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Asghar Payman Farsi

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9 **United States District Court**  
**Central District of California**

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11 Asghar Payman Farsi,  
12 Petitioner,

13 v.

14 Kristi Noem, et al.

15 Respondents.  
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No. 5:25-cv-03275

**Application for Temporary  
Restraining Order and  
Preliminary Injunction**

18 Simultaneously with this document, Asghar Payman Farsi has filed  
19 a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Because he  
20 is almost certain to prevail on at least one of his claims, he respectfully  
21 asks the Court to (1) issue a temporary restraining order ordering  
22 Respondent to: (a) immediately release Petitioner from custody, (b)  
23 refrain from removing Petitioner from the United States or taking him  
24 from the Central District of California, (c) restore Petitioner to the status  
25 quo prior to his detention by reinstating his prior order of supervision;  
26 and (d) show cause why Petitioner's application for a preliminary

1 injunction should not be granted; and (2) ultimately grant Petitioner a  
2 preliminary injunction.

3 “A plaintiff seeking a preliminary injunction must establish that he  
4 is likely to succeed on the merits, that he is likely to suffer irreparable  
5 harm in the absence of preliminary relief, that the balance of equities tips  
6 in his favor, and that an injunction is in the public interest.” *Planned*  
7 *Parenthood Great Northwest v. Labrador*, 122 F.4th 825, 843-44 (9th Cir.  
8 2024) (quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127,  
9 1131 (9th Cir. 2011)). “Alternatively, a preliminary injunction may issue  
10 where serious questions going to the merits were raised and the balance  
11 of hardships tips sharply in plaintiff’s favor if the plaintiff also shows  
12 that there is a likelihood of irreparable injury and that the injunction is  
13 in the public interest.” *Id.* at 844 (quoting *Alliance for the Wild Rockies*,  
14 632 F.3d at 1135). The standards for granting a temporary restraining  
15 order are the same as the standards for granting a preliminary  
16 injunction. *See O.M. v. Nat’l Women’s Soccer League, LLC*, 541 F. Supp.  
17 3d 1171, 1177 (D. Or. 2021).

18 First, Farsi is almost certain to succeed on the merits of his habeas  
19 petition for the reasons set forth in his petition. And this factor, after all,  
20 is “the most important factor.” *Chamber of Commerce of the United*  
21 *States v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023) (quoting *California ex.*  
22 *Rel. Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) en banc)).

23 Second, illegal confinement is quintessentially irreparable harm,  
24 because “the deprivation of constitutional rights unquestionably  
25 constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002  
26 (9th Cir. 2012).

1 Third, and finally, when the government is a party, as it is here,  
2 “the balance of equities and public interest factors merge.” *Pimentel-*  
3 *Estrada v. Barr*, 464 F. Supp. 3d 1225, 1237 (W.D. Wash. 2020) (citing  
4 *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The  
5 risk of harm to Farsi far outweighs the government’s interest in illegally  
6 detaining him,, for it is “always in the public interest to prevent the  
7 violation of a party’s constitutional rights.” *Melendres*, 695 F.3d at 1002.

8 Therefore, the Court should:

- 9 (1) Immediately grant Petitioner a temporary restraining order,  
10 and order Respondent to:  
11 a. Immediately release Petitioner from custody;  
12 b. Refrain from removing Petitioner from the United States or  
13 taking him from the Central District of California;  
14 c. Restore Petitioner to the status quo prior to his re-  
15 detention by reinstating his prior order of supervision; and  
16 d. Show cause why Petitioner’s application for a preliminary  
17 injunction should not be granted.  
18 (2) Ultimately grant Petitioner a preliminary injunction.

19 Lastly, Federal Rule of Civil Procedure 65(c) requires that, prior to  
20 granting injunctive relief, the Court require a movant to pay security “in  
21 an amount that the court considers proper to pay the costs and damages  
22 sustained by any party found to have been wrongfully enjoined or  
23 restrained.” Fed. R. Civ. P. 65(c). This rule “invests the district court with  
24 discretion as to the amount of security required, if any.” *Johnson v.*  
25 *Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) (quoting *Jorgensen v.*  
26 *Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003)) (internal quotation marks

1 omitted). The Court should waive the bond requirement here, as it is  
2 unlikely that the government will incur any significant cost and requiring  
3 a bond “would have a negative impact on plaintiff’s constitutional rights,  
4 as well as the constitutional rights of other members of the public.” *Baca*  
5 *v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal.  
6 1996) (citation omitted).

7  
8 Respectfully submitted,  
9 Cuauhtemoc Ortega  
10 Federal Public Defender

11 Dated: December 5, 2025

12 By: /s/ Jonathan C. Aminoff  
13 Jonathan C. Aminoff  
14 Deputy Federal Public Defender

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Proposed Attorneys for Petitioner  
Asghar Payman Farsi



1 to address any alleged violations, and to his knowledge there are  
2 no changed circumstances that would justify a revocation of his  
3 supervision.

