

The Honorable Robert S. Lasnik
The Honorable Michelle L. Peterson

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALEJANDRO BALTODANO,

Petitioner,

v.

PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; CAMMILLA WAMSLEY, Seattle
Field Office Director, United States Citizenship
and Immigration Services; BRUCE SCOTT,
Warden of Immigration Detention Facility; and
the UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Respondents.

Case No. 2:25-cv-01958-RSL-MLP

FEDERAL RESPONDENTS' OPPOSITION
TO PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

Petitioner Alejandro Baltodano fails to make a clear showing that he is entitled to the extraordinary remedy of a temporary restraining order ("TRO") granting his immediate release from immigration custody and enjoining the government from pursuing third country removal. Baltodano has failed to establish that he is currently being held in unconstitutionally indefinite

1 detention pursuant to the Supreme Court’s directives in *Zadvydas v. Davis*, 533 U.S. 678 (2001),
2 and is suffering irreparable harm as a result.

3 Under the *Zadvydas* framework, Baltodano fails to carry his heavy burden to disrupt the
4 status quo by mandatory injunctive relief requiring the government to immediately release him.
5 He has been detained approximately eight months since an Immigration Judge granted him deferral
6 of removal to his home nation of Nicaragua on March 5, 2025. The government is actively pursuing
7 a third country removal. Baltodano has been served written notice of the government’s intent to
8 remove him to Honduras and will also be served written notice of intent to remove him to Mexico.
9 If Baltodano claims fear to any country the government attempts to remove him to, he may file a
10 motion to reopen his immigration case, and the government will not attempt to remove him if a
11 motion to reopen is pending.

12 Baltodano suggests that he cannot be removed to any third country in the foreseeable future
13 and so must be immediately released. But the Supreme Court was clear in *Zadvydas* that there is
14 no such “automatic release” at six months. Instead, a non-citizen with a final removal order “may
15 be held in confinement until it has been determined that there is no significant likelihood of
16 removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701.

17 Baltodano has not proven that he is stuck in unremovable limbo. Nor is he. His removal to
18 third countries is not barred. And he has not established prolonged government inaction; to the
19 contrary, he appears to be objecting to his being removed too quickly, without sufficient advance
20 notice to raise objections to any specific third country identified for his removal. Understanding
21 that Baltodano may object to third countries that the government might identify, the delay inherent
22 in the extended notice and objection process does not itself establish indefiniteness under the
23 *Zadvydas* criteria.

1 By law, the government may remove non-citizens with final removal orders to any
2 “country whose government will accept the alien into that country” when removal to their home
3 nation would be “impracticable, inadvisable, or impossible.” 8 U.S.C. §§1231(b)(1)(C)(iv),
4 (2)(E)(vii). Baltodano does not establish that his case is radically different than other third country
5 removals.

6 In sum, Baltodano’s moving papers fail to carry his heavy burden to establish entitlement
7 to mandatory injunctive relief that disrupts the status quo by requiring his immediate release from
8 detention pursuant to a final removal order. Also fatal to his request for a TRO, he has not
9 demonstrated an irreparable injury. In fact, if his alleged injury was found to be irreparable, then
10 every habeas claim would satisfy the injury requirement for emergency injunctive relief. Finally,
11 the balance of equities and public interest tilt against granting a TRO.

12 Furthermore, the TRO sought by Baltodano would inappropriately have this Court, on a
13 time-compressed basis, grant him the ultimate relief that he seeks in his habeas petition without
14 the requisite showing of facts that clearly favor his position. *See Univ. of Texas v. Camenisch*, 451
15 U.S. 390, 395 (1981) (“[I]t is generally inappropriate for a federal court at the preliminary-
16 injunction stage to give a final judgment on the merits”). As the Ninth Circuit has emphasized,
17 mandatory injunctive relief is “particularly disfavored,” and courts should be “extremely cautious”
18 before granting it. *Garcia v. Google Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (en banc); *Stanley v.*
19 *Univ. of S. California*, 13 F.3d 1313, 1319 (9th Cir. 1994). Such relief is only appropriate when
20 “the law and facts clearly favor the moving party,” not merely when there is a likelihood of success.

