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United States District Court
Central District of California

Michael Zimran,

Petitioner,

v.

Kristi Noem, Secretary of Homeland Security;

Pamela J. Bondi, Attorney General of the United States;

Thomas Giles, Los Angeles Field Office Director, Bureau of Immigration and Customs Enforcement;

James Pilkington, Assistant Field Office Director, Adelanto Detention Facility,

Warden, Geo Group Inc, Adelanto Detention Facility

Respondents.

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

DHS No. [redacted]

Reply Supporting Petitioner's Motion for Preliminary Injunction and Temporary Restraining Order

[Declaration of Estalyn Marquis filed herewith]

Honorable John F. Walter
United States District Judge

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PERSONAL REPORT RECORD		
Date	Officer	Comment/Changes
9/11/2023	A Hardson	Next report date is on 9/11/2024 @ 08CC
1/17/2024	Duty	Rip on this date. Next check-in on 9/11/2024.
9/11/24	Duty	Rip Next Check in 3/12/2025 @10
3/12/25	RM	RIP Next Check in 9/17/2025 @10

I. Introduction

Petitioner Michael Zimran has sought a temporary restraining order ("TRO"), contending he has been unlawfully detained for the past six months by Immigration and Customs Enforcement ("ICE"). In response, the Government argues Zimran's detention is necessary because he has repeatedly obstructed his own removal to Pakistan. According to the Government, Pakistan issued travel documents for Zimran in September 2024. The Government claims that in October 2024, Zimran absconded from ICE supervision to escape removal. The Government claims ICE properly arrested Zimran on June 2, 2025, and that Zimran has failed to cooperate with ICE's efforts to remove him to Pakistan while in custody. The Government thus argues Zimran has been lawfully detained.

The Government's story is **demonstrably** false. The illustration above (an excerpt of page 2 of Exhibit C to this brief) proves this. The illustration—a record of Zimran's encounters with ICE from September 2023 to March 2025—shows he regularly checked in with ICE every time he was ordered to between September 2023 and March 2025. The record

refutes the Government's claims that Zimran absconded from supervision in October 2024. If anything, the record shows he has complied with ICE's instructions at every step.

The rest of the Government's narrative also does not hold up under scrutiny. The Government claims it properly detained Zimran on June 2, 2025. But in fact, ICE agents arbitrarily arrested him when he voluntarily checked in at ICE's headquarters in Portland, Oregon, to report he had moved to Oregon. The arresting agents afforded him nothing resembling due process: he was quickly shown several pages of documents justifying his detention, not given any opportunity to respond, and was threatened into signing the documents he was shown.

Since he was detained, Zimran has done everything he can to cooperate with ICE's efforts to remove him. He has called the Pakistani Consulate at least twice every week since he was detained. The Consulate has repeatedly told him there is nothing further he needs to do and, on November 17, flatly told him it could not issue him any travel documents because it had verified it has no records showing he is a Pakistani national. Zimran literally cannot do anything further to assist the Government's efforts to remove him.

Put simply, Zimran's continued detention is not lawful and serves no purpose. The Government cannot prove otherwise. Because the Government has failed to rebut Zimran's contentions, his request for a TRO should be granted.

II. Factual Background

A. From 2007 to 2020, the Government released Zimran on supervision because it received no travel documents from Pakistan.

On November 16, 2006, Zimran was ordered removed from the United States to Pakistan by the Batavia Immigration Court in New York. (Declaration of Estalyn Marquis ("Marquis Decl.") ¶ 5.a.) He appealed to the Board of Immigration Appeals and his appeal was dismissed on March 5, 2007. (*Id.*)

From 2008 to 2020, Zimran was released on supervision pending his removal from the United States. (*Id.* ¶ 5.b.) During that period, he regularly checked in as required with ICE without any issues. (*Id.*)

While Zimran was released on supervision, the United States attempted to obtain travel documents for him from the Pakistani Consulate. (*Id.* ¶ 5.c.) The Consulate sent Zimran correspondence in 2007 and 2009 stating it had referred his case to authorities in Pakistan for verification of his national status and was still awaiting a reply from them. (*Id.*) The Consulate stated it was not able to issue travel documents to Zimran in the meantime. (*Id.* ¶ 5.c.; *see also* Dkt. 3-1 at 2-3 (copies of 2007 and 2009 correspondence).)

B. The Government re-detained Zimran for over a year, but released him on supervision in 2022 because it still had not received any travel documents.

From late 2020 or early 2021 to March 2022, Zimran was re-detained by ICE for nearly a year in New York. (Marquis Decl. ¶ 5.d.) His detention ended when a non-profit organization assisted him in filing a habeas corpus

petition challenging his detention. (*Id.*) In response, on March 8, 2022, ICE again released him on supervision while it awaited travel documents for his removal. (*Id.*) Hence, on March 30, 2022, the Government and Zimran stipulated to dismiss his habeas petition. (*Id.*; *see also* Ex. B (copy of the stipulation).)

After his release in March 2022, Zimran was initially placed on the "Intensive Supervisory Appearance Program" (ISAP). (Marquis Decl. ¶ 5.e.) He was required to regularly check in with ICE and wear an ankle monitor. (*Id.*)

Zimran had no stable residence to return to when he was released and could not afford to procure housing because he had little money. (*Id.* ¶ 5.f.) He initially stayed with a friend in New York for a short period and later moved to Denver, Colorado in May 2022 in search of employment and affordable housing. (*Id.*)

From May 2022 to September 2023, Zimran did not have a stable residence. (*Id.* ¶ 5.g.) He lived for several months in a homeless shelter in Denver as he looked for employment. (*Id.*) And after he secured employment, he lived in various motels because he did not have enough money to rent an apartment. (*Id.*)

On September 11, 2023, Zimran was given a new and more lenient order of supervision by ICE. (*Id.* ¶ 5.h.) The order required him to regularly check in with ICE's Denver Field Office, but did not require him to wear an ankle monitor. (*Id.*)

C. Zimran regularly checked in with ICE from 2023 to 2025 and never absconded from supervision nor received any notice that Pakistan issued him travel documents.

