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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Ali Partovi,
13 Petitioner,
14 v.
15 Mattos, *et al.*,
16 Respondents.

Case No. 2:25-cv-02283-JAD-DJA
**Reply in Support of Motion for
Temporary Restraining Order**

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ARGUMENT

I. This Court should grant Partovi’s request for a temporary restraining order and preliminary injunction.

Petitioner Ali Partovi filed a motion for temporary restraining order seeking his immediate release from detention on December 29, 2025.¹ Respondents oppose this motion, saying that Partovi cannot show that he is likely to succeed on the merits of his claims, that he does not show irreparable harm, and “the equities do not weigh in his favor.”² However, all of Respondents’ arguments fail. The motion should be granted, and this Court should order Petitioner’s immediate release.

A. Partovi is likely to succeed on the merits.

As explained in his Amended Petition and the instant TRO motion, Partovi’s detention violates his constitutional right to due process; the Immigration and Nationality Act (INA), 8 U.S.C. §1231(a)(6); and the Administrative Procedures Act (APA), 5 U.S.C. § 706(2)(A). Furthermore, removal of Partovi to a third country under ICE’s current policy would violate his due process rights, and the APA.

1. Partovi’s detention violates his due process rights and the Immigration and Nationality Act.

Petitioner’s present detention has now spanned more than six months. Based on the immigration history provided by Respondents, it appears that Partovi was detained in immigration custody for *nine years* after his order of removal became final in 2002. Respondents stated that Partovi was not released on an OSUP until 2011.³ Considering that history, that Respondents have taken Partovi back into custody without any indication that Iran will facilitate his return, or that he violated any terms of his OSUP shocks the conscience.

¹ ECF No. 11.

² ECF No. 15 at 3.

³ ECF No. 15 at 2.

1 Petitioner cannot be removed to Iran. Immigration officials apparently held
2 him in custody for nine years in the past before accepting that reality and released
3 him on an OSUP. He is not a citizen of *any* country besides his home country, let
4 alone the countries to which ICE has purportedly attempted to remove individuals
5 in the recent past. Upon information and belief, throughout his prolonged detention,
6 Petitioner has not been given any indication that preparations have been made to
7 deport him. The Government acknowledges that no process to remove Petitioner to
8 a third country has been initiated.⁴ Thus, Petitioner has shown that his current
9 custody is unreasonable as there is no reasonable foreseeability of removal.

10 Nothing in Respondents' response meaningfully challenges Petitioner's claim
11 that his removal is not reasonably foreseeable. Notably absent from their response
12 is any allegation that Iran is likely to provide travel documents. Respondents
13 merely note that ICE was "working on obtaining travel documents to the country of
14 Iran."⁵ There is every reason to believe their efforts will not be fruitful given that
15 ICE has been unable to obtain travel documents in the past six months (or the past
16 *24 years*, for that matter). As such, the circumstances of Petitioner's case show that
17 his removal is not reasonably foreseeable, and his detention has become indefinite.
18 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

19 **2. Partovi is entitled to adequate notice and due process**
20 **concerning third country removal.**

21 Respondents claim that this claim is not applicable to this case because "this
22 case has nothing to do with third-country removal" because Partovi has been
23 ordered removed to Iran and has no legal protection from removal.⁶ They are wrong,
24 because Respondents' operative third country removal policies apply to anyone with

25 ⁴ ECF No. 15 at 8.

26 ⁵ ECF No. 15 at 7.

27 ⁶ ECF No. 15 at 8.

1 a final order of removal that cannot be removed to the stated removal country.⁷
2 Partovi falls into that category. Accordingly, he is entitled to due process protection
3 related to third country removal.

4 In line with the decisions of other courts in this district, Petitioner is likely to
5 prevail on this claim. *See Bunnell*, 2025 WL 3707588, at *6; *Gomez v. Mattos*, No.
6 2:25-CV-00975-GMN-BNW, 2025 WL 3101994, at *6 (D. Nev. Nov. 6, 2025); *Barka*
7 *v. Mattos, et al.*, No. 2:25-CV-01781-GMN-MDC, 2025 WL 3723998, at *7 (D. Nev.
8 Dec. 23, 2025).

