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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

MICHAEL ZIMRAN,

Petitioner,

v.

KRISTI NOEM, Secretary of Homeland Security, *et al.*,

Respondents.

No. 5:25-cv-03143-JFW-KES

RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

[Declaration of Deportation Officer filed concurrently]

Hon. John F. Walter
United States District Judge

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I. INTRODUCTION

Petitioner Michael Zimran, a native and citizen of Pakistan and currently a detainee in immigration custody since June 2, 2025, who has a final removal order against him—and for whom Pakistan previously issued a Travel Document (TD) last year after which he absconded until after that TD had expired—filed a petition for writ of habeas corpus asking the Court to order his release. *See* Pet. for a Writ of Habeas Corpus ("Petition"), Docket No. 1. He claims mainly that "there is no good reason to believe he will be deported to Pakistan in the reasonably foreseeable future." *Id.* at 6-8 (citing *Zadvydas v. Davis*, 533 U.S. 678 (2001)). He further claims that the government revoked his Order of Supervision (OSUP) without notice and an opportunity to be heard. *Id.* at 8-10. He then filed a motion seeking essentially the same relief. *See* Mot. for Preliminary Injunction & Temporary Restraining Order ("Motion"), Docket No. 3. The Court should deny the motion.

First, the motion is procedurally flawed: Moving papers must include a "*complete memorandum . . .* and *the points and authorities upon which the moving party will rely*" and "[t]he *evidence* upon which the moving party will rely in support of the motion." C.D. Cal. L.R. 7-5 (emphases added).[1] Petitioner provides neither, resting on unverified allegations—indeed, blatant falsehoods—and then reciting statements of law but no arguments analyzing evidence in this case. That conclusory approach dooms his motion.

Second, Petitioner is currently detained for purposes of enforcing his final removal order. To that end, DHS initially revoked his OSUP. Petitioner falsely claims that no process was afforded to him: On or around the day of his re-arrest, Petitioner was afforded sufficient process due to him under the applicable regulations and the U.S. Constitution. He was notified of his failure to comply with the terms of his OSUP release by engaging in criminal activities—including felony—and for failing to cooperate with DHS's efforts

[1] It is also not a properly noticed motion. *Cf.* Motion at 1 (containing no hearing date). That contravenes Local Rule 6-1 requiring that "[t]he notice of motion shall be filed with the Clerk not later than twenty-eight (28) days before the date set for hearing . . . ." C.D. Cal. L.R. 6-1. Petitioner does not admit that his motion is in fact an ex parte application for relief, but it effectively operates so.

to remove him. Most notably, Petitioner absconded last year after DHS obtained his TD from Pakistan (and informed him that he must report for removal) and remained in that status until at least after that TD had expired—he conveniently omits that critical fact now. He has also repeatedly flouted numerous DHS notices about cooperating with its efforts to remove him. In such a situation, even where a petitioner was detained beyond the six-month presumptively reasonable detention under *Zadvydas*, a court found as follows: "Given Petitioner's lack of cooperation, he cannot satisfy his burden under *Zadvydas* to show that there is no significant likelihood of removal in the reasonably foreseeable future."), *report and recommendation adopted*, 2025 WL 975009 (C.D. Cal. Mar. 31, 2025), *certificate of appealability denied*, 2025 WL 1576990 (C.D. Cal. Mar. 31, 2025); *see also* 8 U.S.C. § 1253(a)(1)(B)-(C) (providing that willfully failing to make timely application in good faith for travel or other documents necessary to the alien's departure may result in detention); *cf. Khamseh v. C. Langill et al.*, No. 25-09955, Docket No. 14 (Nov. 6, 2025 C.D. Cal.) (denying TRO on Nov. 6, 2025 where record contained evidence that travel documents for petitioner's removal were requested on or about October 2, 2025 and petitioner was scheduled for a consulate interview on October 27, 2025, but he then refused to attend the interview). In any event, DHS has again applied to Pakistan for a TD. That application remains under active consideration by Pakistan.[2]

II. BACKGROUND

Petitioner is a native and citizen of Pakistan. Decl. of Enrique Chavez ("Chavez Decl.") ¶ 5.