From September 11, 2023 to March 2025, Zimran lived in Denver and checked in regularly with ICE's Denver Field Office. (*Id.* ¶ 5.j.) During this period, Zimran was given a copy of the September 11, 2023 order of supervision. (*Id.* ¶ 5.i; *see also* Ex. C (copy of September 2023 order of supervision given to Zimran).[1]) Page 2 of the order is a "Personal Report Record"; the document is a record of Zimran's check-in's with ICE from 2023 to 2025. (Marquis Decl. ¶ 5.i.i; *see also* Ex. C at 2 (copy of the Personal Report Record).) Zimran was instructed to bring this Record with him every time he checked in with ICE. (Marquis Decl. ¶ 5.i.i.) Whenever he checked in with ICE, an ICE officer would log the date of the check-in, write in the officer's name, write in when Zimran would next have to check in with ICE, and then hand the Record back to Zimran. (*Id.*; *see also* Ex. C at 2)

Zimran's Personal Report Record reflects he checked in with ICE every time he was ordered to between September 2023 and March 2025: he checked in with ICE on September 11, 2023, January 17, 2024, September 11, 2024, and March 12, 2025. (*Id.* ¶ 5.j.i; *see also* Ex. C at 2.)

Zimran also provided ICE with his contact information. From September 11, 2023 to March 2025, Zimran worked as a security guard with different security companies in Denver. (Marquis Decl. ¶ 5.j.ii.) He did not have enough money to rent an apartment or procure other housing, so he lived in different hotels and motels during this period. (*Id.*) During his

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[1] Zimran mailed a copy of the order of supervision to the Office of the Federal Public Defender on November 6, 2025—several weeks before it helped him file a habeas petition in this Court. (Marquis Decl. ¶ 5.i) Undersigned counsel has included that copy as Exhibit C to this brief.

check-ins with ICE, he informed ICE officers that he had not been able to secure stable housing. (*Id.*) He provided ICE officers with his phone number and a P.O. box as his mailing address. (*Id.*) He was informed by the ICE officers he spoke to that this was sufficient. (*Id.* ¶ 5.j.ii.)

From September 11, 2023 to March 2025, Zimran checked his P.O. box at least once a week. (*Id.* ¶ 5.j.iii.) He never received any notice from the Government during this period that it had procured travel documents for him. (*Id.* ¶ 5.j.ii.) Nor did he receive any phone calls notifying him the Government had secured travel documents for him. (*Id.* ¶ 5.j.iii.)

On March 12, 2025, Zimran checked in with ICE's Denver Field Office. (*Id.* ¶ 5.k.) He requested permission to move to another state. (*Id.*) He was told by ICE officers that he could move anywhere he wanted, but that he would need to check in with the local ICE field office when he did so. (*Id.*) He was never told at this check-in that the Government had procured travel documents for him nor was he detained. (*Id.*) Instead, the ICE officer he checked in with instructed him to return for another check-in on September 17, 2025. (*Id.*)

D. Zimran was re-detained on June 2, 2025 without due process.

In late May 2025, Zimran moved to Portland, Oregon in search of new employment. (*Id.* ¶ 5.l.) As instructed, he checked in with ICE's field office in Portland on June 2, within a few days of his arrival. (*Id.*)

When he checked in at the Portland field office on June 2, he was re-detained by ICE. (*Id.* ¶ 5.m.) As he was being arrested, the arresting ICE officer orally remarked that there had been a change in circumstances justifying his re-detention: namely, ICE had obtained travel documents for Zimran and had been unable to contact him about the travel documents in

December 2024. (*Id.*) This was the first time Zimran had heard that travel documents had been issued in his case. Zimran was not given any opportunity to respond to these claims. (*Id.*)

As he was being arrested, Zimran was shown several pages of documents, including a written notice that he was being re-detained. (*Id.* ¶ 5.n.) ICE officers instructed him to quickly sign some of these pages, threatening ICE would press charges against him if he did not. (*Id.*) Zimran complied. (*Id.*)

Zimran requested a copy of the written notice he was shown, but was never provided with it or any other papers connected to the revocation of his supervised release. (*Id.* ¶ 5.o.)

Zimran was transferred to the state of Washington and then transferred again to the Adelanto Detention Facility in Adelanto, California, where he remains detained. (*Id.* ¶ 5.p.)

E. Since his re-detention, Zimran had made every effort to comply with ICE's instructions.

Since his detention, Zimran had done his best to comply with ICE's instructions and cooperate with ICE's efforts to deport him. For instance, ICE has directed Zimran to submit passports, 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.* ¶ 5.q.) Zimran has not withheld any of these documents: rather, he simply does not possess any of these documents. (*Id.*) Moreover, both of his parents are deceased. (*Id.*)

ICE has also directed Zimran to contact the Pakistani Consulate to apply for a passport and other travel documents, to request reinstatement

of his nationality, to register as required, and to take any other action that will ensure issuance of a travel document. (*Id.* ¶ 5.r.)

Zimran has made every effort to comply with these requests. (*Id.* ¶ 5.s.) Zimran's only means of contacting the Consulate is by phone. (*Id.*) The Adelanto Detention Facility has posted speed-dial numbers to reach different consulates on a wall in the facility. (*Id.*) The posted speed-dial number for the Pakistani Consulate allows for phones at the facility to call the Consulate's Los Angeles office. (*Id.*) Zimran has called the Consulate with this speed-dial number at least twice every week since he was detained. (*Id.*) Up until November 2025, he was told by the Consulate's Los Angeles office during these calls that it was verifying his national identity and that there was nothing else he needed to do. (*Id.*)

Zimran has not been able to mail any materials to the Consulate because he does not have the Consulate's mailing address, has no means of finding the address because he has no internet access, and has never been given any paperwork or applications by ICE to submit to the Consulate. (*Id.* ¶ 5.t.)