4 d. In November 2025, Mr. Farsi met with a man he understood to  
5 be Abolfazl Mehrabadi, the Director of the Interests Section of  
6 the Islamic Republic of Iran. This meeting took place at  
7 Adelanto Detention Facility, and Mr. Farsi understood from his  
8 discussion with Mr. Mehrabadi that the Iranian government  
9 would not be issuing travel documents to Mr. Farsi.

10 e. During his incarceration at Adelanto, ICE officials compelled  
11 Mr. Farsi to call the Iranian Interests Section at the Foreign  
12 Consular Office in Washington D.C. The purpose of this call was  
13 to find out whether Mr. Farsi could be issued travel documents.  
14 The official Mr. Farsi spoke with informed him that the Iranian  
15 government would not issue travel documents for Mr. Farsi.

16 f. Mr. Farsi has been in ICE custody continuously since his arrest  
17 on June 21, 2025.

18 4. I have spoken at length with Mr. Farsi about the facts stated above  
19 and the pleadings I envisioned filing for him. With Mr. Farsi's  
20 authorization, I prepared and am filing a federal habeas corpus  
21 petition challenging his detention under 28 U.S.C. § 2241 and other  
22 related documents in this Court as his proposed counsel. I assisted  
23 him with these documents so that he could raise his claims in this  
24 Court before they became moot by virtue of his deportation or before  
25 he could be transferred from the district. The FPD remains limited in  
26 its ability to represent Mr. Farsi until formally appointed by the  
Court.

1 5. Mr. Farsi is one of dozens of detainees who has either personally  
2 contacted my office, or has been referred to my office by a prior  
3 counsel or agency, or whose family has contacted my office seeking  
4 assistance in challenging his detention. The volume of requests is  
5 increasing, and my office is endeavoring to assist all detainees who  
6 appear to have viable claims for habeas relief.

7 6. On December 4, 2025, I emailed Assistant United States Attorney  
8 Daniel Beck, who I understand to be Chief of the Complex and  
9 Defensive Litigation Section, the unit tasked with defending the  
10 government in these matters. I informed AUSA Beck that I intended  
11 to file this application, and the other documents filed concurrently  
12 herewith. Additionally, I called AUSA Beck on December 5, 2025.  
13 After exchanging voicemails, we spoke at approximately 10:45 a.m.  
14 My understanding is that the government opposes this application.

15 I declare under penalty of perjury under the laws of the United  
16 States of America that the foregoing is true and correct.

17 Executed on December 5, 2025 at Los Angeles, California.

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19 /s/ Jonathan C. Aminoff  
Jonathan C. Aminoff

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**United States District Court  
Central District of California**

Asghar Payman Farsi,  
Petitioner,  
v.  
Kristi Noem, et al.  
Respondents.

No. 5:25-cv-03275  
**[Proposed] Temporary  
Restraining Order and Order to  
Show Cause Why Preliminary  
Injunction Should Not Issue**

Upon consideration of Petitioner’s Application for Temporary Restraining Order and Preliminary Injunction, all material submitted in support thereof, all the documents in the record on this matter, and the applicable law, the Court finds that Petitioner is likely to succeed on the merits of his claim that he is being detained unlawfully, that he is likely to suffer irreparable harm due to his unlawful detention, that the balance of equities tips in his favor, and that an injunction is in the public interest.

It is therefore hereby **ORDERED** that the application for a temporary restraining order (“TRO”) is **GRANTED**.

1           Until further order of this Court, Respondents are hereby ordered  
2 to:

- 3           (1) Immediately release Petitioner from custody;
- 4           (2) Refrain from removing Petitioner or taking him from the  
5           Central District of California;
- 6           (3) Restore Petitioner to the status quo prior to him re-detention  
7           by reinstating her prior order of supervision; and
- 8           (4) Show cause why Petitioner's application for a preliminary  
9           injunction should not be granted.

10           Because the same considerations justifying this TRO will continue  
11 to affect Petitioner throughout the time of litigating this habeas petition,  
12 this Court finds good cause under Fed. R. Civ. Pro. 65(b)(2) to extend this  
13 TRO beyond 14 days. This Court therefore **ORDERS** that this TRO is  
14 effective until this Court issues a final decision on Petitioner's application  
15 for a preliminary injunction.

16           The Court waives the discretionary security bond contemplated by  
17 Federal Rule of Civil Procedure 65(c) because it is unlikely that the  
18 government will incur any significant cost and requiring a bond "would  
19 have a negative impact on plaintiff's constitutional rights, as well as the  
20 constitutional rights of other members of the public." *Baca v. Moreno*  
21 *Valley Unified Sch. Dist.*, 936 F. Supp. 719, 738 (C.D. Cal. 1996) (citation  
22 omitted); *see also Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir.  
23 2009).

24           IT IS SO ORDERED.

25  
26 Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable  
United States District Judge