal in the reasonably foreseeable future to the country designated by the immigration judge (“IJ”); and (2) he is facing potential removal to a third country never considered by an IJ. Barka was granted withholding from removal to his home country, Egypt. The removal order became final on January 15, 2025. The order listed Italy as an alternative country. Barka has now been in custody for over **eleven months** since the removal order became final. He cannot be removed to Egypt due to the withholding and Italy has refused to accept him because he is not a citizen of Italy. There is no possibility that he can be deported to his home country and there is no indication that he will be deported to a third country. This Court should grant temporary relief to prevent any further irreparable injury based on his continuing illegal detention.

Barka is 37 years old and a citizen of Egypt. He has no criminal history and, until his current detention, has never been held in custody at any point in his life. He predominantly lived with his father in Italy from 2005 to September 2024. His father was granted residency in Italy but is not a citizen of that country. Rather, his parents are both citizens of Egypt and have no citizenship claims to any other country. Barka himself only has claims of citizenship to Egypt.

Barka came to the United States in September 2024 to avoid potential persecution and harm in Egypt for [REDACTED]
[REDACTED] He surrendered himself at the port of entry in San Diego and sought asylum. He has remained in custody since that time. Although his request for asylum was denied, he was granted withholding from removal to Egypt. He was ordered removed to Egypt or, in the alternative, Italy. Due to the withholding, he cannot be deported to Egypt.

1 And the ICE officer overseeing his case told him that Italy has refused to accept him
2 because he is not a citizen of that country. He was also told that ICE has sought to
3 remove him to other third countries—Canada, Spain, and France—but no other
4 country has agreed to take him. He was recently told that they are still trying to
5 find another country that will take him.

6 Barka has supposedly been given two custody reviews. However, no actual
7 review took place. Instead, both times, Barka was simply given a notice that he
8 would remain in detention. The notice did not provide any reasons for the
9 continuing detention. The most recent notice, given to him about a month ago, did
10 not contain an end date on how long ICE planned to detain him or when they
11 planned to conduct his next review.

12 Barka is therefore facing both unlawful indefinite detention and a threat of
13 removal without due process, possibly to a dangerous third country. Barka faces
14 additional harm here because his continuing detention prevents him from
15 supporting his three children, who live in Italy. Should he be released, he has two
16 friends in Las Vegas who plan to provide him with housing and employment or, in
17 the alternative, he has family in New York he would live with.

18 The requested temporary restraining order (“TRO”) would address the
19 irreparable injury that Barka is currently experiencing by (1) ordering Respondents
20 to release Barka and placing him on an order for supervision (“OSUP”), (2)
21 prohibiting the government from revoking his OSUP without first following the
22 required statutory procedures, and (3) prohibiting the government from removing
23 him to a third country without an opportunity to file a motion to reopen with an
24 immigration judge.

25 In granting this motion, this Court would not break new ground. Several
26 courts, including a judge in this district, have granted TROs or preliminary
27 injunctions mandating release for post-final-removal-order immigrants like Barka.

1 *See Shadalo v. Mattos*, No. 2:25-cv-02076-RFB-BNW, 2025 WL 3568234 (D. Nev.
2 Dec. 14, 2025); *Rodriguez-Gutierrez v. Noem*, No. 25-cv-02726-BAS-SBC (S.D. Cal.
3 Nov. 7, 2025); *Phetsadakone v. Scott*, 2025 WL 2579569, at *6 (W.D. Wash. Sept. 5,
4 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D.
5 Cal. July 16, 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL
6 1993735, at *7 (E.D. Cal. July 16, 2025); *Nguyen v. Scott*, No. 2:25-CV-01398, 2025
7 WL 2419288, at *29 (W.D. Wash. Aug. 21, 2025).

8 Several courts have likewise granted temporary restraining orders
9 preventing third-country removals without due process. *See, e.g., J.R. v. Bostock*,
10 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025); *Vaskanyan v.*
11 *Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega*
12 *v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. June 26, 2025); *Hoac v.*
13 *Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16,
14 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *7 (E.D.
15 Cal. July 16, 2025).

16 Granting this relief would not even be breaking new ground in this District.
17 Indeed, this Court recently granted habeas relief on both these grounds. *See*
18 *Cavieres Gomez v. Mattos*, No. 2:25-CV-00975-GMN-BNW, 2025 WL 3101994, at
19 *6–7 (D. Nev. Nov. 6, 2025); *accord Shadalo v. Mattos*, No. 2:25-cv-02076-RFB-
20 BNW, 2025 WL 3568234 (D. Nev. Dec. 14, 2025) (grating preliminary injunction
21 and ordering release from custody). Barka therefore respectfully requests that this
22 Court grant this TRO.