1 Accordingly, Federal Respondents¹ respectfully request that the Court deny Baltodano's
2 Motion. This Opposition is supported by the Declaration of Deportation Officer Daniel Strzelczyk
3 ("Strzelczyk Decl.").

4 **II. FACTUAL BACKGROUND**²

5 Baltodano is a native and citizen of Nicaragua who had previously been ordered removed
6 from the United States on November 14, 2018, following a determination by an immigration judge
7 that he was ineligible for most forms of relief due to commission of a particularly serious crime.
8 Strzelczyk Decl. ¶ 4. He was thereafter removed on February 6, 2019. *Id.* Prior to being ordered
9 removed, he had on several occasions been encountered by immigration officers and allowed to
10 depart the United States voluntarily. *Id.*

11 Baltodano re-entered the United States without inspection or parole at an unknown location
12 on an unknown date but is believed to have entered on or about January 7, 2024. *Id.* at ¶ 5. He was
13 encountered by a U.S. Border Patrol agent on or about January 8, 2024, and was processed for
14 reinstatement of the prior removal order. *Id.* at ¶ 6. Baltodano claimed fear of return to Nicaragua
15 and was held pending a reasonable fear interview by U.S. Citizenship and Immigration Services
16 ("USCIS"). *Id.* at ¶ 7.

17 On March 27, 2024, following a reasonable fear interview, USCIS referred the case to an
18 immigration judge for withholding only proceedings before the Otay Mesa, California immigration
19 court. *Id.* at ¶ 8. Baltodano's initial hearing in 2024 occurred on April 4, 2024. *Id.* at ¶ 9. Because
20 he had been found to be incompetent to represent himself in prior immigration proceedings, the
21 Immigration Judge reset the case for a competency inquiry on April 24, 2024. *Id.* On April 24,

23 ¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

24 ² Undersigned counsel has not yet received Baltodano's Alien File ("A-File"). Thus, Federal Respondents cannot provide documentary evidence in support of many of the factual assertions. Federal Respondents will do so when responding to the habeas petition as undersigned counsel will have received the A-File by that time.

1 2024, the Immigration Judge found that Baltodano was not competent to represent himself and
2 appointed a Qualified Representative (QR). *Id.* at ¶ 10. Petitioner next appeared in court on May
3 22, 2024, and his QR requested a continuance. *Id.*

4 Baltodano next appeared before the immigration court on June 12, 2024, and his case was
5 reset to July 18, 2024, to allow him to file any applications for relief. *Id.* at ¶ 11. He next appeared
6 on July 16, 2024, for a bond hearing, where the Immigration Judge found that DHS had shown by
7 clear and convincing evidence that he is a danger. *Id.* at ¶ 12. Neither party appealed. *Id.*

8 Baltodano next appeared on June 18, 2024, and requested a continuance to gather evidence
9 on his case. *Id.* at ¶ 13. He next appeared on August 14, 2024, and his case was set for a final
10 hearing on his applications for relief, to be held on September 19, 2024. *Id.* at ¶ 14. This hearing
11 was later moved by the immigration court to September 26, 2024. *Id.*

12 Baltodano was transferred to the Northwest ICE Processing Center (“NWIPC”) in Tacoma,
13 Washington on or about September 16, 2024. *Id.* at ¶ 15. Baltodano’s case remained with the Otay
14 Mesa immigration court. *Id.* at ¶ 16. On September 26, 2024, it appears the Otay Mesa immigration
15 court set the matter over due to video connectivity and mental health problems. *Id.* On October 31,
16 2024, Petitioner appeared before the Otay Mesa immigration court via video, and the immigration
17 judge set the case over to another master calendar hearing. *Id.* at ¶ 17. The case was set over again
18 on December 4, 2024. *Id.* On January 15, 2024, Baltodano’s case was set for a final hearing on
19 February 11, 2025. *Id.* at ¶ 18. He filed a motion to continue the case on January 17, 2025, and the
20 case was continued to February 14, 2025. *Id.* at ¶ 19.

