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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**

8 ZOLFIA HEKMAT,
9 ROYA MOHAMMADI,
10
11 Petitioners,

12 vs.

13 CHRISTOPHER CHESTNUT, warden
14 of California City Detention Center;
15 SERGIO ALBARRAN, San Francisco
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations ("ICE/ERO");
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 ("ICE");
22 KRISTI NOEM, Secretary of the
23 Department of Homeland Security
24 ("DHS");
25 PAMELA BONDI, Attorney General of
the United States,
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY;
28 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;
Respondents.

Case No.: **1:25-cv-01674-DAD-SCR**

APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE

1 Pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure,
2
3 Petitioners Zolfia Hekmat and Roya Mohammadi hereby move the Court for
4 emergency relief in the form of a temporary restraining order directing
5 Respondents to immediately release Petitioners from their custody and enjoining
6
7 the Respondents from relocating Petitioners outside of the Eastern District of
8 California pending further Order of the Court.

9
10 Petitioners further move for the issuance of an order to show cause as
11 to why a preliminary injunction should not issue.

12 This application is supported by the Memorandum of Points and
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14 Authorities, accompanying exhibits, and any additional submissions that may be
15 considered by the Court.

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18 Dated: January 9, 2026

Respectfully Submitted,

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21 /s/Brian J. McGoldrick
22 Brian J. McGoldrick
23 Counsel for the Respondent
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CivLR 231(c)(5)

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and CivLR 231(c)(5), I hereby certify that on January 9, 2026, at approximately 2:40 p.m. I emailed the U.S. Attorney's Office 2241 Unit and informed them that my office was preparing to file this *ex parte* application for TRO on Friday, January 9, 2026. I will provide a copy of the Application for a Temporary Restraining Order, Memorandum of Points and Authorities, Supporting Exhibits, and Petition for Writ of Habeas Corpus to the U.S. Attorney's Office for the Eastern District of California by email immediately after the pleadings are filed via ECF on January 9, 2026.

Dated: January 9, 2026

/s/Brian J. McGoldrick
Brian J. McGoldrick, Esq
Counsel for Respondent

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CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On January 9, 2026, I served a copy of this Application for TRO by email to the following individuals:

United States Attorney's Office
Robert E. Coyle United States Courthouse
2500 Tulare Street, Suite. 4401
Fresno, CA 93721
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/s/Brian J. McGoldrick
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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**

8 ZOLFIA HEKMAT,
9 ROYA MOHAMMADI,
10
11 Petitioners,

12 vs.

13 CHRISTOPHER CHESTNUT, warden of
14 California City Detention Center;
15 SERGIO ALBARRAN, San Francisco
16 Field Office Director, Immigration and
17 Customs Enforcement and Removal
18 Operations ("ICE/ERO");
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 ("ICE"); KRISTI NOEM, Secretary of the
22 Department of Homeland Security
23 ("DHS");
24 PAMELA BONDI, Attorney General of
25 the United States,
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY;
28 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: **1:25-cv-01674-DAD-SCR**

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3
4 Petitioners, Zolfia Hekmat and Roya Mohammadi, are mother and daughter
5 and citizens of Afghanistan in the custody of Immigration and Customs
6 Enforcement (“ICE”). Both are detained at California City Detention Center in
7 Kern County, CA.
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9
10 Petitioners have been unlawfully arrested and deprived of their liberty.
11 Petitioners were unlawfully arrested on October 8, 2025, by ICE officers when
12 they came to an ICE office check in.
13

14 Before their arrest in October, 2025, Petitioners had been free from ICE
15 custody since entry into the United States on May 26, 2024. Petitioners had been
16 welcomed into the United States through the CBP One program and had been
17 granted humanitarian parole. Petitioners do not have a final order of removal.
18

19 The petitioners were also given a Notice to Appear upon their parole. They
20 have attended all scheduled immigration court hearings. Their original asylum
21 applications were filed in November 26, 2024.
22