On or about February 13, 1999, Petitioner entered the United States on a B-2 visitor visa. *Id.* ¶ 6.

On or about September 21, 2005, Petitioner was convicted of Robbery, Possession of a Weapon for a Dangerous Purpose, and Conspiracy to Commit Theft in Montreal, Quebec, Canada. *Id.* ¶ 7.

[2] Due to this reason, DHS has not made any request for removal to a third country.

On or about June 6, 2006, DHS served Petitioner with a Notice to Appear, commencing removal proceedings against him. *Id.* ¶ 8.

On November 16, 2006, an immigration judge (IJ) denied Petitioner's applications for relief and ordered him removed from the United States. *Id.* ¶ 9. On March 5, 2007, the Board of Immigration Appeals dismissed Petitioner's appeal. Petitioner did not appeal this decision, and his removal order became final. *Id.* ¶ 10.

On or around March 4, 2008, Petitioner was released under an Order of Supervision (OSUP). *Id.* ¶ 11. That order expressly set forth specific conditions of his release, including that he: not commit any crimes; appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal; report in person periodically; assist ICE in obtaining any necessary travel documents; provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document; and provide ICE with written responses to those requests. *Id.* It also expressly provided that failure to comply with the OSUP requirements will result in a redetermination of his release conditions or his arrest and detention as well as criminal prosecution. *Id.*

On or about September 20, 2024, Pakistan issued Petitioner's travel documents (TD), after which a Form G-56 (Official Request for Appearance) was sent to Petitioner to report for removal. *Id.* ¶ 12. On or about October 15, 2024, Petitioner absconded. *Id.*

On June 2, 2025, DHS took Petitioner into custody. *Id.* ¶ 13.

On June 2, 2025, DHS also served Petitioner with a Warrant of Removal/Deportation (Form I-205), notifying him that DHS intends to execute his final removal order and process him for removal to Pakistan. *Id.* ¶ 14.

On June 2, 2025, DHS also served Petitioner with a Notice of Revocation of Release. *Id.* ¶ 15. It notified him of changed circumstances in his case, including his failure to comply with the terms of his OSUP release, including by engaging in criminal activities (e.g., convictions for felony trespassing on July 27, 2024; driving-under-influence (DUI) on December 5, 2020; and DUI and aggravated DUI on November 4, 2020) as well as for

absconding on or about October 15, 2024 after his travel document (TD) for removal to Pakistan issued and remaining in that status until after the TD had expired. *Id.*; *see also id.*, Ex. A (a copy of the Notice of Revocation of Release, showing among other things that "TD issued on 09/20/2024; expired 12/19/2024"). He was also advised that he must show that he is making reasonable efforts to comply with the order of removal and that he is cooperating with ICE's efforts to remove him by taking whatever actions ICE requests to effectuate his removal. *Id.* The Notice also advised him that any willful failure or refusal on his part to make timely application in good faith for travel or other documents necessary for his departure may subject him to criminal prosecution under 8 U.S.C. § 1253(a). *Id.*; *see also id.*, Ex. A.

On June 2, 2025, an informal interview was conducted in which Petitioner had an opportunity to respond to the reasons for revocation of his OSUP. *Id.* ¶ 16; *see also id.*, Ex. B (a copy of the form documenting that an informal interview was conducted pursuant to 8 C.F.R. §§ 241.4(l), 241.13(i)). Petitioner failed to submit any evidence or information then to contest that notice. *Id.*

On July 15, 2025, DHS mailed a travel document request (TDR) packet to the Consulate General of Pakistan. *Id.* ¶ 17.