21 On February 14, 2025, the immigration judge found that the court was bound by the prior
22 determination that Baltodano had committed a particularly serious crime. *Id.* at ¶ 10. The case was
23 set over for issuance of a decision on Baltodano’s applications. *Id.* The Immigration Judge issued
24

1 a written decision on March 5, 2025, granting deferral of removal to Nicaragua. *Id.* at ¶ 21. The
2 parties had 30 days to appeal. *Id.* Neither party filed an appeal. *Id.*

3 On June 10, 2025, Baltodano filed a motion for bond based on a material change in
4 circumstances. *Id.* at ¶ 22. The court issued a written decision denying bond on June 27, 2025. *Id.*
5 Neither party appealed. *Id.*

6 As noted above, the immigration court has twice found Baltodano to be a danger. His
7 extensive and dangerous criminal history includes the following convictions:

- 8 • 06/30/2016 – Robbery
- 9 • 03/19/2010 – Assault
- 10 • 10/19/2016 – Burglary
- 11 • 09/19/2012 – Vehicle Theft
- 12 • 05/11/2005 – Receive Stolen Property
- 13 • 02/25/2009 – Damage Property
- 14 • 02/20/2004 – Dangerous Drugs
- 15 • 01/05/2015 – Cruelty Toward Child
- 16 • 02/23/2007 – Resisting Officer
- 17 • 02/23/2007 – Obstruct Police
- 18 • 02/23/2007 – Obstructing Justice
- 19 • 8/15/2012 – Driving Under Influence Liquor
- 20 • 02/16/2010 – Driving Under Influence Liquor
- 21 • 09/27/2010 – Driving Under Influence Liquor
- 22 • 12/24/2008 – Driving Under Influence Liquor
- 23 • 10/23/2000 – Driving Under Influence Liquor
- 24 • 08/15/2012 – Traffic Offense
- 02/16/2010 – Traffic Offense
- 03/19/2010 – Traffic Offense
- 09/27/2010 – Traffic Offense
- 02/25/2009 – Property Crimes
- 03/19/2010 – Battery
- 01/05/2015 – Domestic Violence
- 09/27/2010 – Licensing Violation

21 *Id.* at ¶ 23.

22 Given Baltodano's extensive and violent criminal history, ICE intends to remove him to a
23 third country. *Id.* On October 21, 2025, Baltodano was served written notice of ERO's intent to
24 remove him to Honduras. *Id.* at ¶ 24. Baltodano claimed an inability to speak or communicate in

1 Spanish, and as such was served in English. *Id.* ERO anticipates also serving Baltodano written
 2 notice of intent to remove him to Mexico. *Id.* Baltodano’s QR has previously indicated to ERO
 3 that Baltodano will claim fear to any country ICE attempts to remove him to. *Id.* at ¶ 25. If he does
 4 fear removal to Honduras or Mexico, Baltodano may file a motion to reopen his immigration case.
 5 *Id.* ERO will not attempt to remove him if a motion to reopen is pending. *Id.*

6 **III. DETENTION AUTHORITIES AND REMOVAL PROCEDURES**

7 The INA governs the detention and release of noncitizens during and following their
 8 removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general
 9 detention periods are generally referred to as “pre-order” (meaning before the entry of a final order
 10 of removal) and, relevant here, “post-order” (meaning after the entry of a final order of removal).
 11 *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order
 12 detention).

13 When a final order of removal has been entered, a noncitizen enters a 90-day “removal
 14 period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security
 15 “shall remove the [noncitizen] from the United States.” *Id.* To ensure a noncitizen’s presence for
 16 removal and to protect the community from noncitizens who may present a danger, Congress has
 17 mandated detention while removal is being effectuated:

18 During the removal period, the [Secretary of Homeland Security]³ shall detain the
 19 [noncitizen]. Under no circumstance during the removal period shall the [Secretary]
 20 release [a noncitizen] who has been found inadmissible under section 1182(a)(2) or
 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B)
 of this title.

21 8 U.S.C. § 1231(a)(2).

22
 23 ³ Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens,
 24 the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this
 authority to the Secretary of the Department of Homeland Security, of which ICE is a component. *See also* 6 U.S.C.
 § 251.

