

District Judge Kymberly K. Evanson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADEN HUSSEN HASSAN,

Petitioner,

v.

PAMELA BONDI, *et al.*,¹

Respondents.

Case No. 2:25-cv-02444-KKE

FEDERAL RESPONDENTS' RETURN
AND OPPOSITION TO PETITIONER'S
MOTION FOR TEMPORARY
RESTRAINING ORDER

Noted for Consideration:
December 24, 2025

Federal Respondents, by and through their attorneys, submit their Return to Petitioner's habeas corpus petition ("Petition") and Opposition to Petitioner's motion for a temporary restraining order ("TRO"). Dkt. No. 2, Petition for Writ of Habeas Corpus ("Petition" or "Pet"); Dkt. No. 13, TRO Motion ("Motion" or "Mot.").

There is no doubt that there is significant likelihood of removal in this case. Petitioner has been detained for less than five months, and his detention is therefore presumptively reasonable under *Zadvydas*. Petitioner's detention is lawful, has not become indefinite, and his removal is significantly likely in the reasonably foreseeable future. Petitioner presents no evidence of his

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 removal to a third country, and ICE solely intends to remove Petitioner to his home country of
2 Somalia. Indeed, ICE has a travel document for Somalia,² and he would be scheduled for the next
3 available flight to Somalia absent the extraordinary relief provided by this Court. As soon as the
4 Order provisionally granting the TRO is lifted by this Court, Petitioner will be removed on the
5 next available flight to Somalia, where flights occur regularly.

6 Further, Petitioner fails to make a clear showing that he is entitled to the extraordinary
7 remedy of a TRO. Petitioner presents no medical evidence that he is unfit for travel or that he has
8 received inadequate medical care. Record evidence, such as the medical declaration provided
9 herein, demonstrate that Petitioner is fit for travel, receiving adequate medical care, and does not
10 need to be released for a “medical emergency.” NWIPC has a level 4 medical facility and
11 coordinates with local hospitals for treatment beyond their capabilities when necessary. Federal
12 Respondents provide herein detailed information on Petitioner’s health, which includes that
13 Petitioner has obtained regular medical treatment for various conditions, including dialysis.
14 Medical professionals assert in their professional opinion that Petitioner is medically fit for travel.
15 ICE will ensure Petitioner receives dialysis the day before his travel, consistent with the medical
16 guidelines as provided in Dr. Wang’s Declaration when scheduling Petitioner’s removal
17 arrangements.

18 Finally, the Court lacks jurisdiction to review any assertion by Petitioner that he is not
19 removable as charged. Removal proceedings are a matter solely for the immigration court and are
20 not reviewable by this Court or properly asserted in a habeas petition.

21 For these reasons, Federal Respondents respectfully request that the Court deny
22 Petitioner Aden Hussen Hassan’s motion for a temporary restraining order and deny the habeas
23

24 ² Petitioner’s travel document was provided to Petitioner’s counsel by the U.S. Attorney’s Office on December 12,
2025. Declaration of Jennifer Wong (Wong Decl.) ¶ 3.

petition in its entirety. This return and opposition are supported by the pleadings and documents on file in this case, the Declaration of Joseph B. Carnevale ("Carnevale Decl."), the Declaration of Dr. Eddie Ling-Tse Wang ("Dr. Wang Decl."), and the Declaration of Jennifer Wong ("Wong Decl."), with accompanying exhibits. Federal Respondents do not believe any hearing is necessary.

I. FACTUAL BACKGROUND

A. Petitioner Aden Hussen Hassan

Petitioner is a native and citizen of Somalia. He was convicted of assault in the third degree, in violation of Minnesota State Statute § 609.223, Subdivision 1 and sentenced to 365 days of incarceration. Carnevale Decl. ¶ 6. As a result of this conviction, Petitioner was issued a Notice to Appear ("NTA") under INA § 237(a)(2)(A)(iii) on October 27, 1999. Carnevale Decl. ¶ 7; Wong Decl. at Exs. 1, 2 (Notice to Appear; I-213). The Government also charged Petitioner as removable under INA § 237(a)(2)(A)(i) with the filing of a Form I-261, alleging that his conviction is for a crime involving moral turpitude. Carnevale Decl. ¶ 8.

