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10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 EASTERN DIVISION  
13

14 ASGHAR PAYMAN FARSI,  
15 Petitioner,  
16 v.  
17 KRISTI NOEM, Secretary of the  
18 Department of Homeland Security; et.  
19 al,  
20 Respondents.

No. 5:25-cv-3275-WLH-MBK

**FEDERAL RESPONDENTS'  
OPPOSITION TO PETITIONER'S  
WRIT OF HABEAS CORPUS AND *EX*  
*PARTE* APPLICATION FOR  
TEMPORARY RESTRAINING ORDER**

**[Filed Concurrently with the Declaration  
of Christopher A. Jenson]**

Honorable Wesley L. Hsu  
United States District Judge

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1 **I. INTRODUCTION**

2 Petitioner Asghar Payman Farsi, an Iranian national subject to a final order of  
3 removal, was recently arrested and detained on June 23, 2025. In response, Petitioner has  
4 filed a Writ of Habeas Corpus [Dkt. 2] along with an *Ex Parte* Application for Temporary  
5 Restraining Order (“TRO”) [Dkt. 3] (the “Application”). Petitioner requests that the Court:  
6 (1) issue a temporary restraining order ordering Respondent to: (a) immediately release  
7 Petitioner from custody, (b) refrain from removing Petitioner from the United States or  
8 taking him from the Central District of California, (c) restore Petitioner to the status quo  
9 prior to his detention by reinstating his prior order of supervision; and (d) show cause why  
10 Petitioner’s application for a preliminary injunction should not be granted; and (2)  
11 ultimately grant Petitioner a preliminary injunction. *See* Application at 1-2. The Court  
12 ordered [Dkt. 7] Respondents to ensure that Petitioner remains within the Central District  
13 of California, pending the resolution of the Application. All other claims in the Application  
14 are undecided and opposed. The Application is defective and should be denied.

15 The Application is unsupported by a declaration from the only person with actual  
16 personal knowledge – Petitioner himself. *See* Application at 1-7. Instead, counsel  
17 submitted his own declaration which fails to satisfy Federal Rules of Civil Procedure  
18 (“FRCP”) 65(b)(1)(A) – (B) and C.D. Cal. Local Rule 65-1. Aside from describing  
19 counsel’s own background, nearly every factual assertion is prefaced with “I am informed  
20 and believe,” which is insufficient to meet the FRCP 65(b)(1)(A) requirement of “specific  
21 facts.” *See* Application at 7. The statements concerning purported communications with  
22 Iranian officials are inadmissible double hearsay, lack personal knowledge, and rely solely  
23 on Petitioner’s subjective “understanding,” offering no indicia of reliability as required in  
24 the Ninth Circuit. *See Hansen v. United States*, 7 F.3d 137, 138 (9th Cir. 1993) & *United*  
25 *States v. One Parcel of Real Property*, 904 F.2d 487, 492 n. 3 (9th Cir. 1990). Such  
26 assertions fall far short of the “specific facts” required to support emergency injunctive  
27 relief, and the Court should therefore deny the Application (albeit without prejudice). *See*  
28 FRCP 65(b)(1)(A).

1           Additionally, counsel offers no explanation whatsoever as to why a declaration from  
2           Petitioner could not be obtained. *See* Application at 5-7. Nothing in counsel’s declaration  
3           indicates that Petitioner is incapable of submitting a sworn statement, unavailable,  
4           unwilling, or otherwise prevented from providing his own account. *Id.* In the TRO context  
5           – where the movant seeks extraordinary emergency relief – the failure to submit a  
6           declaration from the very individual whose statements form the entire factual basis of the  
7           Application strongly undermines the credibility and reliability of the request.

8           Petitioner’s travel documents to Iran have been requested. *See* Jenson Declaration,  
9           ¶ 26. His arrest and detention are very recent events, and there is no evidence that his  
10          removal to Iran will not be timely. *Id.* at ¶ 27. In fact, the United States (“U.S.”)  
11          Department of Homeland Security (“DHS”) recently removed a group of Iranians. *See*  
12          [https://www.seattletimes.com/nation-world/nation/a-second-flight-of-iranian-deportees-](https://www.seattletimes.com/nation-world/nation/a-second-flight-of-iranian-deportees-carrying-55-has-left-the-us-iran-says/)  
13          [carrying-55-has-left-the-us-iran-says/](https://www.seattletimes.com/nation-world/nation/a-second-flight-of-iranian-deportees-carrying-55-has-left-the-us-iran-says/)  
14          [https://www.washingtontimes.com/news/2025/dec/8/2nd-flight-iranian-deportees-](https://www.washingtontimes.com/news/2025/dec/8/2nd-flight-iranian-deportees-carrying-55-left-us-iran-says/)  
15          [carrying-55-left-us-iran-says/](https://www.washingtontimes.com/news/2025/dec/8/2nd-flight-iranian-deportees-carrying-55-left-us-iran-says/)