1 Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the expiration
2 of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention
3 and does not place any temporal limit on the length of detention under that provision:

4 [A noncitizen] ordered removed who is inadmissible under section 1182,
5 removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or
6 who has been determined by the [the Secretary of Homeland Security] to be a risk
7 to the community or unlikely to comply with the order of removal, *may* be detained
8 *beyond the removal period* and, if released, shall be subject to the terms of
9 supervision in paragraph (3).

10 8 U.S.C. § 1231(a)(6) (emphasis added).

11 During the removal period, ICE⁴ is charged with attempting to effect removal of a
12 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit
13 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be
14 detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal from
15 the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six
16 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701.

17 Here, Baltodano was granted deferral of removal to his home country of Nicaragua on
18 March 5, 2025. Strzelczyk Decl. ¶ 21. He has been in ICE custody approximately eight months –
19 just two months more than the “presumptively reasonable” six-month custody period. *Zadvydas*,
20 533 U.S. at 701.

21 **IV. LEGAL STANDARD**

22 The standard for issuing a TRO is “substantially identical” to the standard for issuing a
23 preliminary injunction. *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7
24 (9th Cir. 2001). “It frequently is observed that a preliminary injunction is an extraordinary and

⁴ Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority to execute removal orders.

1 drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the
2 burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis in original)
3 (internal quotations omitted); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

4 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on
5 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the
6 balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter*, 555
7 U.S. at 20. Alternatively, a plaintiff can show that there are “serious questions going to the merits
8 and the balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter*
9 factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017)
10 (internal quotation omitted).

11 The purpose of preliminary injunctive relief is to preserve the status quo pending final
12 judgment, rather than to obtain a preliminary adjudication on the merits. *Sierra On-Line, Inc. v.*
13 *Phoenix Software, Inc.*, 739 F.2d 1415, 1422 (9th Cir. 1984). “A preliminary injunction can take
14 two forms.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 878 (9th
15 Cir. 2009). “A prohibitory injunction prohibits a party from taking action and ‘preserves the status
16 quo pending a determination of the action on the merits.’” *Id.*, (internal quotation omitted). “A
17 mandatory injunction orders a responsible party to take action.” *Id.* at 879 (internal quotation
18 omitted). “A mandatory injunction goes well beyond simply maintaining the status quo pendente
19 lite and is particularly disfavored.” *Id.* (internal quotation omitted). “In general, mandatory
20 injunctions are not granted unless extreme or very serious damage will result and are not issued in
21 doubtful cases.” *Id.* (internal quotation omitted). Where a plaintiff seeks mandatory injunctive
22 relief, “courts should be extremely cautious.” *Stanley*, 13 F.3d at 1319 (internal quotation omitted).
23 Thus, in a mandatory injunction request, the moving party “must establish that the law and facts
24

1 *clearly favor* [his] position, not simply that [he] is likely to succeed.” *Garcia*, 786 F.3d at 740
2 (emphasis in original).

3 Here, rather than preserving the status quo, Baltodano seeks mandatory injunctive relief in
4 the form of an order requiring his immediate release and enjoining the government from pursuing
5 third country removal.

6 **V. ARGUMENT**

7 **A. Baltodano fails to establish a likelihood of success on the merits of his *Zadydas* 8 claim**

9 Likelihood of success on the merits is a threshold issue: “[W]hen a plaintiff has failed to
10 show the likelihood of success on the merits, [the court] need not consider the remaining three
11 *Winters* elements.” *Garcia*, 786 F.3d at 740 (internal quotation omitted). To succeed on a habeas
12 petition, Baltodano must show that he is “in custody in violation of the Constitution or laws or
13 treaties of the United States.” *See* 28 U.S.C. § 2241. And because he is seeking mandatory
14 injunctive relief, he must demonstrate that the law and facts clearly favor his position. Simply put,
15 he has failed to prove that he is currently being held in indefinite detention pursuant to *Zadvydas*.

16 *Zadvydas* explained that if after six months of detention pursuant to a final remover order
17 a detained non-citizen provides “good reason to believe there is no significant likelihood of
18 removal in the reasonably foreseeable future,” the government must respond with some evidence
19 rebutting that claim:

20 After this 6-month period, once the alien provides good reason to believe that there is no
21 significant likelihood of removal in the reasonably foreseeable future, the Government
22 must respond with evidence sufficient to rebut that showing. And for detention to remain
23 reasonable, as the period of prior postremoval confinement grows, what counts as the
24 “reasonably foreseeable future” conversely would have to shrink. This 6–month
presumption, of course, does not mean that every alien not removed must be released after
six months. To the contrary, an alien may be held in confinement until it has been
determined that there is no significant likelihood of removal in the reasonably foreseeable
future.