On or about July 20, 2000, Petitioner was convicted of disorderly conduct under Minnesota State Statute § 609.72. *Id.* ¶ 9. On or about March 5, 2001, Petitioner's application for asylum and withholding of removal was denied by an immigration judge. *Id.* ¶ 10. Petitioner was ordered removed to "any country besides Somalia" and granted his application for withholding under the Convention Against Torture ("CAT") to Somalia. *Id.* In response to these orders, the Government filed a motion to reopen proceedings and terminate Petitioner's grant of withholding on March 28, 2001, and a motion to remand proceedings on April 18, 2001. *Id.* ¶¶ 11-12. Petitioner filed a Notice of Appeal with the Board of Immigration Appeals ("BIA") on April 3, 2002. *Id.* ¶ 13.

1 Petitioner was ordered removed to Somalia by an immigration judge on April 29, 2003.
2 Carnevale Decl. ¶ 15; Wong Decl. at Ex. 3 (Order of Removal). The BIA denied Petitioner's
3 appeal on August 24, 2004. Carnevale Decl. ¶ 17. The removal order became administratively
4 final on May 11, 2006, when the Eighth Circuit Court of Appeals denied Petitioner's petition of
5 review. *Id.* ¶ 19. He was issued an Order of Supervision ("OSUP") on September 27, 2004.
6 Carnevale Decl. ¶ 18; Wong Decl. at Ex. 4 (Order of Supervision).

7 From 2011 to 2017, Petitioner was arrested for several state criminal offenses, convicted
8 on false imprisonment and terroristic threats, and pled guilty to the crime of controlled substance
9 crime in the fifth degree. *Id.* ¶¶ 20-21. On July 9, 2025, Petitioner was taken into federal custody
10 in Minneapolis, Minnesota, by the Department of Homeland Security ("DHS"). *Id.* ¶ 22. He was
11 transported to the Mayo Clinic in Mankato, Minnesota on July 10, 2025, for health issues, and
12 stayed at this clinic until July 29, 2025, when he was transferred to the NWIPC. *Id.* ¶¶ 23-24.

13 On November 26, 2025, DHS sent a request for travel documents to the Somali
14 government and received a travel document for Petitioner on December 10, 2025. *Id.* ¶¶ 26-27.
15 Petitioner's counsel was provided a copy of the travel document on December 12, 2025. Wong
16 Decl. ¶ 3. Federal Respondents notified this Court of ICE's intention to remove petitioner on
17 December 10, 2025. Dkt. No. 10. Petitioner filed a TRO on December 12, 2025. Dkt. No. 13.
18 This Court provisionally granted the TRO in part pending Federal Respondents' response to the
19 motion, prohibiting Federal Respondents from removing Petitioner from the United States or this
20 jurisdiction without further notice of the Court. *See* Dkt. No. 14.

21 Pursuant to this Court's order (Dkt. No. 14), ICE has not rescheduled Petitioner's travel.
22 Wong Decl. ¶ 4. Upon a lifting of the extraordinary temporary relief provided by this Court, ICE
23 will expeditiously seek to remove Petitioner at the next available travel date. *Id.* ¶ 5.

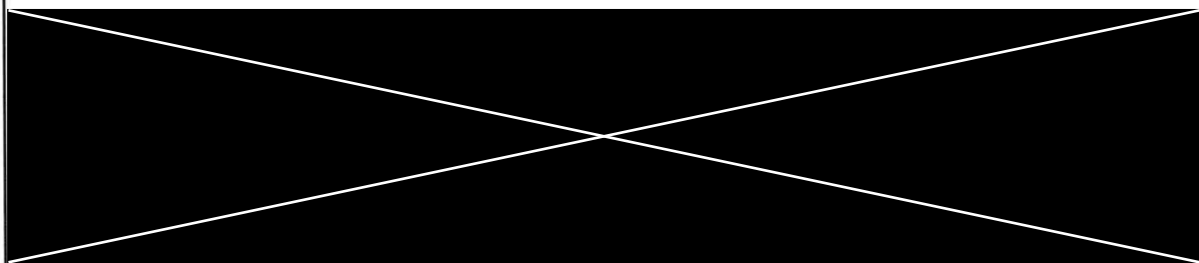
DHS is currently working on logistics for Petitioner's removal to Somalia. Carnevale Decl. ¶ 28. There is no doubt in this case that there is a significant likelihood of Petitioner's removal in the reasonably foreseeable future. *Id.* DHS is not currently seeking to remove Petitioner to any other country other than Somalia. *Id.* ¶ 29.

