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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

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

No. 5:25-cv-03275-WLH-MBK

**FEDERAL RESPONDENTS'
RESPONSE TO ORDER TO SHOW
CAUSE AS TO ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS**

Honorable Judge Michael B. Kaufman
United States Magistrate Judge

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1 **FEDERAL RESPONDENTS’ RESPONSE TO ORDER TO SHOW CAUSE AS**
2 **TO ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS;**
3 **SUGGESTION OF MOOTNESS**

4 Petitioner Asghar Payman Farsi, an Iranian national subject to a final order of
5 removal, was arrested and detained on June 23, 2025. In response, Petitioner has filed a
6 Writ of Habeas Corpus [Dkt. 2] along with an *Ex Parte* Application for Temporary
7 Restraining Order (“TRO Application”) [Dkt. 3] (the “Application”). Petitioner’s habeas
8 claims fail as a matter of law because he is no longer in Department of Homeland Security
9 (“DHS”) custody. *See* Joint Status Report, Dkt. No. 17.

10 Petitioner was released from DHS custody on or about December 10, 2025. *Id.* He
11 has not been re-detained. *Id.* Because Petitioner has been released from DHS custody –
12 there is no longer a live case or controversy. Accordingly, any request for habeas relief is
13 moot. *See cf. Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) (“Because
14 [petitioner’s] claims lie outside the historic core of habeas corpus, we conclude the district
15 court properly found it lacked jurisdiction to hear [his] petition.”), *cert. denied sub nom.*
16 *Sands v. Bradley*, 144 S. Ct. 1382 (2024); *id.* at 1070 (explaining that “release from
17 confinement is the only available remedy for claims at the writ’s core”); *see also* 28 U.S.C.
18 § 2241(c) (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in
19 custody.”).

20 Because the Respondents released and have not re-detained Petitioner, the alleged
21 injury—the detention itself—has ended, and there is no further relief for this Court to
22 provide. As the Supreme Court has explained, once a challenged restraint has ceased to
23 have any continuing effect, “mootness . . . simply deprives us of our power to act; there
24 is nothing for us to remedy, even if we were disposed to do so.” *Spencer v. Kemna*, 523
25 U.S. 1, 18 (1998). “[T]he Ninth Circuit [too] has long held that [] ‘the writ of habeas
26 corpus is limited to attacks upon the legality or duration of confinement.’” *Pinson*, 69
27 F.4th at 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also*

1 *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) (“It is clear . . . from the common-law
2 history of the writ . . . that the essence of habeas corpus is an attack by a person in
3 custody upon the legality of that custody, and that the traditional function of the writ is to
4 secure release from illegal custody.”); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011)
5 (“Habeas is the exclusive remedy . . . for the prisoner who seeks immediate or speedier
6 release from confinement. Where the prisoner’s claim would not necessarily spell
7 speedier release, . . . suit may be brought under § 1983.” (cleaned up)).

8 Nor can Petitioner salvage his habeas claim by speculating that he might be re-
9 detained unlawfully at some indefinite point in the future. Article III requires a concrete,
10 actual or imminent injury; mere speculation about possible future injury is insufficient.
11 *See, e.g., City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (making plain that
12 plaintiff must show an injury or threat of injury that is “real and immediate,” not
13 “conjectural” or “hypothetical”); *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990)
14 (“Each of these cases demonstrates what we have said many times before and reiterate
15 today: Allegations of possible future injury do not satisfy the requirements of Art. III. A
16 threatened injury must be ‘certainly impending’ to constitute injury in fact.”). Relatedly,
17 the mere “possibility” of irreparable harm is insufficient to sustain his burden here. *See*
18 *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). Instead, he
19 must show “immediate threatened injury.” *Caribbean Marine Servs. Co., Inc. v.*
20 *Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem’l Coliseum Comm’n v.*
21 *Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). He cannot do so.

22 After all, “[i]ssuing a preliminary injunction based only on a possibility of
23 irreparable harm is inconsistent with [the Supreme Court’s] characterization of
24 injunctive relief as an extraordinary remedy that may only be awarded upon a clear
25 showing that the plaintiff is entitled to such relief.” *Winter*, 555 U.S. at 22. “Absent a
26 sufficient likelihood that [he] will again be wronged *in a similar way*,” *Lyons*, 461 U.S.
27 at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much
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1 less irreparable harm. *See, e.g., Hai Chieu Dam v. Timothy Robbins*, 2:25-cv-08133-
2 JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address whether
3 petitioner was “in custody” because petition for an injunction barring re-detainment was
4 not ripe). Recently, where a petitioner argued that “his future detention is not speculative
5 because the call-in for a physical appointment is a typical ruse to re-detain noncitizens
6 on supervised release, and that he still faces a risk of unlawful future detention,” the
7 court found that he “fail[ed] to sufficiently allege an injury or threat of injury because the
8 event giving rise to the Petition has passed and Petitioner’s alleged threat of future injury
9 is too speculative and unripe” and relatedly that he “fail[ed] to present sufficient
10 allegations or evidence of the threat of future injury to confer Article III standing.” *J.P.*
11 *v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *4 (C.D. Cal. Oct. 24,
12 2025). Because Petitioner is not in custody, cannot show any continuing collateral
13 consequence that this Court could redress via habeas, and relies only on speculative
14 future harm, his habeas petition does not present an Article III case-or-controversy that
15 this Court can redress. Without a live claim, he cannot show likelihood of success on the
16 merits or irreparable harm.

17 Courts in this District routinely deny requests for habeas relief as moot where the
18 petitioner has already been released from DHS custody. *See, e.g., Yessenia Alvarez*
19 *Cabanillas v. Geo Group, Inc. et al*, 5:25-cv-03484-ODW-PC, Dkt. No. 11 (January 5,
20 2026, minute order by Honorable Otis D. Wright, II denying as moot petitioner’s request
21 for a preliminary injunction given petitioner sought emergency injunctive relief to be
22 released from custody and was granted the requested relief by DHS releasing her from
23 custody); *Mauricio Alejandro Ovalle Lombana v. Mark Bowen et al*, 2:25-cv-10871-
24 HDV-JC, Dkt. No. 14 (January 5, 2026, minute order by Honorable Hernan D. Vera
25 denying petitioner’s habeas petition as moot given petitioner was afforded a bond
26 hearing and has been released from DHS custody on bond conditions); *see also See Iron*
27 *Arrow Honor Society v. Heckler*, 464 U.S. 67, 70 (1983); *United States v. Geophysical*
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1 *Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir. 1984) (“We cannot take jurisdiction over a
2 claim as to which no effective relief can be granted.”).

3 While Respondents continue to oppose the grant of the Petition and TRO
4 Application pursuant to the legal positions stated in the Respondents’ Opposition [Dkt.
5 No. 9] and the Respondents maintain that those positions warrant denying the matter on
6 the merits, the issue is mooted in any event by the TRO’s issuance [Dkt. No. 10] and the
7 release of the Petitioner from DHS custody. *See* Joint Status Report, Dkt. No. 17.

8 Accordingly, the Court should dismiss the Petition as moot.

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10 Dated: January 21, 2026

Respectfully submitted,

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25
26 **L.R. 11-6.1 Certification**

27 Counsel of record for Federal Respondents certifies that this brief contains 3,500
28 words, which complies with the word limit of L.R. 11-6.1.

Dated: January 21, 2026

Respectfully submitted,

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