1 *Zadvydas*, 533 U.S. at 701. Accordingly, the noncitizen “may be held in confinement until it has
2 been determined that there is no significant likelihood of removal in the reasonably foreseeable
3 future.” *Id.* As *Zadvydas* counsels, relatively little evidence is initially required, but as the
4 detention period continues to increase over time, the weight of the required evidentiary showing
5 increases. Here, Baltodano filed his habeas petition on October 9, 2025, one month after the six-
6 month period.

7 The Ninth Circuit has explained that the *Zadvydas* language requires an alien to show that
8 “he is stuck in a ‘removable-but-unremovable limbo,’ as the petitioners in *Zadvydas* were[;]” that
9 is, the alien must show he “is unremovable because the destination country will not accept him or
10 his removal is barred by our own laws.” *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir.
11 2008).

12 There is a significant likelihood that Baltodano will be removed in the reasonably
13 foreseeable future. He was granted deferment of removal to Nicaragua, his home country.
14 Strzelczyk Decl. at ¶ 21. He has been found to have committed a particularly serious crime and
15 indeed has an extensive and dangerous criminal history. *Id.* at ¶ 23. The government is now taking
16 steps to remove him to a third country, and such removals are authorized pursuant to 8 U.S.C. §
17 1231(b)(2)(E)(vii), which permits (subject to notice requirements) removing a noncitizen to any
18 “country whose government will accept the alien into that country.”

19 As discussed above, given Baltodano’s extensive and violent criminal history, ICE intends
20 to remove him to a third country. Strzelczyk Decl. at ¶ 23. On October 21, 2025, Baltodano was
21 served written notice of ERO’s intent to remove him to Honduras. *Id.* at ¶ 24. Baltodano claimed
22 an inability to speak or communicate in Spanish, and as such was served in English. *Id.* ERO
23 anticipates also serving Baltodano written notice of intent to remove him to Mexico. *Id.*

1 Baltodano's QR has previously indicated to ERO that Baltodano will claim fear to any
2 country ICE attempts to remove him to. *Id.* at ¶ 25. If he does fear removal to Honduras or Mexico,
3 Baltodano may file a motion to reopen his immigration case. *Id.* ERO will not attempt to remove
4 him if a motion to reopen is pending. *Id.*

5 Thus, it is likely that the government will be able to remove Baltodano to a third country
6 in the reasonably foreseeable future and his detention is not indefinite. He is also receiving notice
7 of the third country removal efforts and can seek administrative relief.

8 Courts have rejected *Zadvydas* claims in circumstances akin to Baltodano's case here. *See,*
9 *e.g., Y.T.D. v. Andrews*, 2025 WL 2675760 (E.D. Cal. Sept. 18, 2025) (denying *Zadvydas* TRO
10 for individual with serious criminal history who could not be removed to his home nation and
11 claimed indefinite detention because third-country removal was unlikely). Significantly longer
12 periods have been found insufficient to justify exigent injunctive relief. *See Malkandi v. Mukasey*,
13 2008 WL 916974, at *1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition
14 where petitioner had been detained more than 14 months post-final order); *Nicia v. ICE Field Off.*
15 *Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (petitioner "failed to
16 satisfy his burden of showing that there is no significant likelihood of his removal in the reasonably
17 foreseeable future" where he was detained more than seven months post-final order).

18 The fact that Baltodano does not yet have a specific date of anticipated removal does not
19 make his detention indefinite either. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008).
20 A "habeas petitioner's assertion as to the unforeseeability of removal, supported only by the mere
21 passage of time, [is] insufficient to meet the petitioner's burden to demonstrate no significant
22 likelihood of removal under the Supreme Court's holding in *Zadvydas*." *Muthalib v. Kelly*, 2017
23 WL 11696616, at *3 (C.D. Cal. Apr. 19, 2017) (collecting cases).