23 STATEMENT OF FACTS

24 Concurrent with this motion, Barka files his amended § 2241 petition. Barka
25 incorporates by reference the statements of fact set forth in those pleadings.
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ARGUMENT

To obtain a TRO, a plaintiff “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008); *accord Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839-40 & n.7 (9th Cir. 2001) (noting that a TRO and preliminary injunction involve “substantially identical” analysis). A “variant[] of the same standard” is the “sliding scale”: “if a plaintiff can only show that there are ‘serious questions going to the merits’—a lesser showing than likelihood of success on the merits—then a preliminary injunction may still issue if the balance of hardships tips *sharply* in the plaintiff’s favor, and the other two *Winter* factors are satisfied.” *Immigrant Defenders Law Center v. Noem*, 145 F.4th 972, 986 (9th Cir. 2025) (internal quotation marks omitted). Under this approach, the four *Winter* elements are “balanced, so that a stronger showing of one element may offset a weaker showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). A TRO may be granted where there are “‘serious questions going to the merits’ and a hardship balance ... tips sharply toward the plaintiff,” and so long as the other *Winter* factors are met. *Id.* at 1132.

Here, this Court should issue a temporary restraining order because “immediate and irreparable injury . . . or damage” is occurring and will continue in the absence of an order. Fed. R. Civ. P. 65(b). Not only have Respondents continued to detain Barka in violation of his due process, statutory, and regulatory rights, ICE policy also allows them to remove him to a third country in violation of his due process, statutory, and regulatory rights. This Court should order Barka’s release and enjoin removal to a third country with no or inadequate notice.

1 **I. Barka will likely succeed on the merits, or at a minimum, Barka**
2 **raises serious merits questions.**

3 In his amended § 2241 petition, Barka raises five claims that he has been
4 unconstitutionally detained and that he cannot be removed to a third country.

5 Barka addresses the merits of each claim below:

6 **A. Barka is likely to succeed on the merits of his claim that his**
7 **detention violates *Zadvydas* and the Immigration and**
8 **Nationality Act, 8 U.S.C. § 1231(a)(6). (Grounds 1 and 2).**

9 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered a
10 problem affecting people like Barka: Federal law requires ICE to detain an
11 immigrant during the “removal period,” which typically spans the first 90 days after
12 the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2). And after that 90-day
13 removal period expires, ICE may detain the migrant while continuing to try to
14 remove them. *Id.* § 1231(a)(6). If that subsection were understood to allow for
15 “indefinite, perhaps permanent, detention,” it would pose “a serious constitutional
16 threat.” *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the
17 constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits. *Id.*
18 at 689. As an initial matter, *Zadvydas* held that detention is “presumptively
19 reasonable” for six months after the removal order becomes final. *Id.* at 701.

20 After six months, detention ceases to be presumptively reasonable. Courts
21 use a burden-shifting framework to decide whether detention remains authorized.
22 First, the Barka must prove that there is “good reason to believe that there is no
23 significant likelihood of removal in the reasonably foreseeable future.” *Id.* If he does
24 so, the burden shifts to “the Government [to] respond with evidence sufficient to
25 rebut that showing.” *Id.* Ultimately, then, the burden of proof rests with the
26 government: The government must prove that there is a “significant likelihood of
27 removal in the reasonably foreseeable future,” or the immigrant must be released.

Id.

1 Here, Barka was ordered removed on January 15, 2025, and the order
2 became final that day. He has now been detained for over **eleven months since**
3 **the removal order became final**. Due to the grant of withholding, there is no
4 possibility of removal to Egypt. There is also no indication that there is a reasonable
5 likelihood of removal to Italy or any third country. Thus, this Court will likely find
6 that Barka's situation warrants *Zadvydas* relief.