16          Petitioner primarily complains that his detention for removal to Iran is  
17          “unreasonable” because he was allegedly told by Iranian officials that the Iranian  
18          government would not be issuing travel documents to him. *See* Application at 5-7.  
19          Petitioner also asserts that for 15 years, he was on immigration supervision without  
20          incident. *See* Writ of Habeas Corpus at 3. Aside from the above-mentioned double hearsay  
21          and lack of personal knowledge issues, there are two additional problems with those  
22          assertions. *First*, Petitioner’s repeated recent criminal behavior and failure to attend his  
23          ICE appointment in 2017 are strong evidence that he is a danger to the community and  
24          severe flight risk unlikely to follow a scheduled removal outside detention. *Second*, and  
25          more importantly, Petitioner’s complaint is not relevant because 8 U.S.C. § 1236(a)(6)  
26          authorizes the government to detain individuals with final removal orders, without bond,  
27          for purposes of effectuating their removal. The limits on detention pursuant to a final  
28          removal order are delineated by *Zadvydas v. Davis*, 533 U.S. 678 (2001). Here, Petitioner

1 makes no showing that his detention violates those constitutional limits on detention  
2 during the removal order period. Nor do they.

3 Accordingly, the TRO Application should be denied.

4 **II. FACTUAL BACKGROUND**

5 Petitioner is a native and citizen of Iran. *See* Jenson Declaration, ¶ 4.

6 Petitioner was admitted to the United States on February 25, 1993, as a Refugee.  
7 He adjusted status to Lawful Permanent Resident on October 03, 1997, and was retroactive  
8 to February 25, 1993. *Id.* at ¶ 5.

9 On May 09, 2001, the Superior Court of California in the County of Los Angeles  
10 convicted Petitioner for the offense of DUI alcohol/drugs in violation of Section 23152  
11 (A) of the California Vehicle Code, a misdemeanor, and sentenced to him to 8 Days in  
12 Jail. *Id.* at ¶ 6.

13 On January 29, 2003, the Superior Court of California in the County of Los  
14 Angeles convicted Petitioner for the offense of grand theft firearm/animal etc. in  
15 violation of Section 487(D) of the California Penal Code, a felony, and sentenced him to  
16 2 Years in Prison. *Id.* at ¶ 7.

17 On June 03, 2005, the Superior Court of California in the County of Los Angeles  
18 convicted Petitioner for the offense of possess control substance in violation of Section  
19 11377(A) of the California Health Code, a misdemeanor, and sentenced him to 10 days  
20 in jail and 3 years' probation. *Id.* at ¶ 8.

21 On September 29, 2005, the Superior Court of California in the County of Los  
22 Angeles convicted Petitioner for the offense of solicit/tow/without authority in violation  
23 of Section 22513(B) of the California Vehicle Code, a misdemeanor, and sentenced him  
24 to 13 days in jail. *Id.* at ¶ 9.

25 On February 21, 2007, the Superior Court of California in the County of Los  
26 Angeles convicted Petitioner for the offense of possess controlled substance in violation  
27 of Section 11377(A) of the California Health Code, a felony, and sentenced him to 3-  
28 years' probation. *Id.* at ¶ 10.

1 On August 30, 2007, the Superior Court of California in the County of Los  
2 Angeles convicted Petitioner for the offense of possess controlled substance in violation  
3 of Section 11377(A) of the California Health Code, a felony, and sentenced him to 3-  
4 years' probation. *Id.* at ¶ 11.

5 On March 19, 2008, the Superior Court of California in the County of Los  
6 Angeles convicted Petitioner for the offense of possess controlled substance in violation  
7 of Section 11377(A) of the California Health Code, a felony, and sentenced him to 16  
8 months prison. *Id.* at ¶ 12.