On November 17, Zimran used the speed-dial number to call the Pakistani Consulate's Los Angeles office about the status of his case. (*Id.* ¶ 5.u.) The Consulate informed him it had received a Travel Document Request package from the Government, but could not issue him any travel documents because it had verified it has no records showing he is a Pakistani national. (*Id.*) He asked the Consulate to send him a letter to this effect, but it refused to do so, telling him only ICE could ask for such a letter. (*Id.*)

F. The proceedings in this Court

On November 21, 2025, Zimran, with the assistance of the Office of the Federal Public Defender ("FPD"), filed a petition for writ of habeas corpus in this Court, challenging his detention. (Dkt. 1.) He also concurrently filed a motion for a TRO and preliminary injunction. (Dkt. 3.)

On November 24, this Court set a briefing schedule on Zimran's request for a TRO and scheduled a hearing on the matter for December 8. (Dkt. 6.) On November 25, the Court appointed the FPD as Zimran's counsel. (Dkt. 8.)

On November 26, the Government opposed Zimran's motion. (Dkt. 10 (hereinafter, "Opp.").)

This reply follows.

III. Legal Standard

The standard a moving party must meet to obtain injunctive relief in the form of a TRO or a preliminary injunction is the same: "the moving party must show: (1) a likelihood of success on the merits, (2) a likelihood of irreparable harm, (3) the balance of hardships favors the plaintiff, and (4) an injunction is in the public interest." *Johnson v. California State Bd. Of Accountancy*, 72 F.3d 1427, 1430 (9th Cir. 1995). "The first factor—likelihood of success on the merits—is the most important factor.'" *Chamber of Commerce of the United States v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (quoting *California ex. Rel. Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) (en banc). When the government is the defendant, "the balance of the equities and public interest factors merge." *Id.* (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)).

Alternatively, under the Ninth Circuit's sliding scale approach, a plaintiff may show either a combination of probable success on the merits and the possibility of irreparable injury or that serious questions going to the merits were raised and the balance of hardships tips sharply in his favor. *Johnson*, 72 F.3d at 1430.

IV. Argument

A. Zimran has satisfied all the requirements for a TRO.

1. There is a likelihood of success on the merits.

Zimran has established the first requirement for a TRO: he has shown a likelihood of success on the merits as to the first two claims in his federal habeas petition.[2]

a. Zimran is likely to prevail on his first claim that his detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Zimran's first claim in his habeas petition is that his detention since June 2, 2025, is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Zadvydas* held that the Fifth Amendment's Due Process Clause limits a "[noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States." *Zadvydas*, 533 U.S. at 689. Under *Zadvydas*, immigration detention is presumptively limited to six months. "After this 6-month period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,

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[2] Zimran's third and fourth claims in his habeas petition concern removal to third countries. (Dkt. 1 at 11-13.) Because the Government claims it does not intend to remove Zimran to a third country (*see* Opp. at 5), Zimran does not address these claims here.

the Government must respond with evidence sufficient to rebut that showing." *Id.* at 701.

As Zimran explained in his habeas petition (dkt. 1 at 7), ICE has detained Zimran beyond the presumptively reasonable six-month period, especially when factoring his earlier detention from late 2020 or early 2021 to March 2022. (Marquis Decl. ¶ 5.d.) In addition, Zimran explained there is good reason to believe that there is no significant likelihood of removal to Pakistan in the foreseeable future. (*See* Dkt. 1 at 8.)

The Government argues Zimran's detention is justified because his removal is imminent and that Zimran himself has obstructed the Government's attempts to remove him. (Opp. at 10-13.) In support, the Government presents a declaration from Deportation Officer Enrique Chavez claiming that on September 20, 2024, Pakistan issued travel documents for Zimran. (Dkt. 10-1 ("Chavez Decl.") ¶ 12.) Chavez alleges—without any corroborating documentary evidence—that Zimran then absconded from ICE supervision on or about October 15, 2024 to avoid removal. (*Id.*) After the Government took Zimran into custody on June 2, Chavez claims, Zimran has not cooperated with ICE's efforts to remove him. (*Id.* ¶ 18.) Chavez's claims that despite Zimran's non-cooperation, the Government has submitted a travel document request packet to the Pakistani Consulate and is awaiting a response. (*Id.* ¶¶ 17, 19, 20, 21.)

As set forth below, the Government's story is demonstrably false. The contemporaneous record shows Zimran did not abscond from supervision to avoid removal in October 2024, as Chavez claims. (*See* Ex.

C at 2.) To the contrary, the record shows he regularly checked in with ICE from September 2024 to March 2025. (*See id.*) Moreover, while in custody, Zimran has done his best to cooperate with ICE's efforts to remove him. Given that the Pakistani Consulate has informed him as of November 17 that it has no records showing he is a Pakistani national (*see* Marquis Decl. ¶ 5.u), there is literally nothing more he can do to assist the Government's removal efforts.

Nor can the Government show Zimran's removal is imminent. In fact, Chavez's claims that Pakistan issued travel documents in 2024 are entirely implausible. The Pakistani Consulate is no more likely to grant Zimran travel documents now than it has been over the past eighteen years.

Because Zimran has not obstructed the Government's attempts to remove him and the Government cannot meet its burden under *Zadvydas* of showing a significant likelihood of removal in the reasonably foreseeable future, Zimran is likely to prevail on the merits of his claim. *See Zadvydas*, 533 U.S. at 701.

(1) Zimran's Personal Report Record shows he did not abscond from supervision in October 2024.