7 **B. Barka is likely to succeed on the merits of his claim that ICE**
8 **violated its own regulations in continuing to detain him**
9 **(Ground 3).**

10 Under the Administrative Procedures Act (APA), a court must hold unlawful
11 and set aside agency action found to be "arbitrary, capricious, an abuse of
12 discretion, or otherwise not in accordance with law" or "without observance of
13 procedure required by law." 5 U.S.C. §706(2). An agency action is "arbitrary and
14 capricious if the agency has relied on factors which Congress has not intended it to
15 consider, entirely failed to consider an important aspect of the problem, offered an
16 explanation for its decision that runs counter to the evidence before the agency, or is
17 so implausible that it could not be ascribed to a difference in view or the product of
18 agency expertise." *Motor Vehicles Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto.*
19 *Ins. Co.*, 463 U.S. 29, 43 (1983). Courts "defer to an agency's determinations so long
20 as the agency 'gives adequate reasons for its decisions, in the form of a satisfactory
21 explanation for its action including a rational connection between the facts found
22 and the choice made.'" *Nat. Res. Def. Council, Inc. v. United States Env't Prot.*
Agency, 961 F.3d 160, 170 (2d Cir. 2020) (cleaned up).

23 As noted in 8 C.F.R. §241.4, before the end of the 90-day removal period, the
24 local ICE field office with jurisdiction over a noncitizen's detention must conduct a
25 custody review to determine whether the noncitizen should remain detained. *See* 8
26 C.F.R. § 241.4(c)(1), (h)(1), (k)(1)(i). A copy of any decision to release or continue to
27 detain a noncitizen "shall be provided to the detained [noncitizen]." 8 C.F.R.

1 §241.4(d). Where ICE decides that a noncitizen will stay detained, the decision
2 provided to the noncitizen “shall briefly set forth the reasons for the continued
3 detention.” *Id.* The criteria for determining if continued detention is warranted
4 mainly concerns whether the noncitizen presents a risk of flight or danger to the
5 community. 8 C.F.R. §241.4(e). The review panel members must also determine that
6 travel documents are not available or that “immediate removal, while proper, is
7 otherwise not practicable or not in the public interest.” *Id.*

8 Upon information and belief, Barka has never been informed of the reasons
9 why he remains detained. There is also no evidence that an actual review has taken
10 place. He has only received notices that he will remain in custody without any
11 indication as to the reasons why. This break with protocol suggests that ICE never
12 actually performed an individualized assessment of whether continued detention
13 was warranted in Barka’s case. It is likely that an individualized custody
14 determination would have resulted in the release of Barka because there is no
15 significant evidence to establish that he presents either a flight risk or a danger to
16 the community. Furthermore, he cannot be removed to Egypt, and has no legal
17 status in any other country, so he does not have any travel documents that ICE
18 could use to remove him. There has also been no indication that ICE has made any
19 real attempt to obtain travel documents from any third country to effect a third
20 country removal.¹

23 ¹ Compare with *Medina v. Noem*, No. 25-CV-1768-ABA, 2025 WL 2306274, at *1 (D.
24 Md. Aug. 11, 2025) (ICE informed Honduran Barka in writing of intent to remove
25 him to El Salvador and that his case was “under current review by El Salvador for
26 the issuance of a travel document”); *I.V.I. v. Baker*, No. CV JKB-25-1572, 2025 WL
27 1811273, at *1 (D. Md. July 1, 2025) (ICE informed Honduran Barka in writing of
intent to remove him to Mexico).

1 Because there is no evidence that Respondents found Barka to be a danger or
2 a flight risk, or that he had travel documents, the decision to continue detaining
3 him violates DHS's own regulations. "It is a familiar rule of administrative law that
4 an agency must abide by its own regulations." *Fort Stewart Schs. v. Fed. Lab. Rels.*
5 *Auth.*, 495 U.S. 641, 654 (1990); *see also United States ex rel Accardi v.*
6 *Shaughnessy*, 347 U.S. 260 (1954) (holding that government agencies are required
7 to follow their own regulations). In addition, continuing to detain Barka is contrary
8 to ICE's longstanding policy of releasing individuals granted withholding of removal
9 absent an exceptional reason not to do so. Even the new directives regarding
10 removal to third countries, which on their face are unconstitutional and in violation
11 of the INA because they fail to provide the requisite due process and comply with the
12 regulations, do not provide any reason that a noncitizen in Barka's position should
13 not be released. Accordingly, Barka's continued detention violates the APA because
14 it is arbitrary and capricious and not in accordance with law.

15 Because officials have not followed the regulations in continuing to detain
16 Barka, this Court will likely find that "Barka is entitled to his release" on an order
17 of supervision.

18 **C. Barka is likely to succeed on the merits of his claim that he is**
19 **entitled to adequate notice and an opportunity to be heard**
20 **prior to any third country removal (Grounds 4 and 5).**

21 Finally, Barka is likely to succeed on the merits of his claim that he may not
22 be removed to a third country absent adequate notice and an opportunity to be
23 heard.