On July 17, 2025, August 29, 2025, and then again on October 13, 2025, DHS served on Petitioner Form I-229(a), a Warning for Failure to Depart the United States. *Id.* ¶ 18. DHS cautioned Petitioner about the consequences of willfully failing to make timely application in good faith for travel or other documents necessary to the alien's departure. *Id.* It required Petitioner to submit passports (current and expired) to ICE, apply for a travel document/passport, submit to ICE birth certificates, national identification cards, and any other document indicating his citizenship, nationality, place of birth, and place of residence prior to entering the United States. *Id.* It also required him to take measures to request reinstatement of his previous nationality, register as required, or take any other action that will ensure the issuance of a travel document. *Id.* The notification gave him 30 days to comply. *Id.* He has so far failed to take any of the foregoing steps. *Id.*

On July 22, 2025, DHS sent an email notification to the Consulate General of Pakistan regarding Petitioner's TDR. *Id.* ¶ 19.

On or about October 3, 2025, DHS learned that the Consulate General of Pakistan is awaiting confirmation from Islamabad, Pakistan regarding Petitioner's TDR. *Id.* ¶ 20.

DHS intends to remove Petitioner to Pakistan. *Id.* ¶ 21. As of November 10, 2025, it is DHS's understanding that his TD remains pending for active consideration by the Pakistani authorities. *Id.* Hence a request for removal to a third country has not been made. *Id.*

III. LEGAL STANDARD

A temporary restraining order ("TRO") is an "extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008); *see also Lum v. Mercedes-Benz USA, LLC*, 2012 WL 13012454, at *1 (C.D. Cal. Jan. 5, 2012) ("The opportunities for legitimate *ex parte* applications are extremely limited."). The standard for issuing a TRO is "substantially identical" to that for issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A court may grant preliminary injunctive relief to prevent "immediate and irreparable injury." Fed. R. Civ. P. 65(b). To obtain this relief, a plaintiff must establish the "*Winter*" factors: (1) the plaintiff "is likely to succeed on the merits"; (2) the plaintiff "is likely to suffer irreparable harm in the absence of preliminary relief"; (3) "the balance of equities tips in [the plaintiff's] favor"; and (4) "an injunction is in the public interest." *Am. Trucking Ass'ns, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009) (quoting *Winter*, 555 U.S. at 20).

IV. ARGUMENT[3]

A. Petitioner Fails to Comply with the Applicable Local Rules.

Petitioner's motion here is facially flawed on the procedure: Local Rule 7-5 requires

[3] Petitioner cursorily requests the Court to enjoin Respondents from transferring Petitioner out of this District, *see* Motion at 3, but fails to provide sufficient legal basis for that request. As such, the Court need not reach that issue. *Greenwood v. Fed. Aviation Admin.*, 28 F.3d 971, 977 (9th Cir. 1994) ("We will not manufacture arguments for [a

(footnote cont'd on next page)

Moving Papers to include a "*complete memorandum . . . and the points and authorities upon which the moving party will rely*" and "[t]he *evidence* upon which the moving party will rely in support of the motion." C.D. Cal. L.R. 7-5 (emphases added); *see also* C.D. Cal. L.R. 65-1 (providing that "[a] party seeking a temporary restraining order . . . must submit . . . a declaration setting forth the facts and certification required by F.R.Civ.P. 65(b)(1)(A) and (B)").

The less-than-two-page motion here is not "complete" by any means and indeed includes neither any "points" in support of the relief requested nor a sufficient declaration required under Local Rule 65-1. *Cf.* Motion at 1-3. The motion is in fact totally devoid of any legal analysis related to any evidence in this case, relies on unverified allegations in the Petition, and merely tracks the language of the legal requirements warranting the requested relief—and as such is conclusory on its face. *See, e.g.*, *id.* at 2 (nakedly asserts, but does not argue by analyzing evidence of the case in lights of the cited "authorities" upon which he relies, that "Zimran is almost certain to succeed on the merits of his habeas petition for the reasons set forth in his petition and the enclosed declaration," where the declaration merely recycles the allegations Petitioner relayed to his counsel[4]); *id.* (labeling Petitioner's "confinement" "illegal," without analyzing relevant facts of this case under any controlling authority). The motion therefore fails to provide sufficient legal basis for the relief it seeks and so the Court need not reach the substance of the motion. *Greenwood*,