B. Medical Treatment at NWIPC

After Petitioner arrived at the NWIPC on July 29, 2025, he reported that he began dialysis prior to arriving at NWIPC and was promptly evaluated and transferred to the emergency room for dialysis setup. Dr. Wang Decl. ¶ 8. Petitioner has consistently received scheduled dialysis treatments on Tuesdays, Thursdays, and Saturdays without interruption. *Id.*

Petitioner has been seen by various medical professionals for complaints of chest pain. Based on a medical assessment taken by Petitioner on October 17, 2025, Petitioner's reported chest pain would not prevent him from travelling for removal. *Id.* ¶ 10. Petitioner has also undergone cariological evaluation with negative results and provided psychiatric treatment. *Id.* ¶¶ 11-12. Based on a follow-up on or about November 26, 2025, neither Petitioner's psychiatric condition nor his treatment would prevent him from travelling for removal. *Id.* ¶ 12.

Petitioner received treatment on multiple occasions for foot pain. *Id.* ¶ 13. Petitioner has received appropriate care for other medical complaints, including gingivitis, sinus issues, earache, trouble sleeping, and episodic heartburn. *Id.* ¶ 14. He has been evaluated and treated by specialists such as podiatry and dental. *Id.* None of these conditions were medical emergencies, and none of them would prevent Petitioner from travelling for removal. *Id.*



1 [REDACTED] but the
2 procedure was well-tolerated. *Id.* This procedure is not evidence of a medical emergency and
3 would not prevent Petitioner from traveling for removal. *Id.*

4 Petitioner is currently receiving all medically necessary care for his chronic conditions,
5 including dialysis, and has access to specialty care as required. *Id.* ¶ 16. There is no evidence at
6 this time of a medical emergency or life-threatening condition that is not being adequately
7 addressed. *Id.*

8 Petitioner's current medical status is stable. *Id.* ¶ 17. He is receiving comprehensive and
9 appropriate medical care at NWIPC, including but not limited to regular dialysis and clinical
10 monitoring for any complications. *Id.*

11 On December 16, 2025, Petitioner exhibited a low grade fever of 99 degrees Fahrenheit
12 and was generally not feeling well. *Id.* ¶ 18. He was sent to the ER for further evaluation to rule
13 out [REDACTED] It was reported that Petitioner was positive for influenza. It is
14 anticipated that he will recover fully. *Id.*

15 The only medical accommodation necessary to enable Petitioner to travel for removal is
16 to ensure that Petitioner has dialysis one day before his departure, depending on the length of the
17 trip. *Id.* ¶ 19. There is no need for special medical accommodations while Petitioner is travelling.
18 For continued medical care after removal, arrangements would need to be made for uninterrupted
19 dialysis and other treatment at Petitioner's destination. *Id.* ¶ 18.

20 In sum, Dr. Wang's declaration demonstrates that Petitioner is fit to travel, provided that
21 he is transported for removal. Petitioner fails to provide medical evidence to the contrary.
22 Petitioner's claim that he is unfit to travel is not supported by the medical records. There has not
23 been a failure to provide him with necessary and appropriate healthcare, and based on Dr. Wang's
24 medical opinion, Petitioner is fit for travel.

II. LEGAL STANDARD

“The district courts of the United States ... are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopah Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020). Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

The standard for issuing a temporary restraining order is “substantially identical” to the standard 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). “It frequently is observed that a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, **by a clear showing**, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis in original) (internal quotations omitted); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

A plaintiff seeking a preliminary injunction must show that: (1) he is likely to succeed on the merits, (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*, 555 U.S. at 20. Alternatively, a plaintiff can show that there are “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter* factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (internal quotation omitted).