24 U.S. law enshrines protections against dangerous and life-threatening
25 removal decisions. By statute, the government is prohibited from removing an
26 immigrant to any third country where a person may be persecuted or tortured, a
27 form of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A).
The government "may not remove [a noncitizen] to a country if the Attorney

1 General decides that the [noncitizen's] life or freedom would be threatened in that
2 country because of the [noncitizen's] race, religion, nationality, membership in a
3 particular social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16,
4 1208.16. Withholding of removal is a mandatory protection.

5 Similarly, Congress codified protections enshrined in the Convention Against
6 Torture (CAT) prohibiting the government from removing a person to a country
7 where they would be tortured. *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231
8 note) (“It shall be the policy of the United States not to expel, extradite, or
9 otherwise effect the involuntary return of any person to a country in which there
10 are substantial grounds for believing the person would be in danger of being
11 subjected to torture, regardless of whether the person is physically present in the
12 United States.”); 28 C.F.R. § 200.1; *id.* §§ 208.16-208.18, 1208.16-1208.18. CAT
13 protection is also mandatory.

14 To comport with the requirements of due process, the government must
15 provide notice of the third country removal and an opportunity to respond. Due
16 process requires “written notice of the country being designated” and “the statutory
17 basis for the designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v.*
18 *Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S. Dep't*
19 *of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May
20 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

21 Due process also requires the following: “[A]sk[ing] the noncitizen whether he
22 or she fears persecution or harm upon removal to the designated country and
23 memorialize in writing the noncitizen's response. This requirement ensures DHS
24 will obtain the necessary information from the noncitizen to comply with section
25 1231(b)(3) and avoids [a dispute about what was said].” *Aden*, 409 F. Supp. 3d at
26 1019. “Failing to notify individuals who are subject to deportation that they have
27 the right to apply for asylum in the United States and for withholding of

1 deportation to the country to which they will be deported violates both INS
2 regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at
3 1041.

4 If the noncitizen claims fear, measures must be taken to ensure that the
5 noncitizen can seek asylum, withholding, and relief under CAT before an
6 immigration judge in reopened removal proceedings. The amount and type of notice
7 must be “sufficient” to ensure that “given [a noncitizen’s] capacities and
8 circumstances, he would have a reasonable opportunity to raise and pursue his
9 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009 (citing
10 *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132 F.3d 405,
11 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring a minimum of 15
12 days notice).

13 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,
14 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and
15 for good reason: To have a meaningful opportunity to apply for fear-based protection
16 from removal, immigrants must have time to prepare and present relevant
17 arguments and evidence. Merely telling a person where they may be sent, without
18 giving them a chance to look into country conditions, does not give them a
19 meaningful chance to determine whether and why they have a credible fear.

20 Respondents’ third country removal policy skips over these statutory and
21 constitutional procedural protections. According to ICE’s July 9, 2025 Directive,
22 individuals can be removed to third countries “without the need for further
23 procedures,” so long as “the [U.S.] has received diplomatic assurances.”² Barka is
24 likely to succeed on the merits of his claim on this fact alone, because the policy
25 instructs officers to provide no notice or opportunity to be heard of any kind. The
26

27 ² Amended Petition Ex. 3.

1 same is true of the minimal procedures ICE offers when no diplomatic assurances
2 are present. The policy provides no meaningful notice (only 6-24 hours), instructs
3 officers not to ask about fear, and provides no actual opportunity to see counsel and
4 prepare a fear-based claim (6-24 hours), let alone reopen removal proceedings. In
5 sum, it directs ICE officers to violate the rights of those whom they seek to subject
6 to the third country removal program.

7 Faced with similar arguments, several courts have recently granted
8 individual TROs against removal to third countries. See *Rodriguez-Gutierrez*, No.
9 25-cv-02726-BAS-SBC (S.D. Cal. Nov. 7, 2025) *J.R.*, 2025 WL 1810210; *Vaskanyan*,
10 2025 WL 2014208; *Ortega*, 2025 WL 1771438; *Hoac*, 2025 WL 1993771, at *7; *Phan*,
11 2025 WL 1993735, at *7.

12 Because ICE's new policies for third country removal fail to comply with
13 existing law, they also violate the Administrative Procedures Act. Furthermore,
14 given the blatant unlawfulness and unconstitutionality of ICE's policies, Barka's
15 detention under the color of those policies is unlawful.