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litigant], and a bare assertion does not preserve a claim, particularly when, as here, a host of other issues are presented for review."); *Townsend v. Monster Beverage Corp.*, 303 F. Supp. 3d 1010, 1036 (C.D. Cal. 2018) ("The Court's role is not to make or develop arguments on behalf of the parties."); *United States v. Graf*, 610 F.3d 1148, 1166 (9th Cir. 2010) ("Arguments made in passing and not supported by citations to the record or to case authority are generally deemed waived.").

In any event, Petitioner fails to show that he will suffer irreparable harm if he is transferred outside of this District as this Court's jurisdiction "attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change." *Francis v. Rison*, 894 F.2d 353, 354 (9th Cir. 1990); *see also Vaskanyan v. Janecka*, 2025 WL 2014208, at *8 (C.D. Cal. June 25, 2025).

[4] Had Petitioner's counsel conducted any investigation of the case, he would have learned about Petitioner's OSUP violations—including felony and misdemeanor convictions as well as Petitioner absconding when he was asked to report for removal last year when Pakistan issued travel document for his removal. *See* Chavez Decl. ¶ 15.

28 F.3d at 977 ("We will not manufacture arguments for [a litigant], and a bare assertion does not preserve a claim, particularly when, as here, a host of other issues are presented for review."); *Townsend*, 303 F. Supp. 3d at 1036 ("The Court's role is not to make or develop arguments on behalf of the parties."); *Graf*, 610 F.3d at 1166 ("Arguments made in passing and not supported by citations to the record or to case authority are generally deemed waived.").

The Honorable Judge Scarsi recently adjudicated, and denied, a TRO application by an Iranian habeas petitioner. *Khamseh v. C. Langill et al.*, No. 25-09955, Docket No. 14 (Nov. 6, 2025 C.D. Cal.). In addressing the likelihood of removal, Judge Scarsi explained as follows: "Petitioner's position on the low likelihood of removal in the reasonably foreseeable future rests exclusively on an argumentative proffer, not on verified allegations or evidence. Meanwhile, Respondents offer cognizable evidence of efforts the United States has undertaken in the past month to effect Petitioner's removal to Iran." *Id.* at 6 (internal citations omitted). So too here: DHS has initiated the process for obtaining travel documents from Pakistan for the Petitioner. Chavez Decl. ¶¶ 17-21. Petitioner has offered argument—but no evidence—on the likelihood of his removal, which is insufficient to meet his burden to obtain a preliminary injunction (or a TRO).

Moreover, the motion is not styled as an *ex parte* application, but it effectively operates so because it is neither a properly noticed motion nor has Petitioner's counsel met and conferred per Local Rule 7-3. *Cf.* Motion at 1 (containing no hearing date); C.D. Cal. L.R. 6-1 (specifying that "[t]he notice of motion shall be filed with the Clerk not later than twenty-eight (28) days before the date set for hearing"); Motion at 7 ¶ 5 (effectively conceding that counsel have not sufficiently conferred prior to filing of the motion). Such motions are "extraordinary," and Petitioner does not—indeed, cannot—provide any controlling authority that such an "extraordinary" motion could be granted based on such conclusory assertions. *See, e.g.*, *Mission Power Eng'g Co. v. Cont'l Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995) (making clear that ex parte applications are solely for extraordinary relief and are discouraged). Indeed, a party seeking ex parte relief must "*show*"—not just

allege—"irreparabl[e] prejudice if the underlying motion is heard according to regular noticed motion procedures . . . ." *Id.* (emphasis added). That Petitioner fails to do here.