First and most importantly, Zimran did *not* abscond from ICE custody in October 2024, as Chavez claims. The proof of this is Zimran's "Personal Report Record"—the record of Zimran's check-ins with ICE from September 2023 to March 2025. From September 2023 to March 2025, Zimran was living in Denver, Colorado, and had been instructed to

check in periodically with ICE's Denver Field Office. (Marquis Decl. ¶ 5.j.) Zimran was instructed to bring the Personal Report Record with him every time he checked in at ICE's Denver Field Office. (Marquis Decl. ¶ 5.i.i; *see also* Ex. C at 2 (copy of the Personal Report Record).) Whenever he checked in with ICE, an ICE officer would log the date of the check-in, write in the officer's name, write in when Zimran would next have to check in with ICE, and then hand the Record back to Zimran. (Marquis Decl. ¶ 5.i.i; *see also* Ex. C at 2.)

Zimran's Personal Report Record reflects that he regularly checked in with ICE every time he was ordered to between September 2023 and March 2025. (Ex. C at 2.) He checked in with ICE on September 11, 2023, January 17, 2024, September 11, 2024, and March 12, 2025. (*See id.*)

The Personal Report Record refutes Chavez's claims that Zimran absconded from supervision in October 2024 to avoid removal. According to the Record, Zimran checked in with ICE on September 11, 2024 and was next ordered to check in on March 12, 2025. (*See id.*) The Record reflects that Zimran did in fact check in with ICE on March 12, 2025 and was ordered to check in again six months later on September 17, 2025. (*See id.*)

The Report establishes Zimran could not have absconded in October 2024. It would make little sense for Zimran to abscond from supervision in October 2024 (as Chavez claims) and to then *voluntarily* check in with ICE six months later on March 12, 2025 (as the Report shows he did). It would make even less sense for ICE officers to have let Zimran go free after the March 12, 2025 check-in if Zimran had absconded from supervision just six months earlier in October 2024. The Record in short refutes Chavez's claims that Zimran absconded to avoid removal.

Other facts also undermine Chavez's claims that Zimran absconded in October 2024 to avoid removal. For instance, Zimran was detained on June 2, 2025 when he voluntarily checked in with ICE's field office in Portland, Oregon. (Marquis Decl. ¶¶ 5.l-m.) The reason he checked in with the Portland field office on June 2 was because he had moved from Denver to Portland in late May 2025: he had been told at his March 12, 2025 check-in at the Denver Field Office that he needed to check in with a local field office if he ever moved to another state. (*Id.* ¶ 5.k.) Again, it would make little sense for Zimran to *voluntarily* check in with ICE in June 2025 if he had absconded from supervision just eight months before, as Chavez claims.

In short, Chavez's claims that Zimran absconded supervision in October 2024 are refuted by Zimran's Personal Report Record and are simply not consistent with Zimran's actions between October 2024 and June 2025. Contrary to Chavez's claims, the record shows that at every step, Zimran checked in with ICE and followed ICE's instructions.

(2) Zimran has done everything he can to cooperate with ICE's efforts to remove him.

Chavez claims Zimran has failed to cooperate with ICE's efforts to remove him since he was re-detained on June 2, 2025. Chavez claims Zimran was repeatedly instructed to "submit passports (current and expired) to ICE" and to "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." (Chavez Decl. ¶ 18.) Chavez claims Zimran has "failed to take any of the foregoing steps." (*Id.*)

But in fact, Zimran had not withheld or refused to submit his passports, birth certificates, national identification cards, and other document indicating his citizenship, nationality, place of birth, and place of residence prior to entering the United States. (Marquis Decl. ¶ 5.q.) Rather, he simply does not possess any of these documents. (*Id.*) Moreover, both of his parents are deceased, meaning there is no one else who would possess these documents. (*Id.*)

Chavez also faults Zimran for failing to "apply for a travel document/passport," "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." (Chavez Decl. ¶ 18.)

In fact, however, Zimran has made every effort to comply with these requests. (*Id.* ¶ 5.s.) Zimran has not been able to personally mail any materials to the Pakistani Consulate because he does not have the Consulate's mailing address, has no means of finding the address because he has no internet access, and has never been given any paperwork or applications by ICE to submit to the Consulate. (*Id.* ¶ 5.t.)

Zimran's only means of contacting the Consulate is by phone using a speed-dial number provided by the Adelanto Detention Facility. (*Id.* ¶ 5.s.) Zimran has called the Consulate with this speed-dial number at least twice every week since he was detained. (*Id.*) Up until November 2025, he was told by the Consulate's Los Angeles office during these calls that it was verifying his national identity and that there was nothing else he needed to do. (*Id.*)

On November 17, Zimran used the speed-dial number to call the Pakistani Consulate's Los Angeles office about the status of his case. (*Id.* ¶ 5.u.) The Consulate informed him it had received a Travel Document Request package from the Government, but could not issue him any travel

documents because it had verified it has no records showing he is a Pakistani national. (*Id.*) He asked the Consulate to send him a letter to this effect, but it refused to do so, telling him only ICE could ask for such a letter. (*Id.*) Given what the Consulate has told him, Zimran literally cannot do anything further to assist the Government's efforts to remove him.

In short, Zimran has done his best to comply with ICE's instructions. The Government's claims to the contrary are false.

(3) The Government cannot meet its burden of showing a significant likelihood of removal to Pakistan in the reasonably foreseeable future.

The Government argues there is a significant likelihood of removal to Pakistan in the reasonably foreseeable future. (Opp. at 10.) In support, the Government cites Chavez's claim that the Government "previously successfully obtained Petitioner's travel document (TD) from Pakistan" in September 2024 and argues this "flatly undercut[s] [Zimran's] suggestion that Pakistan will not issue one now and that he cannot thus be removed to Pakistan." (*Id.*; *see also* Chavez Decl. ¶ 12.)