16 This Court will likely rule in Barka's favor on these claims.

17 **II. Barka continues to suffer irreparable harm absent injunctive relief.**

18 Barka also meets the second factor: irreparable harm. "It is well established
19 that the deprivation of constitutional rights 'unquestionably constitutes irreparable
20 injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v.*
21 *Burns*, 427 U.S. 347, 373 (1976)). Where the "alleged deprivation of a constitutional
22 right is involved, most courts hold that no further showing of irreparable injury is
23 necessary." *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (quoting
24 11A Charles Alan Wright et al., *Federal Practice and Procedure*, § 2948.1 (2d ed.
25 2004)).

26 Barka easily meets this standard here. Unlawful detention itself "constitutes
27 extreme or very serious damage, and that damage is not compensable in damages."

1 *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017) (internal citations
2 omitted). Barka has been in custody for eleven months since his removal order
3 became final. That is five months beyond the six months of time the Government is
4 presumptively granted under *Zadvydas* to effectuate a removal.

5 Third-country deportations increase the danger of irreparable injury here.
6 Recent third-country deportees have been held, indefinitely and without charge, in
7 hazardous foreign prisons.³ They have been subjected to solitary confinement.⁴
8 They have been removed to countries so unstable that the U.S. government
9 recommends making a will and appointing a hostage negotiator before traveling to
10 them.⁵ These and other threats to Barka’s health and life independently constitute
11 irreparable harm.

12 **III. The balance of hardships and the public interest weigh heavily in** 13 **Barka’s favor**

14 The final two factors for a TRO—the balance of hardships and public interest—
15 “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S.
16 418,435 (2009). That balance tips decidedly in Barka’s favor.

17 The government “cannot reasonably assert that it is harmed in any legally
18 cognizable sense” by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d
19 719, 727 (9th Cir. 1983). Moreover, it is always in the public interest to prevent
20 violations of the U.S. Constitution and ensure the rule of law. *See Nken*, 556 U.S. at

21
22 ³ Edward Wong et al., *Inside the Global Deal-Making Behind Trump’s Mass*
23 *Deportations*, N.Y. Times (Jun. 25, 2025), available at
24 [https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)
[deportations.html](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)

25 ⁴ Gerald Imray, *Men deported by US to Eswatini in Africa will be held in*
26 *solitary confinement for undetermined time*, Associated Press (Jul. 18, 2025),
27 available at [https://apnews.com/article/eswatini-united-states-trump-deportation-](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbbcfe6caff87d0bb8)
[immigrants-a5853b16b7b275cbbcfe6caff87d0bb8](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbbcfe6caff87d0bb8)

⁵ *See Wong*, supra.

1 436 (describing public interest in preventing noncitizens “from being wrongfully
2 removed, particularly to countries where they are likely to face substantial harm”);
3 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (when
4 government's treatment “is inconsistent with federal law, . . . the balance of
5 hardships and public interest factors weigh in favor of a preliminary injunction.”).

6 Barka also faces weighty hardships: unlawful, indefinite detention and
7 possible removal to a third country where he may likely suffer imprisonment or
8 other serious harm. The balance of equities thus favors preventing the violation of
9 “requirements of federal law,” *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053,
10 1069 (9th Cir. 2014), by granting emergency relief to protect against unlawful
11 detention and prevent unlawful third country removal.

12 CONCLUSION

13 For those reasons, Barka requests that this Court issue a temporary
14 restraining order.

15
16 Dated December 16, 2025.

17
18 Respectfully submitted,

19 Rene L. Valladares
20 Federal Public Defender

21 /s/ Jonathan M. Kirshbaum
22 Jonathan M. Kirshbaum
23 Assistant Federal Public Defender

24 /s/ Alicia R. Intriago
25 Alicia R. Intriago
26 Assistant Federal Public Defender
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on December 16, 2025. I personally served a true and correct copy of the foregoing index and exhibits in support of the first amended petition by CM/ECF to the following individuals:

Summer Allegra Johnson DOJ-USAO 501 Las Vegas Blvd. South Ste # 1100 Las Vegas, NV 89143 Email: sigal.chattah@usdoj.gov	Sigal Chattah First Assistant, US Attorney for the District of Nevada 501 Las Vegas Blvd, South Las Vegas, NV 89101 Email: summer.johnson@usdoj.gob
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I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

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/s/ Victoria Lenzi
 An Employee of the
 Federal Public Defender