Because the motion fails to comply with the Local Rules, it must be denied (albeit without prejudice) for that threshold reason alone. Indeed, failure to follow local rules is a recognized ground for denying injunctive relief. *See, e.g.*, *Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) (affirming district court's enforcement of local rules and noting, "[t]he district court has considerable latitude in managing the parties' motion practice and enforcing local rules that place parameters on briefing"); *see also Davis v. Gen. Atomics*, No. 23-00132, 2023 WL 10407137, at *1 (C.D. Cal. Jan. 23, 2023), *appeal dismissed*, No. 24-4740, 2024 WL 4732563 (9th Cir. Oct. 25, 2024) (denying without prejudice ex parte application that did not comply with Local Rule 65-1, including by failing to include the "required declaration"); *Orozco v. Aguila*, No. 22-05526, 2022 WL 16858524, at *4 (C.D. Cal. Sept. 16, 2022) ("[T]he failure of the Application and supporting documents to satisfy Rule 65's and Local Rule 65-1's notice requirements, in addition to the presentation of an unsigned declaration to demonstrate notice . . . suggests sufficient grounds to deny the Application."); *United States v. Biden*, No. 23-00599, 2024 WL 3891843, at *1 (C.D. Cal. June 10, 2024) (striking TRO application for failure to comply with Local Rule 65-1).

B. Petitioner Fails to Meet the High Bar for Injunctive Relief.

1. Petitioner Cannot Show a Likelihood of Success on the Merits

a. Petitioner cannot show that "there is no significant likelihood of removal in the reasonably foreseeable future"

The government's authority to detain an alien for removal purposes pursuant to a final removal order does not end at six months under *Zadvydas v. Davis*, 533 U.S. 678 (2001), but rather continues so long as it is "reasonable":

> After this 6–month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond

> with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the "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.

Id. at 701. Thus, the noncitizen "may be held in confinement until it has been determined that there is ***no significant likelihood of removal in the reasonably foreseeable future.***" *Id.* (bold italic emphasis added). Petitioner cannot carry his burden to show so.

Petitioner merely complains that his current detention under 8 U.S.C. § 1231(a)(6) for purposes of enforcing his final removal order is "unreasonable" because the government cannot remove him to Pakistan in the foreseeable future. Petitioner main idea is that about two decades ago, back in 2007, the government released him when he could not be removed to Pakistan, so he cannot now be removed in 2025. *See, e.g.*, Motion at 4-5. That idea is a nonstarter. Courts properly deny *Zadvydas* claims under such circumstances and find that a "habeas petitioner's assertion as to the unforeseeability of removal, supported only by the mere passage of time, [is] insufficient to meet the petitioner's burden to demonstrate no significant likelihood of removal under the Supreme Court's holding in *Zadvydas.*" *Muthalib v. Kelly*, 2017 WL 11696616, at *3 (C.D. Cal. Apr. 19, 2017) (collecting cases).

"This is particularly so where the only impediment to removal is the issuance of the appropriate travel document." *Id. (citing Nasr v. Larocca*, 2016 WL 3710200 (C.D. Cal. June 1, 2016), *report and recommendation adopted,* 2016 WL 3704675 (C.D. Cal. July 11, 2016)). That Petitioner does not yet have a specific date of anticipated removal does not make his detention indefinite. *See Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir.

2008); *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition where petitioner had been detained more than 14 months postfinal order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (holding petitioner "failed to satisfy his burden of showing that there is no significant likelihood of his removal in the reasonably foreseeable future" where he had been detained more than seven months post-order).

In any event, on or about September 20, 2024, DHS previously successfully obtained Petitioner's travel document (TD) from Pakistan, flatly undercutting his suggestion that Pakistan will not issue one now and that he cannot thus be removed to Pakistan. *See* Chavez Decl. ¶ 12. Indeed, immediately after securing his TD, DHS instructed Petitioner to report for removal. *Id.* On or about October 15, 2025, Petitioner absconded and remained in that status at least until after the TD had expired. *Id.*; *see also id.*, Ex. A (showing that the "TD issued on 09/20/2024" and "expired [on] 12/19/2024").