9 On March 19, 2008, the Superior Court of California in the County of Los  
10 Angeles convicted Petitioner for the offense of get credit/use other in violation of  
11 Section 530.5 of the California Penal Code, a felony, and sentenced him to 2 years in  
12 prison. *Id.* at ¶ 13.

13 On March 19, 2008, the Superior Court of California in the County of Los  
14 Angeles convicted Petitioner for the offense of burglary in violation of Section 459 of  
15 the California Penal Code, a felony, and sentenced him to 2 years in prison. *Id.* at ¶ 14.

16 On March 19, 2008, the Superior Court of California in the County of Los  
17 Angeles convicted Petitioner for the offense of false checks/record/certs in violation of  
18 Section 470(D) of the California Penal Code, a felony, and sentenced him to 2 years in  
19 prison. *Id.* at ¶ 15.

20 On October 30, 2013, the Superior Court of California in the County of Los  
21 Angeles convicted Petitioner for the offense of theft in violation of Section 484(A) of the  
22 California Penal Code, a misdemeanor, and sentenced him to 120 Days Jail. On January  
23 14, 2014, the Superior Court of California in the County of Los Angeles convicted  
24 Petitioner for the offense of possessing narcotic control substance in violation of Section  
25 11350(A) of the California Health Code, a felony, and sentenced him to 2 days jail. On  
26 August 22, 2017, the Superior Court of California in the County of Los Angeles  
27 convicted Petitioner for the offense of possess control substance in violation of Section  
28

1 11377 of the California Health Code, an Unknown, and sentenced him to Not Reported  
2 Jail time. *Id.* at ¶ 16.

3 On January 20, 2010, the Immigration Judge ordered Petitioner removal to Iran.  
4 DHS and Petitioner waived appeal rights and the removal order became final. *Id.* at ¶ 17.

5 Petitioner was detained by ICE and served a Notice of Post-Order Custody Review  
6 (POCR), I-229A and instructions sheet on January 27, 2010. *Id.* at ¶ 18.

7 On September 1, 2017, Petitioner was released from Adelanto Detention Center on  
8 an Order of Supervision (OSUP). *Id.* at ¶ 19.

9 On June 23, 2025, Petitioner was arrested by ICE without incident. Based on  
10 Petitioner's admittance of living in the United States illegally, prior criminal history, and  
11 his Final Order of Removal, is more likely to escape before a warrant can be obtained,  
12 Probable Cause was established at the time of the arrest. Thereafter, as soon as it was  
13 practical and safe, ICE officers with authority to execute an arrest obtained and served  
14 Petitioner with the Warrant for Arrest, Form I-200. *Id.* at ¶ 20.

15 Petitioner remains in ICE custody and is currently detained at the Adelanto ICE  
16 Processing Center. *Id.* at ¶ 21.

17 On July 28, 2025, Petitioner was served with the 90-day POCR Notice. See attached  
18 hereto as Exhibit A, is a true and correct copy of the Notice to Alien of File Custody  
19 Review. *Id.* at ¶ 22.

20 On October 10, 2025, Petitioner was informed of the decision to continue his  
21 detention after the review of his custody status pursuant to 8 C.F.R. § 241.4(e), (f), and  
22 (g). See attached hereto as Exhibit B, is a true and correct copy of FOD CD. *Id.* at ¶ 23.

23 On December 4, 2025, an informal interview was conducted pursuant to 8 C.F.R. §  
24 241.4(i), in which Petitioner had an opportunity to state any facts and present any  
25 documentation relevant to his custody review or provide it later. Petitioner was also asked  
26 a series of questions to assist the panel in determining whether his detention should be  
27 continued. Petitioner was unable to carry his burden to secure his release as per the criteria  
28 set forth by 8 C.F.R. § 241.4(e). *Id.* at ¶ 24.

1 ICE intends to remove Petitioner to Iran. *Id.* at ¶ 25.

2 On or about July 21, 2025, ICE completed and sent a travel document request for  
3 Petitioner the HQ to forward it to the Consulate General of Iran. *Id.* at ¶ 26.

4 In my recent experience, ICE has been able to successfully remove Iranian nationals  
5 to Iran on commercial and charter flights. The government of Iran has been issuing travel  
6 documents for its nationals. In my experience, in the recent times, the government of Iran  
7 has been forthcoming in the issuance of travel documents. *Id.* at ¶ 27.