1 “A mandatory injunction goes well beyond simply maintaining the status quo pendente
 2 lite and is particularly disfavored.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*,
 3 571 F.3d 873, 879 (9th Cir. 2009) (internal quotation omitted). Where a plaintiff seeks mandatory
 4 injunctive relief, “courts should be extremely cautious.” *Stanley v. Univ. of S. California*, 13 F.3d
 5 1313, 1319 (9th Cir. 1994) (internal quotation omitted). Thus, in a mandatory injunction request,
 6 the moving party “must establish that the law and facts *clearly favor* [his] position, not simply
 7 that [he] is likely to succeed.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015)
 8 (emphasis in original).

9 **III. ARGUMENT**

10 **A. The Petition should be denied because Petitioner’s detention is lawful.**

11 **1. Petitioner’s detention is not indefinite or unconstitutionally prolonged.**

12 Petitioner has not demonstrated that his detention has become “indefinite” or
 13 unconstitutional. In *Zadvydas*, the Supreme Court analyzed whether the potentially open-ended
 14 duration of detention pursuant to 8 U.S.C. § 1231(a)(6) is constitutional. The Court read an
 15 implicit limitation of post-removal detention “to a period reasonably necessary to bring about that
 16 alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. It was further specified that
 17 Section 1231(a)(6) does not permit indefinite detention. *Id.* Thus, “once removal is no longer
 18 reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

19 The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of
 20 burdens is applied to assess the continuing lawfulness of a noncitizen’s post-order detention. *Id.*
 21 (stating that “for detention to remain reasonable, as the period of post-removal confinement
 22 grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink”).
 23 However, the Supreme Court determined that it is “presumptively reasonable” for the
 24 Government to detain a noncitizen for six months following entry of a final removal order, while

1 it worked to remove the noncitizen from the United States. *Id.* at 701. Thus, the Supreme Court
2 implicitly recognized that six months is the earliest point at which a noncitizen's detention could
3 raise constitutional issues. *Id.* Moreover, the Supreme Court noted the six-month presumption
4 "does not mean that every [noncitizen] not removed must be released after six months. To the
5 contrary, [a noncitizen] may be held in confinement until it has been determined that there is no
6 significant likelihood of removal in the reasonably foreseeable future." *Id.*

7 Petitioner has been detained for less than five months. *See* Carnevale Decl. ¶ 22.
8 Petitioner's detention is therefore presumptively reasonable under *Zadvydas*. Petitioner was taken
9 into federal custody in Minneapolis, Minnesota on July 9, 2025. *Id.* ¶ 22. He was transported to
10 the Mayo Clinic in Mankato, Minnesota on July 10, 2025, and stayed at this clinic until July 29,
11 2025, when he was transferred to the NWIPC. *Id.* ¶¶ 23-24.

12 There is no doubt in this case that Petitioner's presumptively reasonable period under
13 *Zadvydas* has not ended, and Petitioner fails to demonstrate that there is good reason to believe
14 that there is no significant likelihood of removal in the reasonably foreseeable future. Indeed,
15 DHS received a travel document for Petitioner from the Somali government on December 10,
16 2025. *Id.* ¶ 27. Petitioner's counsel was provided with a copy of that travel document on
17 December 12, 2025. Wong Decl. ¶ 4. Federal Respondents also filed a Notice of Removal on the
18 same date, so the Court and Petitioner had notice of ICE's intent to remove Petitioner. *See* Dkt.
19 No. 10. Petitioner filed a TRO on December 12, 2025. Dkt. No. 13. This Court provisionally
20 granted the TRO in part pending Federal Respondents' response to the motion, prohibiting
21 Federal Respondents from removing Petitioner from the United States or this jurisdiction without
22 further notice of the Court. *See* Dkt. No. 14.

23 Based on the record, there is no doubt that there is a significant likelihood of Petitioner's
24 removal to Somalia in the reasonably foreseeable future.

1 Further, the fact that Petitioner does not yet have a specific date of anticipated removal does
2 not make his detention indefinite. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008).
3 Detention becomes indefinite in situations where the country of removal refuses to accept the
4 noncitizen or if removal is legally barred. *Id.* There is no reason to believe that is the situation
5 here. Consequently, Petitioner has failed to demonstrate a good reason to believe that there is no
6 significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at
7 701.