That is not all: DHS cautioned Petitioner numerous times to assist with obtaining his travel documents to Pakistan. For starters, DHS set that as one of the conditions of his OSUP. *Id.* ¶ 11. He failed to abide by it. *Id.* ¶ 15. After his OSUP was revoked upon his most recent re-detention in June 2025, he was again advised that he must show that he is making reasonable efforts to comply with the order of removal and that he is cooperating with ICE's efforts to remove him by taking whatever actions ICE requests to effectuate his removal. *Id.* ¶¶ 15, 18. He failed to show so. And at least on three different occasions, DHS served on Petitioner Form I-229(a), a Warning for Failure to Depart the United States, requiring him to apply for travel documents to Pakistan and otherwise cooperate with his removal procedure. *Id.* ¶ 18. The notices gave him 30 days to comply. *Id.* He never complied. *Id.* It is well-settled that where, as here, an alien refuses to cooperate in obtaining travel documents for purposes of effectuating their removal, such attempts to block their own removal do nothing to establish that their continuing detention is unreasonable or unconstitutional. *Lema v. I.N.S.*, 341 F.3d 853 (9th Cir. 2003) (where noncitizen's failure to cooperate in obtaining travel documents was impeding removal,

detention is not unreasonable). Indeed, "*Zadvydas* does not save an alien who fails to provide requested documentation to effectuate his removal." *Pelich v. INS*, 329 F.3d 1057, 1060 (9th Cir. 2003); 8 U.S.C. § 1253(a)(1)(B)-(C) (providing that willfully failing to make timely application in good faith for travel or other documents necessary to the alien's departure may result in detention); *cf. Khamseh v. C. Langill et al.*, No. 25-09955, Dkt. No. 14 (Nov. 6, 2025 C.D. Cal.) (denying TRO on Nov. 6, 2025 where record contained evidence that travel documents for petitioner's removal to Iran were requested on or about October 2, 2025 and petitioner was scheduled for a consulate interview on October 27, 2025, but he then refused to attend the interview).

As one court aptly noted: "*Zadvydas* does not save an alien who fails to provide requested documentation to effectuate his removal. The reason is self-evident: the detainee cannot convincingly argue that there is no significant likelihood of removal in the reasonably foreseeable future if the detainee controls the clock." *Pelich*, 329 F.3d at 1060; *see also id.* (holding that there is no due-process violation where detainee's lack of cooperation causes delay: "The risk of indefinite detention that motivated the Supreme Court's statutory interpretation in *Zadvydas* does not exist when an alien is the cause of his own detention. Unlike the aliens in *Zadvydas,* [petitioner] has the 'keys[to his freedom] in his pocket' and could likely effectuate his removal by providing the information requested by the INS."); *Matevosyan v. Warden, Desert View Annex Det. Facility*, No. 24-01570-PA (DFM), 2025 WL 978153, at *7 (C.D. Cal. Feb. 24, 2025) (even where petitioner was detained beyond the six-month period finding as follows: "Given Petitioner's lack of cooperation, he cannot satisfy his burden under *Zadvydas* to show that there is no significant likelihood of removal in the reasonably foreseeable future."), *report and recommendation adopted*, 2025 WL 975009 (C.D. Cal. Mar. 31, 2025), *certificate of appealability denied*, 2025 WL 1576990 (C.D. Cal. Mar. 31, 2025).

