

1 JON M. SANDS  
Federal Public Defender  
2 KEITH J. HILZENDEGER #023685  
Assistant Federal Public Defender  
3 250 North 7th Avenue, Suite 600  
4 Phoenix, Arizona 85007  
5 (602) 382-2700 voice  
keith\_hilzendeger@fd.org  
6 *Attorneys for Petitioner Huber*

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

9 Ezra Huber,  
10 Petitioner,

11 vs.

12 David R. Rivas, Warden, et al.,  
13 Respondents.  
14

No.

**Motion for a Preliminary Injunction**

15 Along with his petition for a writ of habeas corpus under 28 U.S.C. § 2241, Mr. Huber is  
16 filing this motion for a preliminary injunction. In his petition, he asserts that he has been detained  
17 for more than six months since his removal order became final, such that his continued detention  
18 violates 8 U.S.C. § 1231(a)(6) as interpreted in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Because  
19 he is almost certain to prevail on this claim, he respectfully asks the Court to order his immediate  
20 release from custody while this case is litigated.

21 “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on  
22 the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the  
23 balance of equities tips in his favor, and that an injunction is in the public interest.” *Planned*  
24 *Parenthood Great Northwest v. Labrador*, 122 F.4th 825, 843-44 (9th Cir. 2024) (quoting *Alliance*  
25 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)). “Alternatively, a preliminary  
26 injunction may issue where serious questions going to the merits were raised and the balance of  
27 hardships tips sharply in plaintiff’s favor if the plaintiff also shows that there is a likelihood of  
28

1 irreparable injury and that the injunction is in the public interest.” *Id.* at 844 (quoting *Alliance for*  
2 *the Wild Rockies*, 632 F.3d at 1135). Here, Mr. Huber can make all four of these showings.

3 First, he is almost certain to succeed on the merits of his habeas petition. His continued,  
4 indefinite detention in immigration custody violates the Due Process Clause of the Fifth  
5 Amendment because respondents have been unable to produce travel documents to facilitate Mr.  
6 Huber’s return to Israel while he has been detained. Second, illegal confinement is  
7 quintessentially irreparable harm, because “the deprivation of constitutional rights  
8 unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir.  
9 2012). Third, and finally, when the government is a party, as it is here, “the balance of equities  
10 and public interest factors merge.” *Pimentel-Estrada v. Barr*, 464 F. Supp. 3d 1225, 1237 (W.D.  
11 Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The  
12 risk of harm to Mr. Huber far outweighs the government’s interest in illegally detaining him, for  
13 it is “always in the public interest to prevent the violation of a party’s constitutional rights.”  
14 *Melendres*, 695 F.3d at 1002.

15 For the foregoing reasons, Mr. Huber respectfully asks the Court to grant a preliminary  
16 injunction and order his immediate release from custody.

17 Respectfully submitted:

October 15, 2025.

18 JON M. SANDS  
19 Federal Public Defender

20 s/Keith J. Hilzendege  
21 KEITH J. HILZENDEGER  
22 Assistant Federal Public Defender  
23 Attorney for Petitioner Huber  
24  
25  
26  
27  
28