23 Since their release and throughout the duration of their immigration cases,
24 Petitioners have remained free from custody and established a new life here in the
25 United States. They have found a community, work, friends and support. After
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1 their last scheduled asylum hearing they called their local ICE office to enquire
2 whether they should come for a check in since there was not conclusion at the
3 hearing. They were told to come in to the ICE office the following day, October 8,
4 2025. When they entered they were each led to a separate room and, to their
5 complete shock and dismay, they were put in handcuffs and led away.
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8 There had been no change in circumstances prior to this detention. Neither
9 was given notice prior to their re-detention. There was no cause for their detention.
10 Petitioners are currently detained at California City Detention Center. Petitioners'
11 arrests and detentions violate their rights under the Fourth Amendment's protection
12 against unreasonable seizure and the Fifth Amendment's Due Process Clause, and
13 they were a violation of the Administrative Procedure Act ("APA"), 5 U.S.C.
14 sections 706(2)(A), (B), (C).
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18 Petitioners therefore seek a Temporary Restraining Order ("TRO") that
19 enjoins Respondents from relocating Petitioners outside of the district, orders
20 Respondents to immediately release Petitioners, and enjoins Respondents from re-
21 detaining Petitioners without further order of this court. A TRO is necessary to
22 maintain the status quo, to avoid irreparable harm to Petitioners, and to ensure that
23 this Court is not deprived of jurisdiction over Petitioners' claims should Petitioners
24 be relocated outside of the district before their claims are considered.
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ARGUMENT

The requirements for granting a Temporary Restraining Order are “substantially identical” to those for granting a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7(9th Cir.2001).

Petitioners must demonstrate that (1) he is likely to succeed on the merits of his claims; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) The balance of equities tips in his favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22(2008). A sliding scale test may be applied and an injunction should be issued when there is a stronger showing on the balance of hardships, even if there are “serious questions on the merits ... so long as the plaintiff also shows a likelihood of irreparable harm and that the injunction is in the public interest.” *All. For the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011); *see also Flathead-Lolo-Bitterroot Citizen Task Force v. Montana*, 98 F.4th 1180, 1190(9th Cir. 2024).

Petitioners satisfy the criteria and a TRO should be granted.

I. Petitioners are Likely to Succeed on the Merits of Their Claims.

Petitioners are likely to succeed on the merits of their underlying petition because their arrest and re-detention violates their Fourth Amendment right against unreasonable seizure, their Fifth Amendment right to Due Process before their

1 liberty is restrained, and the APA because Respondents' actions are arbitrary,
2 capricious, and a violation of the Constitution and immigration law.
3

4 Petitioners' arrest violates the Fifth Amendment Due Process Clause
5 because they were deprived of liberty without due process of law. "Freedom from
6 imprisonment-from government custody, detention, or other forms of physical
7 restraint-lies at the heart of the liberty that [the Due Process] Clause protects."
8 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
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11 Petitioners developed significant liberty interests in the year and a half they
12 remained free from immigration custody. *See Morrissey v. Brewer*, 408 U.S. 471,
13 482 (1972) (reasoning that the Government's decision to release an individual
14 carries an implicit promise they will not be re-detained absent a violation of the
15 conditions of their release). Here, the Government released Petitioners one and a
16 half years ago. They have complied with conditions of release and appeared at
17 immigration proceedings. Likewise, Petitioners have integrated themselves in the
18 community by participating in the life of their local community and working since
19 getting work authorization. *See id.* (explaining petitioners can use employment "to
20 form the ... enduring attachments of normal life," and terminating that liberty
21 would be a "grievous loss").
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1 (finding [p]etitioner has a private interest in remaining free, which developed over
2 the year he resided in the United States.”) in *Noori v. Larose*, the petitioner was
3 paroled into the U.S., and the Government alleged they terminated his parole,
4 requested his removal proceedings be terminated for an “improvidently issued
5 NTA”, arrested petitioner after he appeared at his removal proceedings in
6 immigration court and had just walked into the hallway. They eventually placed
7 petitioner in expedited removal proceedings. *Id.* at *2.