But Chavez's claim is implausible for several reasons. First, Zimran was never told about the travel documents at the time they were purportedly issued—not by mail, not by phone, and not in person when he checked in with ICE in March 2025. From September 11, 2023 to March 2025, Zimran provided ICE officers with his phone number and a P.O. box as his mailing address. (Marquis Decl. ¶ 5.j.ii.) He checked this P.O. box at least once a week. (*Id.* ¶ 5.j.iii.) He never received any notice

that the Government had procured travel documents for him.[3] (*Id.*) Nor did he receive any phone calls notifying him the Government had secured travel documents for him. (*Id.*)

Moreover, Zimran was not told about the travel documents or arrested when he checked in with ICE in Denver on March 12, 2025. (*Id.* ¶ 5.k.) Instead, he was told to come back for another check-in in six months on September 17, 2025. (*See* Ex. C at 2.) It would make little sense for the ICE officers at the March 2025 check-in to have simply let Zimran go if the Government had indeed procured his travel documents just months before. The more reasonable inference is that the Government did *not* in fact procure travel documents for Zimran in September 2024, as Chavez claims.

Nor do Chavez's allegations align with other facts. Indeed, the Government has been trying unsuccessfully *for over eighteen years* since 2007 to obtain travel documents for Zimran from the Pakistani Consulate. (Marquis Decl. ¶ 5.c; *see also* Dkt. 3-1 at 2-3.) Since 2007, the Pakistani Consulate has consistently said it has referred Zimran's case to authorities in Pakistan "for verification of his national status and [a] reply is still awaited from them." (*See* Dkt. 3-1 at 3.) As late as 2022, the Government represented it was *still* "await[ing] receipt of travel documents for [Zimran's] removal." (*See* Ex. B at 1 (the Government's stipulation regarding Zimran's 2022 habeas petition).) Given how long

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[3] Chavez claims ICE issued "Form G-56 (Official Request for Appearance)" to Zimran after it received his travel documents in September 2024, instructing him to report for removal. (Chavez Decl. ¶ 12.) But Chavez provides no documentary evidence corroborating this claim.

the Government has waited, it is incredibly unlikely that Pakistan suddenly issued travel documents in September 2024, as Chavez claims.

Worse, the Government concedes it has been waiting nearly five months for Pakistan to respond to its latest request for Zimran's travel documents. Chavez states that after Zimran's arrest, the Government submitted a new travel document request packet to the Pakistani Consulate on July 15, 2025. (Chavez Decl. ¶ 17.) But by Chavez's own admission, five months have passed and the Government is *still* "awaiting confirmation from Islamabad, Pakistan" regarding Zimran's travel documents. (*Id.* ¶ 21.) If the Consulate had issued travel documents for Zimran in September 2024, it makes little sense why the Consulate would take so long to issue them again now.

More damning still, on November 17, 2025, the Pakistani Consulate told Zimran that it could not issue him any travel documents at all because it had verified it has no records showing he is a Pakistani national. (Marquis Decl. ¶ 5.u.) Chavez fails to explain why the Pakistani Consulate would be either unwilling or unable to issue Zimran's travel documents now if it apparently issued him travel documents last year. The only reasonable inference from all these facts is that the Pakistani Consulate did not actually grant Zimran travel documents last year and is no more likely to grant these documents now than it has been over the past eighteen years.

In short, the Government cannot meet its burden of showing a significant likelihood of removal in the reasonably foreseeable future. *See*

Zadvydas, 533 U.S. at 701. As a result, Zimran is likely to prevail on the merits of his claim. *See id.*

b. Zimran is likely to prevail on his claim that his supervised release was terminated illegally.

Zimran will likely also prevail on his petition's claim that his detention is unlawful because his release on supervision was terminated in violation of 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3), and fundamental requirements of due process. (Dkt. 1 at 8-10.) Specifically, the Government never: (1) provided Zimran with notice that his Order of Supervision was revoked; (2) conducted an informal interview or afforded Zimran an opportunity to be heard; or (3) sufficiently demonstrated the changed circumstances that rendered Zimran's removal significantly likely in the reasonably foreseeable future. (*Id.*)

The Government argues the revocation procedure was followed properly here. (Opp. at 13.) In support, the Government attaches a copy of a Notice of Revocation that was issued to Zimran upon his arrest on June 2. (*See* Dkt. 10-1 at 6-7.) The Government also submits a document signed by ICE officer Michael Workman claiming he conducted an informal interview with Zimran upon his arrest on June 2. (*See id.* at 9.)

But these documents do not reflect the reality of what occurred. Contrary to what the Government claims, Zimran was not given any meaningful opportunity to review the Notice of Revocation or respond to what was in it. When he was arrested, Zimran was shown several pages of documents, including a written notice that he was being re-detained. (Marquis Decl. ¶ 5.n.) ICE officers instructed him to quickly sign some of these pages, threatening ICE would press charges against him if he did not.

(*Id.*) Zimran complied. (*Id.*) He requested copies of what he was provided, but was never provided with any such copies. (*Id.* ¶ 5.o.) Nor was he afforded an opportunity to respond to what was in the documents. (*Id.* ¶ 5.m.) Put simply, the Government's "process" here—quickly showing Zimran several pages of documents without providing him copies or an opportunity to respond and then threatening him into signing these documents—did not comport with federal regulations or the basic requirements of due process.

The Government also suggests the revocation of Zimran's release was justified because Zimran absconded from supervision in October 2024 when ICE purportedly obtained travel documents for him and has refused to cooperate in requesting travel documents while in custody. (Opp. at 12.) But as discussed above, Zimran's Personal Report Record contradicts the Government's claims that Zimran absconded. (*See* Ex. C at 2.) Likewise, Zimran has done everything he can to cooperate with ICE's efforts to remove him. (*See* Marquis Decl. ¶¶ 5.q, s, t.) And even if he had not, Zimran's actions would not excuse the Government's failure to follow its own regulations.