8 **III. STANDARD OF REVIEW**

9 Courts have recognized very few circumstances justifying the issuance of an *ex*  
10 *parte* temporary restraining order. *See Reno Air Racing Ass'n., Inc. v. McCord*, 452 F.3d  
11 1126, 1131 (9th Cir. 2006). A TRO is “an extraordinary and drastic remedy ... that should  
12 not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.”  
13 *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). For a TRO to issue, the movant  
14 must demonstrate: (1) a likelihood of success on the merits, (2) a likelihood of suffering  
15 irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in its  
16 favor, and (4) the TRO is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*,  
17 555 U.S. 7, 20 (2008).

18 **IV. ARGUMENT**

19 **A. Petitioner Has Not Shown That the Government Lacked Authority to**  
20 **Detain Him, That the Government Revoked His Release Improperly, Or**  
21 **That the Remedy Would Be His Immediate Release from Detention.**

22 Petitioner argues he should not be detained, despite conceding he has a final  
23 removal order. But the INA governs the detention and release of noncitizens during and  
24 following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527  
25 (2021). The INA does not provide for a pre-detention hearing. *See, e.g.*, 8 U.S.C. § 1231.  
26 When a noncitizen receives a final removal order, their detention is mandatory for the  
27 following 90 days. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE’s  
28 discretion under 8 U.S.C. § 1231(a)(6). Such detainees have due process protection; the

1 Supreme Court has set forth the essential limitation, which is that after six months of post-  
2 removal order detention the burden shifts to the government to show that removal is  
3 possible. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). The noncitizen still “may be held  
4 in confinement until it has been determined that there is no significant likelihood of  
5 removal in the reasonably foreseeable future.” *Id.*, 701. Here, Petitioner invokes *Zadvydas*  
6 and argues there is no significant likelihood of removal in the reasonably foreseeable  
7 future, but the Respondents rebut this assertion. *See* Writ of Habeas Corpus at 5-6 & 9.

8 Here, there is a significant likelihood that Petitioner will be removed to Iran in the  
9 reasonably foreseeable future. While it is true that he was detained more than six months  
10 ago in June 2025, there is no bar against Petitioner’s removal to his home country of Iran  
11 and the government is currently arranging for that removal. *See* Jenson Decl. ¶¶ 1-27.  
12 Courts properly deny *Zadvydas* claims under such circumstances. *See Malkandi v.*  
13 *Mukasey*, 2008 WL 916974, at \*1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying  
14 *Zadvydas* petition where petitioner had been detained more than 14 months post-final  
15 order); *Nicia v. DHS Field Off. Dir.*, 2013 WL 2319402, at \*3 (W.D. Wash. May 28, 2013)  
16 (Martinez, J.) (holding petitioner “failed to satisfy his burden of showing that there is no  
17 significant likelihood of his removal in the reasonably foreseeable future” where he had  
18 been detained more than seven months post-final order). That Petitioner does not yet have  
19 a specific date of anticipated removal does not make his detention indefinite. *See Diouf v.*  
20 *Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008) (where there is no evidence that the country  
21 of removal would refuse to accept the petitioner or that removal is barred by the laws of  
22 the United States, that the detention did not have a certain end date did not demonstrate  
23 that detention was “indefinite”). Because Petitioner has failed to establish a likelihood of  
24 success on his claims that his detention is unlawful, the petition should be denied.

25 1. Petitioner next argues that his June 23, 2025, detention violates his Due  
26 Process rights because he was not provided notice or an opportunity to contest his  
27 detention. *See* Writ of Habeas Corpus at 8. However, on December 4, 2025, an informal  
28 interview was conducted pursuant to 8 C.F.R. § 241.4(i), in which Petitioner had an

1 opportunity to state any facts and present any documentation relevant to his custody  
2 review or provide it later. *See* Jenson Decl. ¶ 24. He was also asked a series of questions  
3 to assist the panel in determining whether his detention should be continued. Petitioner  
4 was unable to carry his burden to secure his release as per the criteria set forth by 8 C.F.R.  
5 § 241.4(e). *Id.* Ultimately, the the government’s authority to re-detain individuals with  
6 final removal orders that ICE previously released does not require the type of intensive  
7 threshold evidentiary procedure that Petitioner suggests. “While the regulation provides  
8 the detainee some opportunity to respond to the reasons for revocation, it provides no other  
9 procedural and no meaningful substantive limit on this exercise of discretion as it allows  
10 revocation “when, in the opinion of the revoking official ... [t]he purposes of release have  
11 been served ... [or] [t]he conduct of the alien, or *any other circumstance*, indicates that  
12 release would no longer be appropriate.” *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th  
13 Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010), citing §§  
14 241.4(l)(2)(i), (iv) (emphasis in original).