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11 In this case, Petitioners have an equally strong liberty interest as Mr. Noori.
12 Petitioners entered the United States on January 23, 2024. Subsequently the
13 Government determined they were not a flight risk or a danger to society and were
14 released on humanitarian parole January 23, 2025. They have developed ties to the
15 community in living and working in the United States for a year and a half. The
16 arrest and re-detention of Petitioners without a pre-detention hearing violates the
17 Fifth Amendment Due Process Clause.
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21 The government’s contention that petitioners had missed several electronic
22 check ins does not obviate their requirement to give the petitioners notice of
23 revocation of parole. Due process demands that the petitioners have notice and, at
24 the very least, an opportunity to respond. Electronic surveillance is rife with
25 network and power supply problems on both ends of the system. At the very least
26

1 the government needs to give them notice, pursuant to the regulations, and an
2 opportunity to be heard. Here, the petitioners were simply revoked their parole
3 with no attention to process.
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5 Petitioners' arrest and detention also violate the APA. Under the APA, a
6 court must "hold unlawful and set aside agency action" that is "arbitrary,
7 capricious, an abuse of discretion, or otherwise not in accordance with the law";
8 that is "contrary to constitutional right [or] power: or that is "in excess of statutory
9 jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C.
10 §§ 706(2)(A)-(C). Never, in any of the previous interactions with ICE did
11 noncitizens get notified that there was a problem with their check ins or that their
12 parole was going to be revoked. Only after ICE officials were commanded to
13 detain 3000 immigrants a day¹ did the Government suddenly claim that the code
14 required the detention of all noncitizens. Re-detaining Petitioners is arbitrary,
15 capricious, and contrary to law. Detention is only authorized for the purposes of
16 removal. *Zadvydas v Davis* 533 U.S. 678, 690 (2001) (clarifying that detention
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25 ¹ <https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota>:
26 29 May 2025: The Trump administration has set aggressive new goals in its anti-immigration agenda, demanding
27 that federal agents arrest 3,000 people a day – or more than a million in a year.
28 The new target, tripling arrest figures from earlier this year, was delivered to Immigration and Customs Enforcement
(Ice) leaders by Stephen Miller, the White House deputy chief of staff, and Kristi Noem, the Department of
Homeland Security (DHS) secretary, in a strained meeting last week.

1 pending removal has “two regulatory goals”-ensuring future appearances and
2 preventing danger to the community). The Petitioners original humanitarian parole
3 “reflects a determination by the government that the noncitizen is not a danger to
4 the community or a flight risk.” *Saravia v. Sessions*, 280 F.Supp. 3d 1168,1176
5 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v Sessions*, 905 F.3d 1137 (9th
6 Cir. 2018). There have been no changed circumstances, and Respondents have not
7 provided any explanation to ‘justify their current departure from their prior
8 decisions[s].’ *Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 WL 1898025, at*13
9 (D. Or. July 9, 2025) (finding violation of APA where Government re-detained
10 petitioner released on parole where no reasoned explanation or change of
11 circumstances).

12 Here, ICE’s action violated the Petitioners’ Fourth and Fifth Amendment
13 rights, violated their parole, and was arbitrary and capricious and Petitioners are
14 likely to prevail on the merits.

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21 **II. Petitioners will suffer irreparable Harm in the Absence of a TRO**

22 The violation of Petitioners’ constitutional rights unquestionably constitutes
23 irreparable harm. *See Hernandez v. Sessions*, 872 F.d3d 976, 994 (9th Cir. 2017)
24 (“It is well established that the deprivation of constitutional rights unquestionably
25 constitutes irreparable injury”) (internal quotations omitted). In the absence of a
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1 TRO, Petitioners' unlawful deprivation of liberty in violation of the Constitution
2 and immigration law continues to harm them each and every day.
3

4 **III. The Balance of Equities Tips in Petitioners' Favor, and a TRO is**
5 **in the Public Interest.**
6

7 Because the Government is a party, these two factors are considered
8 together. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Petitioners have established
9 that the public interest factor weights in their favor because their claims assert that
10 the Government has violated federal laws in several respects. *See Valle del Sol,*
11 *Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir. 2013). The Ninth Circuit has also
12 stated that "[a] plaintiff's likelihood of success on the merits of a constitutional
13 claim also tips the merged third and fourth facto decisively in his favor." *Baird v.*
14 *Bonta*, 81 4.4th 1036, 1042 (9th Cir. 2023).
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18 **CONCLUSION**

19 For the foregoing reasons, the Court should grant Petitioners' Application for a
20 Temporary Restraining Order and Order to Show Cause.
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23 Dated: January 9, 2026

24 /s/Brian J. McGoldrick
25 Brian J. McGoldrick, Esq.
26 Counsel for Respondent
27

CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On January 9, 2026, I served a copy of this Memorandum of Points and Authorities and Exhibits by email to the following individuals:

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