Zadvydas does not require Respondents to pre-arrange a noncitizen's removal travel before arresting them, which would often be extremely difficult if not impossible. The constitutional standard is whether there is "a significant likelihood of removal" in the

"reasonably foreseeable future"—not whether a removal will occur "imminently"—indeed, the law does not require that "every [noncitizen] not removed must be released after six months." *Id.* Instead, the Supreme Court was clear that the Constitution prevents only "indefinite" or "potentially permanent" detention. *Zadvydas*, 533 U.S. at 689-91. Courts therefore properly deny *Zadvydas* claims under such circumstances. *See, e.g.*, *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D. Wash. Apr. 2, 2008) (denying *Zadvydas* petition where petitioner had been detained more than 14 months post-final order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (holding petitioner "failed to satisfy his burden of showing that there is no significant likelihood of his removal in the reasonably foreseeable future" where he had been detained more than seven months post-final order). That Petitioner does not yet have a specific date of anticipated removal does not make his detention indefinite. *See Diouf*, 542 F. 3d at 1233. In any case, DHS intends to remove Petitioner to Pakistan, and to that end, his travel documents remain pending for active consideration by Pakistan.[5] Chavez Decl. ¶ 21.

Accordingly, Petitioner cannot succeed in establishing that his current detention is unreasonable pursuant to the Due Process standard delineated by the Supreme Court in *Zadvydas* for noncitizens detained pursuant to a final removal order.

b. Petitioner cannot show that DHS improperly revoked his OSUP and detained him

Petitioner also asks that the Court order that he be released from immigration detention, on the ostensible grounds that the government improperly revoked his OSUP. But Petitioner submits no evidence of that putative violation. Furthermore, given Petitioner's current efforts to subvert and prevent his removal to Pakistan by absconding and repeatedly refusing to cooperate in requesting travel documents, releasing Petitioner would improperly reward his unlawful efforts to obstruct his own removal. *See, e.g.*, Chavez Decl. ¶¶ 15, 18. If he were released while the government is seeking to arrange

[5] Due to this reason, DHS has not made any request for removal to a third country.

his travel to Pakistan pursuant to a final removal order, that would severely impair—if not outright prevent—the government's ability to timely remove him.

Petitioner suggests that revocation procedure was not followed properly. Motion at 6-10. But he submits no evidence of that. Nor can he—after all, he was *immediately* issued a Notice of Revocation upon his detention, *see* Chavez Decl., Ex. A; he was also *immediately* provided an informal interview, *see id.*, Ex. B. Expectedly, his Notice of Revocation of Release notified him of changed circumstances in his case, including his failure to comply with the terms of his OSUP release, including by engaging in criminal activities—for example, convictions for felony trespassing on July 27, 2024; driving-under-influence (DUI) on December 5, 2020; and DUI and aggravated DUI on November 4, 2020—as well as for absconding on or about October 15, 2024 after his travel document (TD) for removal to Pakistan issued. *See id.* ¶¶ 11-12, 15. In the same vein, during the informal interview, which was conducted to provide Petitioner an opportunity to respond to the reasons for revocation of his OSUP, he failed to submit any evidence or information to contest the Notice of Revocation of Release. *See id.* ¶ 16. The foregoing process is more than sufficient under the relevant regulations and the U.S. Constitution—and no more process is due to him. *See, e.g.*, 8 C.F.R § 241.4(l); *id.* § 241.13(i)(3).

To be sure, the government has very broad authority to revoke supervised release that it has granted. *Cf. Moran v. U.S. Dep't of Homeland Sec.*, No. 20-00696, 2020 WL 6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing petitioners' claim that § 241.4(l) [revocation of release] was a violation of their procedural due process rights and noting, "[Petitioners] fail to point to any constitutional, statutory, or regulatory authority to support their contention that they have a protected interest in remaining at liberty in the United States while they have valid removal orders."). "While the regulation provides the detainee some opportunity to respond to the reasons for revocation, it provides no other procedural and no meaningful substantive limit on this exercise of discretion as it allows revocation "when, in the opinion of the revoking official . . . [t]he purposes of release have been served . . . [or] [t]he conduct of the alien, or *any other circumstance*, indicates that

release would no longer be appropriate." *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010) (citing § 241.4(l)(2)(i), (iv)) (emphasis in original). Indeed, the relevant statute under the INA does not contemplate a pre-detention hearing. *See, e.g.*, 8 U.S.C. § 1231.