15 The government is thus broadly authorized to exercise its discretion to revoke such  
16 release pursuant to 8 CFR § 241.1(l)(1), and 8 CFR § 241.4(l)(2). *See Moran v. U.S. Dep’t*  
17 *of Homeland Sec.*, 2020 WL 6083445, at \*9 (C.D. Cal. Aug. 21, 2020) (dismissing  
18 petitioners’ claim that § 241.4(l) was a violation of their procedural due process rights and  
19 noting, “[Petitioners] fail to point to any constitutional, statutory, or regulatory authority  
20 to support their contention that they have a protected interest in remaining at liberty in the  
21 United States while they have valid removal orders.”).

22 2. Here, release revocation procedure was properly followed. On October 10,  
23 2025, Petitioner was informed of the decision to continue his detention after the review of  
24 his custody status pursuant to 8 C.F.R. § 241.4(e), (f), and (g). See attached hereto as  
25 Exhibit B, is a true and correct copy of FOD CD. *See* Jenson Decl. ¶ 23.

26 3. Petitioner fails to establish any deficiency in release revocation procedure.  
27 Even if he had, the appropriate injunctive remedy for any procedural deficiency would not  
28 be automatic release from custody, but rather to remedy the specific procedural deficiency.

1 *In Ahmad v. Whitaker*, for example, the government revoked the petitioner’s release but  
2 did not provide him an informal interview. *Ahmad v. Whitaker*, 2018 WL 6928540, at \*6  
3 (W.D. Wash. Dec. 4, 2018), *rep. & rec. adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3,  
4 2019). The petitioner argued his release revocation was unlawful. In rejecting his claim,  
5 the court held that although the regulations called for an informal interview, petitioner  
6 could not establish “any actionable injury from this violation of the regulations” because  
7 the government had procured a travel document for the petitioner, and his removable was  
8 reasonably foreseeable. *See* Jenson Decl. ¶¶ 1-27. Similarly, in *Doe v. Smith*, the U.S.  
9 District Court for the District of Massachusetts held that even if the ICE detainee petitioner  
10 had not received a timely interview following her return to custody, there was “no apparent  
11 reason why a violation of the regulation ... should result in release.” *Doe v. Smith*, 2018  
12 WL 4696748, at \*9 (D. Mass. Oct. 1, 2018). The court elaborated, “[I]t is difficult to see  
13 an actionable injury stemming from such a violation. Doe is not challenging the underlying  
14 justification for the removal order.... Nor is this a situation where a prompt interview  
15 might have led to her immediate release—for example, a case of mistaken identity.” *Id.*

16 The Hon. Judge Blumenfeld recently denied a preliminary injunction motion in a  
17 somewhat similar case alleging a lack of sufficient re-detention process, noting that the  
18 evidentiary burden had not been met, and also that it was unclear that release would be the  
19 appropriate remedy for any violations of revocation procedure. *See Long Ton v. Kristi*  
20 *Noem, et al.*, 5:25-cv-02033-SB-AGR [Dkt. no. 17] (September 3, 2025) (Order Denying  
21 Application for Preliminary Injunction) (Exhibit C hereto).

22 The Hon. Judge Birotte Jr. likewise denied a TRO asserting a re-detention procedure  
23 challenge. *See Jose Angel Morales Sanchez v. Pam Bondi, et al.*, 5:25-cv-02530-AB-DTB  
24 [Dkt. no. 12] (October 3, 2025 order denying TRO). (Exhibit D hereto). The Court noted  
25 that “[p]etitioner has not produced evidence showing that the SDDO lacked authority to  
26 revoke supervision or that ICE’s procedures were fundamentally flawed. Even more, the  
27 absence of additional details regarding the identity of the SDDO or a formal interview,  
28 while potentially imperfect under the regulations, does not negate the statutory authority

1 provided by § 1231(a)(2)–(6).”