8 **2. Petitioner's re-detention is neither arbitrary nor in violation of due process.**

9 To the extent that Petitioner challenges his detention because he believes ICE provided no
10 lawful rationale for the decision to rearrest him, the record shows that ICE detained Petitioner because
11 his removal is now foreseeable with the issuance of a temporary travel document from the Somali
12 government. Carnevale Decl. ¶ 27.

13 The cases that Petitioner invokes in urging application of the *Mathews* factors are inapposite. Each
14 arises in the context of pre-order detention or under regulatory schemes wholly distinct from the post-
15 order detention framework at issue here. Petitioner does not challenge that he is subject to an
16 administratively final order of removal. As such, the authorities cited provide little meaningful
17 guidance and serve primarily as a distraction from the controlling standards under *Zadvydas*. Somalia
18 now cooperates with the United States in effectuating removals, and Petitioner's removal is
19 reasonably foreseeable satisfying the *Zadvydas* standard and rendering his current detention lawful.
20 None of Petitioner's authorities alter the governing analysis, and none undermine the lawfulness of
21 Petitioner's current detention.

22 With his removal pending, the government has significant legitimate interests in Petitioner's
23 continued detention to ensure he will appear for removal. Petitioner poses a risk of flight because he
24 alleges no avenue to seek relief from removal. Moreover, his detention has not become "indefinite,"

1 and his removal is significantly likely in the reasonably foreseeable future. This Court should not
2 order that he be released.

3 **3. Petitioner lacks standing to pursue claims based on speculative removal to a**
4 **third country, and his claim is speculative and not ripe for review.**

5 Petitioner purports to bring claims challenging the constitutionality of his possible removal to
6 a third country as a likely violation of the Fifth Amendment, 8 U.S.C. § 1231, the Eighth Amendment,
7 the Convention Against Torture, the INA, the APA, and relevant implementing regulations. Pet. at
8 26-28. Such claims are based on the hypothetical scenario of his removal to a third country other than
9 Somalia, which are entirely speculative and not ripe for review. DHS does not presently intend to
10 remove Petitioner to a third country and is currently solely seeking to remove Petitioner to Somalia.
11 Carnevale Decl. ¶ 29. There is no case or controversy because there is no concrete indication that
12 removal to any third country will occur.

13 Further, such claims are not the proper subject of an immigration habeas petition, considering that
14 Petitioner presents no evidence that Federal Respondents seek to remove him to a third country. *See*
15 *Tran*, 2025 WL 3140462, at *4 (citing *Zadvydas*, 533 U.S. at 688). DHS does not have the intention
16 of seeking Petitioner's removal to any other country other than Somalia. Carnevale Decl. ¶ 29.
17 Therefore, Petitioner's claims are speculative and not part of a live controversy because there is no
18 concrete indication that removal to a third country will occur. Thus, these claims should be dismissed
19 as premature.

20 **B. The TRO should be denied in its entirety because Petitioner has not established that**
21 **the law and facts clearly favor injunctive relief.**

22 **1. Petitioner is unlikely to succeed on the merits of his claims.**

23 Petitioner's two claims in his TRO Motion—that he should be immediately released
24 because he requires non-carceral medical care and that he is no longer removable as charged—
are without merit.

1 First, Petitioner is unlikely to succeed on his claim that he needs immediate relief to
2 receive non-carceral medical care and avoid being transferred to another district. TRO Mot. at 4.
3 He is currently receiving all medically necessary care for his chronic conditions, including
4 dialysis, and has access to specialty care as required. Dr. Wang Decl. ¶ 16.