9 **B. Partovi will suffer irreparable harm absent injunctive relief.**

10 Partovi has been unlawfully detained for over 6 months. He has already been
11 harmed by his unconstitutional detention, and each additional day in detention
12 adds to the hardship. “It is well established that the deprivation of constitutional
13 rights ‘unquestionably constitutes irreparable injury.’” *Melendres v. Arpaio*, 695
14 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
15 Further, unlawful detention itself “constitutes extreme or very serious damage, and
16 that damage is not compensable in damages.” *Hernandez v. Sessions*, 872 F.3d 976,
17 999 (9th Cir. 2017) (internal citations omitted).

18 Yet, Respondents claim Partovi doesn’t show irreparable harm to satisfy the
19 second *Winter* factor because showing the possibility of harm is insufficient, and
20 detention alone is not irreparable injury.⁸ However, Respondents’ argument fails
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24 ⁷ Todd Lyons Directive to All ICE Employees (Jul. 7, 2025) at 1, available at
25 [https://iptpproduction.s3.amazonaws.com/media/documents/2025.07.09_ICE_-](https://iptpproduction.s3.amazonaws.com/media/documents/2025.07.09_ICE_-_Third_Country_Removals_Following_Dept_of_Homeland_Sec._v._D.V.D..pdf)
26 [_Third_Country_Removals_Following_Dept_of_Homeland_Sec._v._D.V.D..pdf](https://iptpproduction.s3.amazonaws.com/media/documents/2025.07.09_ICE_-_Third_Country_Removals_Following_Dept_of_Homeland_Sec._v._D.V.D..pdf) (last
27 accessed 1/7/2026).

⁸ ECF No. 15 at 4.

1 because it relies on inapposite case law⁹ and ignores the reality of Petitioner's
2 situation. Petitioner does not merely face the possibility of harm; he has already
3 been unlawfully detained for over six months. The harm is not a possibility, it is a
4 reality that Petitioner has suffered every day that he is not at liberty.

5 **C. The balance of hardships and the public interest weigh heavily**
6 **in Petitioner's favor.**

7 The government "cannot reasonably assert that it is harmed in any legally
8 cognizable sense" by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d
9 719, 727 (9th Cir. 1983). Here, Partovi is simply demanding that the protections
10 under *Zadvydas* and the United States Constitution be adhered to. Respondents
11 state that they have a public interest in enforcing immigration laws. But their
12 behavior in this case is not reasonably considered enforcement of immigration laws
13 because Partovi's removal is not reasonably foreseeable, and his detention does not
14 serve the purpose of facilitating removal. Petitioner's order of removal has been
15 final for more than 20 years, and Respondents have not been able to remove him,
16 and show no change in circumstances to make removal likely now. Rather, this is
17 detention for detention's sake. Therefore, the motion should be granted and Partovi
18 should be released immediately.

19 **CONCLUSION**

20 For all these reasons, Partovi requests that this Court grant this motion and
21 issue a temporary restraining order resulting in his immediate release from
22 custody.

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25 ⁹ The unpublished district court case cited by Respondents (ECF No. 13 at 6),
26 *Lopez Reyes v. Bonnar*, No. 18-CV-07429-SK, 2018 WL 7474861, at *10 (N.D. Cal.
27 Dec. 24, 2018) arises from a case in which the Petitioner was lawfully detained but
argued the Respondents' failure to provide him with a bond hearing violated his
procedural due process rights. Here, Partovi is unlawfully detained.

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Dated January 8, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Laura Barrera

Laura Barrera
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on January 8, 2026. I 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:

Ali Partovi, 
Nevada Southern Detention Center
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Pahrump, NV 89048

John Mattos, Warden
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/s/ Kaitlyn O'Hearn

An Employee of the
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