2 **B. Petitioner has not shown a likelihood of success on the merits because he**  
3 **has not established that “there is no significant likelihood of removal in**  
4 **the reasonably foreseeable future.”**

5 Showing a likelihood of success on the merits is a requisite threshold issue. Indeed,  
6 “when a plaintiff has failed to show the likelihood of success on the merits, [the court]  
7 need not consider the remaining three *Winters* elements.” *Garcia v. Google, Inc.*, 786 F.3d  
8 733, 740 (9th Cir. 2015) (cleaned up). To succeed on a habeas petition, Petitioner must  
9 show that he is “in custody in violation of the Constitution or laws or treaties of the United  
10 States.” 28 U.S.C. § 2241. Although Petitioner is being detained in this district, he has not  
11 shown, and indeed cannot show, that his current custody is unlawful.

12 Under *Zadvydas v. Davis*, detention for six months following a final removal order  
13 is presumptively valid. 533 U.S. 678, 701 (2001). After that time, a noncitizen may request  
14 release, and it is his burden to show “there is no significant likelihood of removal in the  
15 reasonably foreseeable future.” *Id.* The law does not require that “every [noncitizen] not  
16 removed must be released after six months.” *Id.* Instead, it prevents only “indefinite” or  
17 “potentially permanent” detention. *Id.* at 689–91.

18 Here, Petitioner does not challenge the validity of his final removal order or that §  
19 U.S.C. § 1231(a)(6) governs his detention. However, Petitioner argues, that his detention  
20 violates 8 U.S.C. § 1231(a)(2) as he was detained after the 90-day removal period. That  
21 contention is incorrect and contravenes statutory authority and *Zadvydas*.

22 The contention contravenes statutory authority because 8 U.S.C. § 1231(a)(2)  
23 requires detention for 90 days when a noncitizen receives a final removal order. However,  
24 the statute does not require that this detention only occur within the 90 days immediately  
25 following the removal order. It also contravenes *Zadvydas*, where the Supreme Court  
26 instructed that detention for six months following a final removal order is presumptively  
27 valid.

28 After this 6-month period, once the alien provides good reason to believe that

1 there is no significant likelihood of removal in the reasonably foreseeable  
2 future, the Government must respond with evidence sufficient to rebut that  
3 showing. And for detention to remain reasonable, as the period of prior  
4 postremoval confinement grows, what counts as the “reasonably foreseeable  
5 future” conversely would have to shrink. This 6-month presumption, of  
6 course, does not mean that every alien not removed must be released after six  
7 months. To the contrary, an alien may be held in confinement until it has been  
8 determined that there is no significant likelihood of removal in the reasonably  
9 foreseeable future.

10 *Zadvydas*, 533 U.S. at 701. Thus, the noncitizen “may be held in confinement until it has  
11 been determined that there is *no significant likelihood of removal in the reasonably  
12 foreseeable future.*” *Id.* (italic emphasis added).

13 Here, there is certainly a significant likelihood that Petitioner will be removed to  
14 Iran in the reasonably foreseeable future. Despite the longer than six month detention,  
15 there is no bar against Petitioner’s removal to his home country of Iran, and the  
16 government is currently arranging for Petitioner’s travel documents. *See* Jenson  
17 Declaration, ¶¶ 25-28.

18 Courts properly deny *Zadvydas* claims under such circumstances. *See Malkandi v.*  
19 *Mukasey*, 2008 WL 916974, at \*1 (W.D. Wash. Apr. 2, 2008) (Martinez, J.) (denying  
20 *Zadvydas* petition where petitioner had been detained more than 14 months post-final  
21 order); *Nicia v. ICE Field Off. Dir.*, 2013 WL 2319402, at \*3 (W.D. Wash. May 28, 2013)  
22 (Martinez, J.) (holding petitioner “failed to satisfy his burden of showing that there is no  
23 significant likelihood of his removal in the reasonably foreseeable future” where he had  
24 been detained more than seven months post-final order). That Petitioner does not yet have  
25 a specific date of anticipated removal does not make his detention indefinite. *See Diouf v.*  
26 *Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008) (where there is no evidence that the country  
27 of removal would refuse to accept the petitioner or that removal is barred by the laws of  
28 the United States, that the detention did not have a certain end date did not demonstrate  
that detention was “indefinite”).