1 **B. Baltodano has not shown he will suffer irreparable harm absent a TRO.**

2 Baltodano has not demonstrated that he will suffer irreparable injury absent the mandatory
3 injunctive relief he seeks. “The Ninth Circuit makes clear that a showing of immediate irreparable
4 harm is essential for prevailing on a [TRO].” *Juarez v. Asher*, 556 F. Supp.3d 1181, 1191 (W.D.
5 Wash. 2021) (citing *Caribbean Marine Co., Inc. v. Bladridge*, 844 F.2d 668, 674 (9th Cir. 1988)).

6 To do so, he must demonstrate “immediate threatened injury.” *Caribbean Marine Services*
7 *Co., Inc.*, 844 F.2d at 674 (citing *Los Angeles Memorial Coliseum Commission v. National*
8 *Football League*, 634 F.2d 1197, 1201 (9th Cir.1980)). Merely showing a “possibility” of
9 irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. Moreover, mandatory injunctions are
10 not granted unless extreme or very serious damage will result. *Marlyn Nutraceuticals, Inc.*, 571
11 F.3d at 879 (internal citation omitted). “Issuing a preliminary injunction based only on a possibility
12 of irreparable harm is inconsistent with [the Supreme Court’s] characterization of injunctive relief
13 as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is
14 entitled to such relief.” *Winter*, 555 U.S. at 22.

15 In sum, Baltodano asserts that his detention and its purported effects constitutes irreparable
16 injury. But this irreparable harm argument “begs the constitutional questions presented in [his]
17 petition by assuming that [P]etitioner has suffered a constitutional injury.” *Cortez v. Nielsen*, 19-
18 cv-754, 2019 WL 1508458, at *3 (N.D. Cal. Apr. 5, 2019). Moreover, Baltodano’s “loss of liberty”
19 is “common to all [noncitizens] seeking review of their custody or bond determinations.” *See*
20 *Resendiz v. Holder*, 12-cv-4850, 2012 WL 5451162, at *5 (N.D. Cal. Nov. 7, 2012).

21 “[A] noncitizen must show that there is a reason specific to his or her case, as opposed to
22 a reason that would apply equally well to all aliens and all cases, that removal would inflict
23 irreparable harm[.]” *Taha v. Bostock*, No. 25-cv-649, 2025 WL 1126681, at *3 (W.D. Wash. Apr.
24 16, 2025) (quoting *Leiva-Perez v. Holder*, 640 F.3d 962, 969 (9th Cir. 2011)).

1 Baltodano also complains about medical care, but he does not provide specifics in that
2 regard, and it is well established that complaints about conditions of confinement are not a basis
3 for habeas relief. *See Pinson v. Carvajal*, 69 F.4th 1059 (9th Cir. 2023).

4 Accordingly, Baltodano has not made a clear showing that he will be subject to immediate
5 irreparable injury without the requested mandatory injunctive relief.

6 **C. The balance of interests favors the government**

7 It is well settled that the public interest in enforcement of the United States's immigration
8 laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976);
9 *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme
10 Court has recognized that the public interest in enforcement of the immigration laws is
11 significant.") (citing cases); *see also Nken v. Holder*, 556 U.S. 418, 435 (2009) ("There is always
12 a public interest in prompt execution of removal orders[.]"). This public interest outweighs
13 Baltodano's private interest here. Baltodano asks the Court to declare his detention unlawful,
14 despite the government's valid reasons and statutory bases for detaining him to effectuate his
15 removal pursuant to a valid final removal order that he does not challenge.

16 **VI. CONCLUSION**

17 The motion for a TRO should be denied.

18 DATED this 22nd day of October, 2025.

19 Respectfully submitted,

20 CHARLES NEIL FLOYD
21 United States Attorney

22 s/ Kristin B. Johnson
23 KRISTIN B. JOHNSON, WSBA #28189
24 Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Seattle, Washington 98101-1271
Telephone No. (206) 553-7970
Fax No. (206) 553-4073
Email: kristin.b.johnson@usdoj.gov

Attorneys for Federal Respondents

I certify that this memorandum contains 4,135 words, in compliance with the Local Rules.