Finally, the Government argues the "appropriate remedy" for violations of revocation procedures is not release from custody. (Opp. at 14-15.) But in support, the Government cites only a handful of decisions, most of which are clearly inapposite. (*Id.*) For instance, in *Doe v. Smith*, 2018 WL 4696748 (D. Mass. Oct. 1, 2018), the petitioner *had* been afforded an informal interview as required by the regulations. *Id.* at *7. And in *Ton v. Noem*, No. 5:25-CV-02033-SB-AGR, 2025 WL 2995068, at *5 (C.D. Cal. Sept. 3, 2025), the petitioner "d[id] not state whether he was provided a reason for the revocation of his release, whether he made a

request for release, whether he was interviewed, or whether the agency rendered a written decision." *Id.* Zimran has. (Marquis Decl. ¶¶ 5.m-o.)

In any case, as Zimran notes in his petition (dkt. 1 at 9-10), the overwhelming majority of district courts have "determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered." *McSweeney v. Warden, Otay Mesa Det. Facility*, No. 3:25-CV-02488-RBM-DEB, 2025 WL 2998376, at *7 (S.D. Cal. Oct. 24, 2025) (collecting cases). Even if the authorities cited by the Government were at all analogous, they represent the minority rule.

In short, the Government's arguments are unpersuasive. Zimran has at the very least shown a likelihood of success on his claim that his detention is unlawful under 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3), and the fundamental requirements of due process.

2. Zimran will suffer irreparable harm.

Apart from disputing the merits of Zimran's claims, the Government does not otherwise contest the second requirement for a TRO—that Zimran will suffer irreparable harm absent injunctive relief. Not can it. As Zimran noted in his motion for injunctive relief (dkt. 2 at 2), illegal confinement is quintessentially irreparable harm, because "the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

3. The balance of the equities and public interest favor a TRO.

Zimran has also established the final two requirements for a TRO: that the balance of equities favors him and that an injunction is in the public interest. Speaking to these final two factors,[4] the Government again ducks the core issues and begs all the questions, invoking only the general principle, undisputed, that the public has a significant interest in the *legal* enforcement of federal immigration laws. (Opp. at 15-16.) This of course ignores that it is also "always in the public interest to prevent the violation of a party's constitutional rights." *Riley's Am. Heritage Farms v. Elsasser*, 32 F.4th 707, 731 (9th Cir. 2022). And since Zimran has shown a likelihood of succeeding on the merits, the public interest tips sharply in his favor. *Melendres*, 695 F.3d at 1002.

B. The Government's technical objections lack merit.

Finally, the Government asserts various technical objections, citing violations of Local Rules 7-5, 65-1, and 7-3. (Opp. at 6-8.) In a similar vein, the Government claims Zimran has not met the standard for ex parte relief set forth in *Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F. Supp. 488 (C.D. Cal. 1995). (Opp. at 7-8.)

None of these arguments hold water. First, Zimran has complied with Local Rule 7-5. Local Rule 7-5 requires moving papers to include a "complete memorandum . . . and the points and authorities upon which the moving party will rely." C.D. Cal. L.R. 7-5. The Government argues

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[4] These requirements "merge" when the government is a party. (*See* Dkt. 3 at 2 (quoting *Pimentel-Estrada v. Barr*, 464 F. Supp. 3d 1225, 1237 (W.D. Wash. 2020).)

Zimran's motion for a TRO and preliminary injunction is not "complete" under Rule 7-5 because it does not regurgitate the claims in Zimran's habeas petition and only discusses the requirements for injunctive relief. (Opp. at 6.) But the Government cites no authority holding Rule 7-5 requires Zimran's motion to reproduce all the legal analysis set forth in his habeas petition. In any event, the Government's protests amount to mere quibbling: the Government has been served with Zimran's habeas petition, is on notice of Zimran's claims for relief, and has responded to all of them in depth. The Government is in no position to complain: it has not been prejudiced by the format of Zimran's motion.

The Government next argues Zimran's moving papers do not include "[t]he evidence upon which" Zimran "will rely." C.D. Cal. L.R. 7-5. The Government contends this deficiency violates both Local Rule 7-5 and separately violates Local Rule 65-1, which requires a "declaration setting forth the facts and certification required by F.R.Civ.P. 65(b)(1)(A) and (B)." (Opp. at 6.) Although the Government concedes Zimran submitted a declaration from his counsel with his motion (*see id.*), the Government apparently contends this declaration is insufficient for purposes of Rules 7-5 and 65-1 because it "merely recycles the allegations Petitioner relayed to his counsel." (*Id.*)

But the Government cites no authority holding that a declaration from counsel cannot support a request for a TRO. And in fact, it is well-recognized that the Federal Rules of Evidence are relaxed in the context of TRO applications, and this Court can give even inadmissible evidence some weight "to serve[] the purpose of preventing irreparable harm."

Flynt Distributing Co., Inc. v. Harvey, 734 F.2d 1389, 1394 (9th Cir. 1984); *Franklin Data Ventures, Inc. v. Veristar, LLC*, No. SACV 22-00215-CJC (JDEx), 2022 WL 20273276, at *2 (C.D. Cal. May 17, 2022). Indeed, just yesterday, another court in this district granted a TRO to another noncitizen detainee based on a hearsay declaration from counsel similar to what Zimran presented here. *See Loc Huu Nguyen v. Kristi Noem et al*, 5:25-cv-03191-WLH-MAR, Dkt. 9 at 7 n.7 (C.D. Cal. Dec. 1, 2025).