5 The NWIPC is a level 4 facility, meaning that it can provide a higher level of medical
6 care. Medical, dental, and mental health care at NWIPC is provided by the ICE Health Service
7 Corps (“IHSC”), which comprises of a multidisciplinary workforce consisting of U.S. Public
8 Health Service Commissioned Corps officers, federal civil servants, and contract health
9 professionals. *Id.* ¶ 4. The medical clinic includes family medicine and emergency medicine
10 physicians, physician aids, advanced nurse practitioners, nurses, record technicians, pharmacists
11 and pharmacy technicians, psychiatrists and behavioral health specialists, and dentists and dental
12 technicians. *Id.* NWIPC can manage patients with complex medical issues and collaborates with
13 multiple nearby emergency departments that can assist in assessing critical patients and
14 hospitalize unstable patients. *Id.* NWIPC also has collaborative agreements with local specialty
15 services that cover all aspects of medical specialties. *Id.* IHSC provides professional telephonic
16 and video interpreter services for patient care and requires their use whenever a clinician does not
17 share the patient’s preferred language. *Id.* ¶ 5. Urgent care is not delayed while interpreter services
18 are arranged. *Id.*

19 Here, there is no evidence at this time of a medical emergency or life-threatening condition
20 that is not being adequately addressed, *Id.* ¶ 16. Petitioner’s current medical status is stable. *Id.* ¶
21 17. He is receiving comprehensive and appropriate medical care at NWIPC, including but not
22 limited to regular dialysis and clinical monitoring for any complications. *Id.*

23 The only medical accommodation necessary to enable Petitioner to travel for removal is
24 to ensure that Petitioner has dialysis one day before his departure, depending on the length of the

1 trip. *Id.* ¶ 19. There is no need for special medical accommodations while Petitioner is travelling.
2 *Id.* For continued medical care after removal, arrangements would need to be made for
3 uninterrupted dialysis and other treatment at Petitioner's destination. *Id.* ICE will ensure
4 Petitioner receives dialysis one day prior to removal consistent with the travel recommendations
5 provided in Dr. Wang's declaration. Petitioner presents *no medical evidence* of any condition or
6 inadequate treatment warranting the substantial relief he seeks. *See* TRO Mot. Absent any
7 evidence and in the face of reliable medical testimony provided by Federal Respondents, there is
8 no likelihood of success on the merits here.

9 Second, the TRO Motion also seeks Petitioner's immediate release based on Petitioner's
10 claims that he is no longer removable as charged. TRO Mot. at 9. He asserts that he has a valid
11 claim in immigration court to reopen and terminate his deportation proceedings because one of
12 the state crimes that he had been convicted of is no longer considered to involve moral turpitude.
13 *Id.* at 8-9. However, this request is in clear contradiction to the IIRIRA. "The IIRIRA
14 substantially limited the availability of judicial review and streamlined all challenges to a removal
15 order into a single proceeding: the petition for review." *Nken v. Holder*, 556 U.S. 418, 424 (2009)
16 (citing 8 U.S.C. § 1252(a)(2) (barring review of certain removal orders and exercises of executive
17 discretion); Section 1252(b)(3)(C) (establishing strict filing and briefing deadlines for review
18 proceedings); Section 1252(b)(9) (consolidating challenges into petition for review). "A petition
19 for review filed *with an appropriate court of appeals* in accordance with this section shall be the
20 sole and exclusive means for judicial review of an order of removal." 8 U.S.C. § 1252(a)(5)
21 (emphasis added). Therefore, this Court does not have jurisdiction to consider Petitioner's request
22 to review the removal order.

Further, for the reasons discussed above, Petitioner's detention is lawful, and he is not entitled to release from detention under *Zadvydas*. Accordingly, Petitioner has not demonstrated that he is likely to succeed on the merits.

2. Petitioner is unlikely to suffer irreparable harm in the absence of preliminary relief.

Petitioner has not demonstrated that he will suffer irreparable injury absent the mandatory injunctive relief he seeks. To do so, he must demonstrate "immediate threatened injury." *Caribbean Marine Services Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *Los Angeles Memorial Coliseum Commission v. National Football League*, 634 F.2d 1197, 1201 (9th Cir.1980)). Merely showing a "possibility" of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. "Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter*, 555 U.S. at 22.

