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7 UNITED STATES DISTRICT COURT
8
9 FOR THE DISTRICT OF ARIZONA

10 Mehrdad Rowshandel,
11
12 Petitioner-Plaintiff,

13 v.

14 John CANTU, Field Office Director of Phoenix
15 Office of Detention and Removal, U.S. Immigrations
16 and Customs Enforcement; U.S. Department of
17 Homeland Security;

18 Todd M. LYONS, Acting Director, Immigration and
19 Customs Enforcement, U.S. Department of Homeland
20 Security;

21 Kristi NOEM, in her Official Capacity, Secretary,
22 U.S. Department of Homeland Security; and

23 Pam BONDI, in her Official Capacity, Attorney
24 General of the United States;

25 Fred Figueroa, Warden, Eloy Detention Center

26 Respondents-Defendants.
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Case No. 2:25-cv-03470-DWL--
ESW



**PETITIONER'S RESPONSE
TO ORDER TO SHOW
CAUSE**

1 INTRODUCTION

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3 Petitioner submits this brief pursuant to the Court's Order directing Petitioner to show
4 cause why the renewed motion for temporary restraining order should not be denied for the same
5 reasons as the original motion. As set forth below, the deficiencies identified by the Court in
6 connection with the original motion have now been cured. The renewed motion is based on a
7 clarified statutory framework, corrected factual allegations, and a materially strengthened
8 showing of likelihood of success on the merits. Accordingly, denial of the renewed motion for
9 the same reasons as the original would therefore be improper.

10 The Court's prior denial of temporary restraining relief rested on uncertainty regarding
11 the statutory authority governing Petitioner's detention, inconsistency between the legal theories
12 advanced in the habeas petition and the motion for TRO, and an insufficient showing of likelihood
13 of success on the merits.

14 First, Petitioner has clarified the statutory basis governing his detention. The amended
15 habeas petition and the renewed TRO now clearly proceed under 8 U.S.C. § 1231(a)(6) and are
16 grounded in the constitutional limitations established in *Zadvydas v. Davis*, 533 U.S. 678 (2001).
17 The pleadings now consistently allege that post-order detention is lawful only for so long as
18 removal is significantly likely in the reasonably foreseeable future. This statutory clarity did not
19 exist in the original filings and removes the uncertainty that previously undermined the Court's
20 analysis.

21 Second, Petitioner has corrected the inconsistency between the habeas petition and the
22 TRO that existed at the time of the original habeas request. The amended habeas and renewed
23 TRO now rely on the same detention statute, the same regulatory violations, and the same
24 constitutional injury. There is no longer any conflict between the theories advanced in the two
25 pleadings. This correction directly addresses the Court's concern that the original TRO motion
26 lacked consistency with the habeas claims.

27 Third, through the amendment, Petitioner cured the procedural defect identified by the
28 Court concerning the introduction of a new detention theory in the reply. In the original TRO

1 briefing, the statutory framework governing detention was not fully developed, and in responding
2 to the government's position Petitioner addressed post-order detention under § 1231(a)(6), along
3 with the lack of removal efforts and regulatory non-compliance, for the first time in reply. That
4 sequencing issue has now been eliminated. The amended habeas petition now expressly pleads §
5 1231(a)(6) as the governing detention statute, incorporates the limitations on post-order detention
6 recognized in *Zadvydas*, and alleges ICE's failure to comply with the procedural safeguards set
7 forth in 8 C.F.R. §§ 241.4 and 241.13 from the outset. The renewed TRO is therefore not based
8 on any theory raised for the first time in reply but is instead fully supported by the amended
9 habeas petition and presents all statutory and constitutional grounds for relief squarely and
10 consistently in the opening motion.

11 Fourth, Petitioner has materially strengthened his showing of likelihood of success on the
12 merits. The amended habeas now squarely pleads that ICE cannot lawfully detain Petitioner under
13 § 1231(a)(6) because it cannot demonstrate that removal is significantly likely in the reasonably
14 foreseeable future and cannot demonstrate compliance with the mandatory procedures set forth
15 in 8 C.F.R. §§ 241.4 and 241.13. The renewed TRO incorporates those same violations. Unlike
16 the original motion, which the Court found inadequate on this element, the renewed motion now
17 establishes clear statutory and constitutional defects that independently support relief.

18 Fifth, Petitioner has clarified and strengthened the constitutional basis for TRO relief. The
19 amended habeas and the renewed TRO both establish that Petitioner possesses a protected liberty
20 interest in remaining free from civil confinement, that ICE deprived him of that liberty without
21 any neutral determination of danger or flight risk, and that no constitutionally adequate process,
22 either pre-deprivation or post-deprivation, has been provided. These facts now directly support
23 the relief requested.

24 In short, the renewed motion is not a re-filed version of the original TRO. It is based on a
25 clarified detention statute, a consistent legal theory across all pleadings, corrected factual
26 allegations, and a stronger showing of likelihood of success on both statutory and constitutional
27 grounds. It also corrects the procedural issue the Court identified by presenting the detention
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1 statute clearly and consistently from the outset, rather than introducing it for the first time in a
2 reply.

3 Because the issues that led to denial of the original motion have now been cured, the
4 renewed motion should not be denied for the same reasons. Petitioner has therefore shown good
5 cause why the renewed motion for temporary restraining order should now be considered on its
6 merits.

7 **CONCLUSION**

8 For all of these reasons, Petitioner has shown good cause why the renewed motion for
9 temporary restraining order should not be denied for the same reasons as the original motion. The
10 legal and procedural defects previously identified by the Court have now been cured, and the
11 renewed motion should be evaluated on its corrected and clarified merits.

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13 Respectfully submitted, on December 1st, 2025.

14 /s/ Siovhan Ayala
15 Siovhan Ayala
16 Attorney for Petitioner
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