The Government next suggests Zimran's counsel improperly failed to meet and confer with counsel for the Government, as required by Local Rule 7-3. (Opp. at 12.) But Rule 7-3 expressly states it does not apply to "applications under F.R.Civ.P. 65 for temporary restraining orders or preliminary injunctions." C.D. Cal. L.R. 7-5. In addition, Rule 7-3 excludes "cases ... listed as exempt in L.R. 16-12." Among those listed in Rule 16-12 are "Petitions filed under 28 U.S.C. §§ 2241 et seq." C.D. Cal. L.R. 16-12(a). The meet-and-confer requirement thus does not apply here.

Finally, the Government argues Zimran's motion for a TRO and preliminary injunction "effectively operates" as an "ex parte application" because it was not filed as a "properly noticed motion." (Opp. at 12-13.) The Government argues ex parte motions are "extraordinary" and require a showing of "irreparable prejudice" under the *Mission Power* standard. (*See id.* (citing *Mission Power*, 883 F. Supp. 488 (C.D. Cal. 1995).)

The Government incorrectly characterizes Zimran's motion as an ex parte motion. Zimran provided the Government with advance notice of the motion before filing it (*see* Dkt. 3 at 7, ¶ 5) and did not request that this Court grant relief before the Government had an opportunity to

respond. Moreover, this Court set a briefing schedule on Zimran's motion and gave the Government an opportunity to respond to it. (*See* Dkt. 6.) For its part, the Government has filed an in-depth opposition responding to all of Zimran's claims. This hardly amounts to an ex parte procedure.

In any case, even assuming Zimran's motion constitutes an ex parte request, he can clear the *Mission Power* standard for the same reasons he is entitled to injunctive relief. *Mision Power* requires a showing that "the moving party's cause will be irreparably prejudiced if the underlying motion is heard according to regular noticed motion procedures." *Mission Power*, 883 F. Supp. at 492. As set forth above, Zimran has shown the Government lawlessly terminated his supervision and has kept him in custody in violation of federal regulations, the requirements of due process, and the Supreme Court's decision in *Zadvydas*. This satisfies the *Mission Power* standard: the Ninth Circuit has recognized that illegal confinement is quintessentially irreparable harm, because "the deprivation of constitutional rights unquestionably constitutes irreparable injury." *Melendres*, 695 F.3d at 1002. Zimran's continued and unlawful detention thus constitute "irreparable prejudice" that warrants hearing his motion outside of regular noticed motion procedures. *Mission Power*, 883 F. Supp. at 492.

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V. Conclusion

For the foregoing reasons, this Court should grant a TRO, order Zimran's immediate release from custody, and order that the Government not remove him or take him from the Central District of California pending resolution of his motion for a preliminary injunction.

Respectfully submitted,

Cuauhtemoc Ortega
Federal Public Defender

Dated: December 2, 2025 By: */s/ Estalyn Marquis*
Estalyn Marquis
Deputy Federal Public Defender

Attorneys for Petitioner
Michael Zimran

CERTIFICATE OF COMPLIANCE

The undersigned, counsel for the petitioner, certifies that this brief contains 6,743 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 2, 2025 By: */s/ Estalyn Marquis*
Estalyn Marquis
Deputy Federal Public Defender

Attorneys for Petitioner
Michael Zimran

DECLARATION OF ESTALYN MARQUIS

1. I am an attorney with the Office of the Federal Public Defender for the Central District of California, licensed to practice law in California, and admitted to practice in this Court.
2. Mr. Michael Zimran recently contacted my Office seeking assistance filing a habeas corpus petition to challenge his detention at the Adelanto Detention Facility in Adelanto, California. He was among dozens of detainees calling my Office requesting information and help on their cases. My colleague, Raj N. Shah, was the attorney who took his call and was assigned to consult with him and gather information about his case.
3. On November 21, 2025, Mr. Shah, acting as proposed counsel, assisted Mr. Zimran in filing a petition for writ of habeas corpus and related documents in this Court. I am aware that before submitting these documents, Mr. Shah emailed a copy of them to counsel for the Government, Assistant United States Attorney Daniel A. Beck.
4. On November 25, 2025, the Court appointed my Office to represent Mr. Zimran with respect to his habeas petition. Mr. Shah was assigned by my Office to represent Mr. Zimran. Because Mr. Shah will be out of the office on pre-scheduled leave from December 2 to December 26, 2025, I have been assigned to represent Mr. Zimran during Mr. Shah's absence.
5. Based on my investigation to date, I am informed and believe the following:
    a. On November 16, 2006, Mr. Zimran was ordered removed from the United States to Pakistan by the Batavia Immigration Court in New York. He appealed to the Board of

Immigration Appeals and his appeal was dismissed on March 5, 2007.

b. From 2008 to 2020, Mr. Zimran was released on supervision pending his removal from the United States. During that period, he regularly checked in as required with Immigration and Customs Enforcement ("ICE") without any issues.

c. While Mr. Zimran was released on supervision, the United States attempted to obtain travel documents for him from the Pakistani Consulate. The Consulate sent Mr. Zimran correspondence in 2007 and 2009 stating it had referred his case to authorities in Pakistan for verification of his national status and was still awaiting a reply from them. The Consulate stated it was not able to issue travel documents to Mr. Zimran in the meantime. Copies of the 2007 and 2009 correspondence from the Pakistani Consulate were enclosed as **Exhibit A** to Mr. Zimran's habeas petition in this Court.

d. From late 2020 or early 2021 to March 2022, Mr. Zimran was re-detained by ICE for nearly a year in New York. His detention ended when a non-profit organization assisted him in filing a habeas corpus petition challenging his detention. In response, on March 8, 2022, ICE again released him on supervision while it awaited travel documents for his removal. Hence, on March 30, 2022, the Government and Mr. Zimran stipulated to dismiss his habeas petition. I have enclosed a copy of that stipulation as **Exhibit B** to this declaration.

