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

10 Saman MAHMOUDPOUR,  
11 Petitioner,

12 v.

13 Kristi Noem, Secretary of Homeland  
14 Security;

No.

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

15 Simultaneously with this document, Mr. Mahmoudpour has filed a petition for  
16 a writ of habeas corpus under 28 U.S.C. § 2241. Because he is almost certain to  
17 prevail on at least one of his claims, he respectfully asks the Court to (1) issue a  
18 temporary restraining order ordering Respondent to: (a) immediately release  
19 Petitioner from custody, (b) refrain from removing Petitioner from the United States  
20 or taking him from the Central District of California, (c) restore Petitioner to the  
21 status quo prior to his detention by reinstating his prior order of supervision; and (d)  
22 show cause why Petitioner’s application for a preliminary injunction should not be  
23 granted; and (2) ultimately grant Petitioner a preliminary injunction.

24 “A plaintiff seeking a preliminary injunction must establish that he is likely to  
25 succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
26 preliminary relief, that the balance of equities tips in his favor, and that an injunction

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

11 First, Mahmoudpour is almost certain to succeed on the merits of his habeas  
12 petition for the reasons set forth in his petition. And this factor, after all, is “the most  
13 important factor.”” *Chamber of Commerce of the United States v. Bonta*, 62 F.4th  
14 473, 481 (9th Cir. 2023) (quoting *California ex. Rel. Becerra v. Azar*, 950 F.3d 1067,  
15 1083 (9th Cir. 2020) en banc)).

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

19 Third, and finally, when the government is a party, as it is here, “the balance  
20 of equities and public interest factors merge.” *Pimentel-Estrada v. Barr*, 464 F.  
21 Supp. 3d 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*,  
22 747 F.3d 1073, 1092 (9th Cir. 2014)). The risk of harm to Mr. Mahmoudpour far  
23 outweighs the government’s interest in illegally detaining him, for it is “always in  
24 the public interest to prevent the violation of a party’s constitutional rights.”  
25 *Melendres*, 695 F.3d at 1002.

26

1 Therefore, the Court should:

2 (1) Immediately grant Petitioner a temporary restraining order, and order

3 Respondent to:

4 a. Immediately release Petitioner from custody;

5 b. Refrain from removing Petitioner from the United States or taking  
6 him from the Central District of California;

7 c. Restore Petitioner to the status quo prior to his re-detention by  
8 reinstating his prior order of supervision; and

9 d. Show cause why Petitioner’s application for a preliminary injunction  
10 should not be granted.

11 (2) Ultimately grant Petitioner a preliminary injunction.

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

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

24 12/10/2025

Respectfully submitted,

25 /s/-Kaveh Ardalan,  
26 Attorney for Petitioner