Because Petitioner has failed to establish a likelihood of success on his claims that

1 his detention is unlawful, the petition should be denied.

2 **C. Petitioner has not shown he will suffer irreparable harm absent a TRO**

3 Petitioner has not demonstrated that he will suffer irreparable injury absent his  
4 release by TRO. To show irreparable harm, he must demonstrate “immediate threatened  
5 injury.” *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988)  
6 (citing *L.A. Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201 (9th  
7 Cir. 1980)). “Issuing a preliminary injunction based only on a possibility of irreparable  
8 harm is inconsistent with [the Supreme Court’s] characterization of injunctive relief as an  
9 extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is  
10 entitled to such relief.” *Winter*, 555 U.S. at 22.

11 Petitioner suggests that being subjected to unjustified detention itself constitutes  
12 irreparable injury. However, the fact remains that Petitioner is subject to a final order of  
13 removal, which order he declined to challenge, and that the government has taken steps to  
14 effectuate removal to his country of origin in the foreseeable future. Petitioner’s detention  
15 is “common to all [noncitizens] seeking review of their custody or bond determinations.”  
16 *See Resendiz v. Holder*, 2012 WL 5451162, at \*5 (N.D. Cal. Nov. 7, 2012).

17 **D. The Balance of Interests Favors the Government**

18 It is well settled that the public interest in enforcement of the United States’s  
19 immigration laws is significant. *See, e.g., United States v. Martinez-Fuerte*, 428 U.S. 543,  
20 556–58 (1976); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir.  
21 1981) (“The Supreme Court has recognized that the public interest in enforcement of the  
22 immigration laws is significant.”) (citing cases); *see also Nken v. Holder*, 556 U.S. 418,  
23 435 (2009) (“There is always a public interest in prompt execution of removal orders[.]”).  
24 This public interest outweighs Petitioner’s private interest here. Petitioner asks the Court  
25 to declare his detention unlawful, despite the government’s valid reasons and statutory  
26 bases for detaining him to effectuate his removal pursuant to valid final removal order that  
27 he does not challenge.

1 **V. CONCLUSION**

2 Petitioner's TRO Application should be denied.

3  
4 Dated: December 8, 2025

Respectfully submitted,

5 TODD BLANCHE  
6 Deputy Attorney General  
7 BILAL A. ESSAYLI  
8 First Assistant United States Attorney  
9 DAVID M. HARRIS  
10 Assistant United States Attorney  
11 Chief, Civil Division  
12 ALFREDO J. BONILLA (Bar No. 146669)  
13 Special Assistant United States Attorney  
14 Complex and Defensive Litigation Section

*/s/ Alfredo Bonilla*

\_\_\_\_\_  
15 ALFREDO J. BONILLA  
16 Special Assistant United States Attorney

17 Attorneys for Federal Respondents

18 **CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2**

19 The undersigned, counsel of record for Respondent, certifies that the  
20 memorandum of points and authorities contains 4,519 words, which complies with the  
21 word limit of L.R. 11-6.1.

22 Dated: December 8, 2025

*/s/ Alfredo Bonilla*

\_\_\_\_\_  
23 ALFREDO J. BONILLA  
24 Special Assistant United States Attorney

25 Attorneys for Respondent



1 Section 11377(A) of the California Health Code, a misdemeanor, and sentenced him to  
2 10 days in jail and 3 years' probation.

3 9. On September 29, 2005, the Superior Court of California in the County of  
4 Los Angeles convicted FARSI for the offense of solicit/tow/without authority in  
5 violation of Section 22513(B) of the California Vehicle Code, a misdemeanor, and  
6 sentenced him to 13 days in jail.

7 10. On February 21, 2007, the Superior Court of California in the County of  
8 Los Angeles convicted FARSI for the offense of possess controlled substance in  
9 violation of Section 11377(A) of the California Health Code, a felony, and sentenced  
10 him to 3-years' probation.

11 11. On August 30, 2007, the Superior Court of California in the County of Los  
12 Angeles convicted FARSI for the offense of possess controlled substance in violation of  
13 Section 11377(A) of the California Health Code, a felony, and sentenced him to 3-years'  
14 probation.

15 12. On March 19, 2008, the Superior Court of California in the County of Los  
16 Angeles convicted FARSI for the offense of possess controlled substance in violation of  
17 Section 11377(A) of the California Health Code, a felony, and sentenced him to 16  
18 months prison.