e. After his release in March 2022, Mr. Zimran was initially placed on the "Intensive Supervisory Appearance Program"

(ISAP). He was required to regularly check in with ICE and wear an ankle monitor.

f. Mr. Zimran had no stable residence to return to when he was released and could not afford to procure housing because he had little money. He initially stayed with a friend in New York for a short period and later moved to Denver, Colorado in May 2022 in search of employment and affordable housing.

g. From May 2022 to September 2023, Mr. Zimran did not have a stable residence. He lived for several months in a homeless shelter in Denver as he looked for employment. And after he secured employment, he lived in various motels because he did not have enough money to rent an apartment.

h. On September 11, 2023, Mr. Zimran was given a new and more lenient order of supervision by ICE. The order required him to regularly check in with ICE's Denver Field Office, but did not require him to wear an ankle monitor.

i. Mr. Zimran was given a copy of the September 11, 2023 order of supervision. He mailed it to Mr. Shah on November 6, 2025—several weeks before Mr. Shah assisted him in filing a habeas petition. I have enclosed the order with this declaration as **Exhibit C**.

   i. Page 2 of the order is a "Personal Report Record" and constitutes a record of Mr. Zimran's check-in's with ICE. Mr. Zimran was instructed to bring this Record with him every time he checked in with ICE. Whenever he checked in with ICE, an ICE officer would log the date of the check-in, write in the officer's name, write in

when Mr. Zimran would next have to check in with ICE, and then hand the Record back to Mr. Zimran.

j. From September 11, 2023 to March 2025, Mr. Zimran lived in Denver and checked in regularly with ICE's Denver Field Office.

i. Mr. Zimran's Personal Report Record reflects he checked in with ICE every time he was ordered to: he checked in with ICE on September 11, 2023, January 17, 2024, September 11, 2024, and March 12, 2025.

ii. From September 11, 2023 to March 2025, Mr. Zimran worked as a security guard with different security companies in Denver. He still did not have enough money to rent an apartment or procure other housing, so he lived in different hotels and motels during this period. When checking in with ICE, he informed ICE officers that he had not been able to secure stable housing. He provided ICE officers with his phone number and a P.O. box as his mailing address. He was informed by the ICE officers he spoke to that this was sufficient.

iii. From September 11, 2023 to March 2025, Mr. Zimran checked his P.O. box at least once a week. He never received any notice from the Government during this period that it had procured travel documents for him. Nor did he receive any phone calls notifying him the Government had secured travel documents for him.

k. On March 12, 2025, Mr. Zimran checked in with ICE's Denver Field Office. He requested permission to move to

another state. He was told by ICE officers that he could move anywhere he wanted, but that he would need to check in with the local ICE field office when he did so. He was never told at this check-in that the Government had procured travel documents for him nor was he detained. Instead, the ICE officer he checked in with instructed him to return for another check-in on September 17, 2025.

l. In late May 2025, Mr. Zimran moved to Portland, Oregon in search of new employment. As instructed, he checked in with ICE's field office in Portland on June 2, within a few days of his arrival.

m. When he checked in at the Portland field office on June 2, he was re-detained by ICE. As he was being arrested, the arresting ICE officer orally remarked that there had been a change in circumstances justifying his re-detention: namely, ICE had obtained travel documents for Mr. Zimran and had been unable to contact him about the travel documents in December 2024. This was the first time Mr. Zimran had heard that travel documents had been issued in his case. Mr. Zimran was not given any opportunity to respond to these claims.

n. As he was being arrested, Mr. Zimran was shown several pages of documents, including a written notice that he was being re-detained. ICE officers instructed him to quickly sign some of these pages, threatening ICE would press charges against him if he did not. Mr. Zimran complied.

o. Mr. Zimran requested a copy of the written notice he was shown, but was never provided with it or any other papers connected to the revocation of his supervised release.

p. Mr. Zimran was transferred to the state of Washington and then transferred again to the Adelanto Detention Facility in Adelanto, California, where he remains detained.

q. Since he was detained, ICE has directed Mr. Zimran to submit passports, 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. But Mr. Zimran does not have a passport, birth certificate, national identification cards, or any other documents indicating his citizenship, nationality, place of birth, or place of residence before he entered the United States. Moreover, both of his parents are deceased.

r. Since he was detained, ICE has also directed Mr. Zimran to contact the Pakistani Consulate to apply for a passport and other travel documents, to request reinstatement of his nationality, to register as required, and to take any other action that will ensure issuance of a travel document.

s. Mr. Zimran has made every effort to comply with these requests. Mr. Zimran's only means of contacting the Consulate is by phone. The Adelanto Detention Facility has posted speed-dial numbers to reach different consulates on a wall in the facility. The posted speed-dial number for the Pakistani Consulate allows for phones at the facility to call the Consulate's Los Angeles office. Mr. Zimran has called the Consulate with this speed-dial number at least twice every

week since he was detained. Up until November 2025, he was told by the Consulate's Los Angeles office during these calls that it was verifying his national identity and that there was nothing else he needed to do.

t. Mr. Zimran has not been able to mail any materials to the Consulate because he does not have the Consulate's mailing address, has no means of finding the address because he has no internet access, and has never been given any paperwork or applications by ICE to submit to the Consulate.

u. On November 17, Mr. Zimran used the speed-dial number to call the Pakistani Consulate's Los Angeles office about the status of his case. The Consulate informed him it had received a Travel Document Request package from the Government, but could not issue him any travel documents because it had verified it has no records showing he is a Pakistani national. He asked the Consulate to send him a letter to this effect, but it refused to do so, telling him only ICE could ask for such a letter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, this day of December 2, 2025, in Los Angeles, California.

s/ Estalyn Marquis
ESTALYN MARQUIS
Deputy Federal Public Defender