The Hon. Judge Blumenfeld recently denied an injunction in a case alleging insufficient re-detention process, noting that the evidentiary burden was not met, and also that it was unclear that release would be the appropriate remedy for any violations of revocation procedure. *See Ton v. Noem*, No. 5:25-CV-02033-SB-AGR, 2025 WL 2995068, at *4-5 (C.D. Cal. Sept. 3, 2025) (denying application for preliminary injunction, noting that "Petitioner has not shown that release is the appropriate remedy for any APA violation"). The burden is on the moving party to show that ordering release via a TRO would be narrowly tailored to rectifying a deficiency that was proven under the heavy standard for preliminary injunctive relief. Speculating that the revocation of release was not fully satisfactory in all possible respects is insufficient to carry that burden. The Hon. Judge Birotte likewise recently denied an application seeking a TRO based on allegedly defective revocation of supervised release for a noncitizen detained pursuant to a final removal order, explaining why it did not meet the governing legal standard. *See Sanchez v. Bondi*, No. 5:25-CV-02530-AB-DTB, 2025 WL 3190816, at *3 (C.D. Cal. Oct. 3, 2025) ("While the regulations cited by Petitioner, 8 C.F.R. §§ 241.13(i)(1)–(2) and 241.4, establish procedural safeguards—including the requirements that revocation be based on a condition of release violation or on a significant likelihood of removal, and that the noncitizen receive notice and an informal interview—they do not create independent substantive rights that override the statutory grant of detention authority.").

Finally, the appropriate remedy for any such procedural deficiency would not be automatic release from custody, but rather to remedy the specific procedural deficiency that might be established. Injunctive relief must be *narrowly tailored* to the wrong. *See, e.g.*, *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022) ("And we note that even when there are deficiencies in individual § 1226(a) proceedings, they may be

redressable through means short of major changes to the burden of proof."). Other District Courts have correctly applied this point of remedy law. In *Ahmad v. Whitaker*, for example, the government revoked the petitioner's release but did not provide him an informal interview. *Ahmad v. Whitaker*, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4, 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019). The petitioner argued the revocation of his release was unlawful because, he contended, the federal regulations prohibited re-detention without, among other things, an opportunity to be heard. *Id.* In rejecting his claim, the court held that although the regulations called for an informal interview, petitioner could not establish "any actionable injury from this violation of the regulations" because the government had procured a travel document for the petitioner, and his removable was reasonably foreseeable. *Id.* Similarly, in *Doe v. Smith*, the U.S. District Court for the District of Massachusetts held that even if the ICE detainee petitioner had not received a timely interview following her return to custody, there was "no apparent reason why a violation of the regulation . . . should result in release." *Doe v. Smith*, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court elaborated: "[I]t is difficult to see an actionable injury stemming from such a violation. Doe is not challenging the underlying justification for the removal order. . . . Nor is this a situation where a prompt interview might have led to her immediate release—for example, a case of mistaken identity." *Id.*

So too here. Whatever procedural deficiencies may have hypothetically occurred, they do not warrant Petitioner's release and indeed could be cured by means well short of release. At a minimum, any relief for any past procedural irregularity is now unwarranted.

2. The Balance of Interests Favors Respondents.

It is well settled that the public interest in enforcement of the United States's immigration laws is significant. *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 556–58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) ("The Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.") (citing cases); *see also Nken v. Holder*, 556 U.S. 418,

435 (2009) ("There is always a public interest in prompt execution of removal orders[.]"). This public interest outweighs Petitioner's private interest here.

V. CONCLUSION

Respondents respectfully request that the Court deny the motion.

Respectfully submitted,

Dated: November 26, 2025

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondents, certifies that the memorandum of points and authorities contains 5,328 words, which complies with the word limit of L.R. 11-6.1.

Dated: November 26, 2025

/s/ Daniel A. Beck
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