Here, Petitioner has not established that "irreparable injury is likely in the absence of an injunction." *Winter*, 555 U.S. at 22. Based on the declarations made by Dr. Wang, the record demonstrates that the TRO's claim that Petitioner needs immediate relief outside of his current detention is unsupported. Petitioner is not undergoing a medical emergency that would require immediate relief, as claimed in the TRO Motion. His current medical status is stable, and he is receiving comprehensive and appropriate medical care at NWIPC, including but not limited to regular dialysis and clinical monitoring for any complications. Dr. Wang Decl. ¶ 17. Petitioner recently tested positive for influenza, but it is anticipated that he will recover fully. *Id.* ¶ 18. There has not been a failure to provide him with necessary and appropriate healthcare at NWIPC. *See id.* ¶ 16.

1 Petitioner is also not unfit to travel and his travel to Somalia will not disrupt his medical
2 treatment. As declared by Dr. Wang, there is no need for special medical accommodations while
3 Petitioner is travelling. *Id.* ¶ 19. For continued medical care after removal, arrangements would
4 need to be made for uninterrupted dialysis and other treatment at Petitioner's destination. *Id.*

5 Finally, Petitioner has not demonstrated that his health conditions have been caused by
6 the medical treatment at NWIPC. Prior to arriving at the NWIPC, Petitioner had a history of
7 chronic kidney disease and hypertension. *Id.* ¶ 7. His medical records document stage 4 chronic
8 kidney disease first noted in October 2023 and hypertension dating back to at least 2018, with
9 multiple episodes of hypertensive urgency and emergency reflected in his clinical history. *Id.* In
10 the week leading up to his arrest on July 9, 2025, Mr. Hassan had reported running out of his
11 antihypertensive medications, which precipitated a hypertensive crisis and acute worsening of his
12 kidney function. *Id.* Upon arrival at a detention facility in Minnesota, he was already
13 symptomatic, with critically elevated blood pressure and signs of acute kidney injury. *Id.* The
14 intake facility appeared to respond promptly by sending him to the emergency department, where
15 he was admitted to the Mayo Clinic hospital in Mankato, Minnesota on or about July 10, 2025.
16 *Id.* Despite medical intervention, his renal function continued to deteriorate, and the care team
17 attributed his kidney failure to uncontrolled hypertension superimposed on advanced chronic
18 kidney disease. *Id.* The clinical timeline and documentation demonstrate that Petitioner's acute
19 episode was likely the culmination of years of improperly controlled hypertension and
20 progressive kidney disease. *Id.* Further, Petitioner does not provide evidence to support his claim
21 that his health conditions have been caused by the medical treatment at NWIPC.

22 Accordingly, Petitioner has not demonstrated that he will be subject to immediate
23 irreparable injury if not released.

1 **3. The balance of the equities and public interests favor the Government.**

2 The final two factors for a preliminary injunction—the balance of hardships and public
3 interest—“merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. It is well-
4 settled that the public interest in enforcement of United States immigration laws is significant.
5 *See United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Nken*, 556 U.S. at 435 (“There
6 is always a public interest in prompt execution of removal orders: The continued presence of an
7 alien lawfully deemed removable undermines the streamlined removal proceedings IIRIRA
8 established, and permit[s] and prolong[s] a continuing violation of United States law.”). Petitioner
9 is subject to a final order of removal, and the government may detain him as a result, and it has
10 an interest in enforcing U.S. immigration laws. The government has a legitimate interest in the
11 continued detention of immigration detainees that is authorized by Congress and recognized by
12 the Supreme Court. Petitioner has been medically cleared for removal and he remains under
13 mandatory detention pursuant to 8 U.S.C. § 1231(a) pending his removal. Currently, the only bar
14 to Petitioner’s removal is this habeas litigation. Because Petitioner cannot show that the balance
15 of hardships and public interest tips in his favor, the Court should deny Petitioner’s TRO Motion.

16 **IV. CONCLUSION**

17 For all of the foregoing reasons, Petitioner has not satisfied his high burden of establishing
18 entitlement to mandatory injunctive relief, and his TRO Motion should be denied. Further,
19 Petitioner’s detention has not become “indefinite,” and his removal is significantly likely in the
20 reasonably foreseeable future. This Court should not order that he be released and deny the
21 Petition.

22 //

23 //

24 //

1 DATED this 17th day of December, 2025

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

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12 *Attorneys for Federal Respondents*

13 I certify that this memorandum contains 4,855
14 words, in compliance with the Local Civil Rules.