19 13. On March 19, 2008, the Superior Court of California in the County of Los  
20 Angeles convicted FARSI for the offense of get credit/use other in violation of Section  
21 530.5 of the California Penal Code, a felony, and sentenced him to 2 years in prison.

22 14. On March 19, 2008, the Superior Court of California in the County of Los  
23 Angeles convicted FARSI for the offense of burglary in violation of Section 459 of the  
24 California Penal Code, a felony, and sentenced him to 2 years in prison.

25 15. On March 19, 2008, the Superior Court of California in the County of Los  
26 Angeles convicted FARSI for the offense of false checks/record/certs in violation of  
27 Section 470(D) of the California Penal Code, a felony, and sentenced him to 2 years in  
28 prison.

1           16. On October 30, 2013, the Superior Court of California in the County of Los  
2 Angeles convicted FARSI for the offense of theft in violation of Section 484(A) of the  
3 California Penal Code, a misdemeanor, and sentenced him to 120 Days Jail. On January  
4 14, 2014, the Superior Court of California in the County of Los Angeles convicted  
5 FARSI for the offense of possessing narcotic control substance in violation of Section  
6 11350(A) of the California Health Code, a felony, and sentenced him to 2 days jail. On  
7 August 22, 2017, the Superior Court of California in the County of Los Angeles  
8 convicted FARSI for the offense of possess control substance in violation of Section  
9 11377 of the California Health Code, an Unknown, and sentenced him to Not Reported  
10 Jail time.

11           17. On January 20, 2010, the Immigration Judge ordered FARSI removal to Iran.  
12 DHS and FARSI waived appeal rights and the removal order became final.

13           18. FARSI was detained by ICE and served a Notice of Post-Order Custody  
14 Review (POCR), I-229A and instructions sheet on January 27, 2010.

15           19. On September 1, 2017, FARSI was released from Adelanto Detention Center  
16 on an Order of Supervision (OSUP).

17           20. On June 23, 2025, FARSI was arrested by ICE without incident. Based on  
18 FARSI's admittance of living in the United States illegally, prior criminal history, and his  
19 Final Order of Removal, is more likely to escape before a warrant can be obtained,  
20 Probable Cause was established at the time of the arrest. Thereafter, as soon as it was  
21 practical and safe, ICE officers with authority to execute an arrest obtained and served  
22 FARSI with the Warrant for Arrest, Form I-200.

23           21. FARSI remains in ICE custody and is currently detained at the Adelanto ICE  
24 Processing Center.

25           22. On July 28, 2025, FARSI was served with the 90-day POCR Notice. See  
26 attached hereto as Exhibit A, is a true and correct copy of the Notice to Alien of File  
27 Custody Review.

28

1 23. On October 10, 2025, FARSI was informed of the decision to continue his  
2 detention after the review of his custody status pursuant to 8 C.F.R. § 241.4(e), (f), and  
3 (g). See attached hereto as Exhibit B, is a true and correct copy of FOD CD.

4 24. On December 4, 2025, an informal interview was conducted pursuant to 8  
5 C.F.R. § 241.4(i), in which FARSI had an opportunity to state any facts and present any  
6 documentation relevant to his custody review or provide it later. FARSI was also asked a  
7 series of questions to assist the panel in determining whether his detention should be  
8 continued. FARSI was unable to carry his burden to secure his release as per the criteria  
9 set forth by 8 C.F.R. § 241.4(e).


10 25. ICE intends to remove FARSI to Iran.

11 26. On or about July 21, 2025, ICE completed and sent a travel document request  
12 for FARSI the HQ to forward it to the Consulate General of Iran.

13 27. In my recent experience, ICE has been able to successfully remove Iranian  
14 nationals to Iran on commercial and charter flights. The government of Iran has been  
15 issuing travel documents for its nationals. In my experience, in the recent times, the  
16 government of Iran has been forthcoming in the issuance of travel documents.

17  
18 I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the  
19 United States that the foregoing is true and correct.

20 Executed this 8<sup>th</sup> day of December 2025, at Adelanto, California.

21  
22  
23  ~~JENSON / DO~~  
24 Christopher A. Jenson  
25 Deportation Officer  
26 DHS/ICE/ERO  
27 Los Angeles Field Office  
28 Adelanto, California