

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  
(602) 382-2700 voice  
5 keith\_hilzendeger@fd.org  
6 *Attorneys for Petitioner Maklad*

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

9 Kamel Maklad,  
10 Petitioner,  
11 vs.  
12 Christopher Howard, Acting Warden, et al.,  
13 Respondents.

No.

**Motion for a Preliminary Injunction**

14 Along with his petition for a writ of habeas corpus under 28 U.S.C. § 2241, Mr. Maklad is  
15 filing this motion for a preliminary injunction. In his petition, he asserts that he cannot be  
16 removed to Syria, such that his continued detention by immigration officials violates the Fifth  
17 Amendment's Due Process Clause. He also asserts that his detention is illegal because he has not  
18 received notice and an opportunity to seek relief from removal to a country other than Syria.  
19 Because he is almost certain to prevail on at least one of these claims, he respectfully asks the  
20 Court to order his immediate 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. Maklad 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 there is no significant likelihood that he can be removed to Syria in the  
6 reasonably foreseeable future. Second, illegal confinement is quintessentially irreparable harm,  
7 because “the deprivation of constitutional rights unquestionably constitutes irreparable injury.”  
8 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Third, and finally, when the government  
9 is a party, as it is here, “the balance of equities and public interest factors merge.” *Pimentel-*  
10 *Estrada v. Barr*, 464 F. Supp. 3d 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v.*  
11 *Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The risk of harm to Mr. Maklad far outweighs the  
12 government’s interest in illegally detaining him, for it is “always in the public interest to prevent  
13 the violation of a party’s constitutional rights.” *Melendres*, 695 F.3d at 1002.

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

16 Respectfully submitted:

November 17, 2025.

17 JON M. SANDS  
18 Federal Public Defender

19 s/Keith J. Hiltzendege  
20 KEITH J. HILZENDEGER  
21 Assistant Federal Public Defender  
22 Attorney for Petitioner Maklad  
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26  
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