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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 ALEXANDER SUAREZ-RAMIREZ,

14 Petitioner,

15 v.

16 PAMELA BONDI, Attorney General of the  
United States; KRISTI NOEM, Secretary,  
17 United States Department of Homeland  
Security; MICHAEL BERNACKE, Field  
Director, Salt Lake City Office; TODD  
18 LYONS, Acting Director; REGGIE  
RADER, Henderson Chief of Police,

19 Respondents.  
20

Case No. 2:25-cv-02369-MMD-EJY

**Federal Respondents' Opposition to  
Petitioner's Emergency Motion for  
Temporary Restraining Order**

21 **I. INTRODUCTION**

22 Petitioner seeks a temporary restraining order prohibiting the Department of  
23 Homeland Security ("DHS") from transferring him from this District and from effectuating  
24 a third-country removal. The motion should be denied because (1) this Court lacks  
25 jurisdiction to enjoin DHS's discretionary transfer decisions, and (2) the Supreme Court's  
26 stay in *Department of Homeland Security v. D.V.D.*, 145 S. Ct. 2153 (2025), forecloses the  
27 emergency relief Petitioner seeks.

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## II. ARGUMENT

### A. DHS Has Plenary Power to Transfer Detainees and This Court Lacks Jurisdiction to Review the Decision Regarding the Location of Detention

Petitioner asks the Court to prohibit DHS from transferring him from this District and seeks an order returning him to Nevada. That request fails at the threshold.

Under 8 U.S.C. § 1231(g)(1), the Attorney General (now the Secretary of Homeland Security) has authority to “arrange for appropriate places of detention for aliens detained pending... a decision on removal.” Courts have long recognized that this provision confers broad, discretionary authority over the location and transfer of immigration detainees. *Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999) (explaining that the Attorney General’s power to transfer immigrant detainees arises from 8 U.S.C. § 1231(g)(1)); *GandarillasZambrana v. Bd. Of Immigr. Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995) (“The INS necessarily has the authority to determine the location of detention of an alien in deportation proceedings . . . and therefore, to transfer aliens from one detention center to another.”); *Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1440 (9th Cir.), amended by 807 F.2d 769 (9th Cir. 1986) (“CCAR”) (recognizing “the Attorney General’s broad discretion in exercising his authority to choose the place of detention for deportable aliens”); *Rios-Berrios v. Immigr. & Naturalization Serv.*, 776 F.2d 859, 863 (9th Cir. 1985) (stating that the Court was not opining on whether the detainee should have been transferred to a different state, as that is a decision for the Attorney General); *Sasso v. Milhollan*, 735 F. Supp. 1045, 1048 (S.D. Fla. 1990) (“Congress . . . has squarely placed the responsibility of determining where aliens are to be detained within the sound discretion of the Attorney General.”).

Congress further stripped courts of jurisdiction to review such discretionary determinations. Section 1252(a)(2)(B)(ii) provides that “no court shall have jurisdiction to review any... decision or action... the authority for which is specified... to be in the discretion” of the Secretary. Transfer decisions fall squarely within that category. *Van Dinh*, 197 F.3d at 433–34.

1 Petitioner cannot manufacture jurisdiction by recasting a challenge to DHS's  
2 discretionary transfer authority as a due process claim. Courts have repeatedly rejected  
3 attempts to "cloak an abuse of discretion argument in constitutional garb." *Torres-Aguilar v.*  
4 *INS*, 246 F.3d 1267, 1271 (9th Cir. 2001).

5 Because Petitioner's request to enjoin transfer challenges a discretionary  
6 determination committed to DHS by statute, the Court lacks jurisdiction to grant that  
7 relief, and the motion for a TRO should be denied on that basis alone.

8 **B. The Supreme Court's Stay in *D.V.D.* Forecloses Emergency Injunctive Relief**

9 In March 2025, plaintiffs instituted *D.V.D. v. U.S. Department of Homeland Security*,  
10 No. 25-cv-10676 (BEM), in the District of Massachusetts, a putative class action  
11 challenging third-country removals. On March 28, 2025, that court entered a temporary  
12 restraining order enjoining DHS from removing individuals subject to final orders of  
13 removal to third countries unless certain conditions were met. On April 18, 2025, the court  
14 granted plaintiffs' motion for class certification and entered a preliminary injunction  
15 establishing procedures DHS was required to follow before effectuating third-country  
16 removals. The class was certified as a non-opt-out Rule 23(b)(2) class.

17 On June 23, 2025, the Supreme Court stayed the District of Massachusetts's  
18 preliminary injunction pending appeal in the First Circuit. *Dep't of Homeland Sec. v. D.V.D.*,  
19 145 S. Ct. 2153 (2025). That same day, the district court ordered that its remedial order  
20 granting relief to eight individual class members remain in effect. DHS moved for  
21 clarification, and on July 3, 2025, the Supreme Court granted the motion, allowing those  
22 individuals to be removed notwithstanding the district court's remedial order. The class  
23 certification in *D.V.D.* remains in effect, but the Supreme Court's stay suspended the  
24 operative effect of the district court's injunction prescribing procedures for third-country  
25 removals.

26 The Supreme Court's stay forecloses the relief Petitioner seeks here. At its core,  
27 Petitioner challenges how Respondents should implement a third-country removal and  
28 seeks to impose additional procedural requirements on DHS. That is precisely the

1 challenge brought by the *D.V.D.* class and addressed by the District of Massachusetts’s  
2 preliminary injunction.

3 By staying that injunction, the Supreme Court rejected the immediate enforceability  
4 of the procedural requirements imposed by the district court and allowed DHS to proceed  
5 under its existing policy while appellate review continues. This Court should avoid  
6 providing Petitioner with relief that may conflict with the relief, if any, ultimately provided  
7 to the *D.V.D.* class or with the Supreme Court’s decision to stay the preliminary injunction.

8 Petitioner cannot make an end run around the Supreme Court’s stay by seeking  
9 similar relief in this Court. Allowing a TRO here—whether framed as identical to or  
10 narrower than the procedures imposed in *D.V.D.*—would be directly contrary to the  
11 Supreme Court’s decision to stay the district court’s injunction while the merits are  
12 reviewed.

### 13 III. CONCLUSION

14 Finally, Petitioner has not demonstrated likelihood of success or irreparable harm  
15 warranting emergency relief. Transfer alone does not effect removal, and DHS policy  
16 provides notice and a mechanism to raise fear-based claims before any third-country  
17 removal proceeds. Speculative allegations of future harm are insufficient to justify a TRO,  
18 particularly where the Supreme Court has allowed DHS to proceed under its policy  
19 pending appeal.

20 Respectfully submitted this 17th day of December 2025.

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23 SIGAL CHATTAH  
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25 /s/ Christian R. Ruiz  
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