



YOUNAN, DANIEL RACHID
Adelanto Detention Facility
10250 Rancho rd
Adelanto, Ca 92301
A [redacted]
[redacted]
Pro Se Petitioner

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

5:25-CV-03347-DMG-PD
No. TO BE DETERMINED

YOUNAN, DANIEL RACHID
Pro Se Petitioner

**MOTION FOR A PRELIMINARY
INJUNCTION AND
FOR A TEMPORARY RESTRAINING
ORDER**

V.

**Warden-Facility Administrator
Adelanto Ice Processing Center**

**Thomas P. Giles, Director of Los Angeles
Field Office,**

**Todd Lyons, Acting Director,
U.S Immigration and Customs Enforcement,**

**Kristi Noem, Secretary of the U.S. Department of
Homeland Security; and**

**Pamela Bondi,
Attorney General of the United States,**

**In their official capacities,
Respondents**

Simultaneously with this document, Petitioner has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Because it is almost certain to prevail on all of his claims, he respectfully

asks this Court to order his immediate release from custody while this case is litigated.

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

Planned Parenthood Great Northwest v Labrador, 122 F.4th 825, 843-44 (9th Cir. 2024)

(quoting *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011)).

"Alternatively, a preliminary injunction may issue where serious questions going to the merits were raised and the balance of hardships tips sharply in plaintiff's favor if the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest." *Id.* at 844 (quoting *Alliance for the Wild Rockies*, 632 F.3d at 1135). The standards for granting a temporary restraining order are the same as the standards for granting a preliminary injunction. See *O.M. v. Nat'l Women's Soccer League, LLC*, 541 F. Supp. 3D 1171, 1177 (D. Or. 2021).

First, Petitioner is almost certain to succeed on the merits of his habeas petition for the reasons set forth in his petition.

Second, illegal confinement is quintessentially irreparable harm, because "the deprivation of Constitutional Rights unquestionably constitutes irreparable injury." *Melandres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

Third and finally, when the government is a party, as it is here, "the balance of equities and public interest factors merge." *Pimentel Estrada v. Barr*, 464 F. Supp. 3D 1225, 1237 (W.D. Wash. 2020) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). The risk of harm to Petitioner far outweighs the government's interest in illegally detaining him, for it is "always in the public's interest to prevent the violation of

a party's constitutional rights." *Melendres*, 695 F.3d at 1002.

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Therefore, the Court should grant a preliminary injunction and temporary restraining order, and order Petitioner's immediate release from custody.

Additionally, the second claim in Petitioner's petition concerns potential deportation to a third country. Petitioner respectfully requests that the Court order the government not to remove Petitioner to a third country until the Court resolves the pending petition.

PUNITIVE BANISHMENT TO THIRD COUNTRIES

Since January 2025, Respondent have developed and implemented a policy and practice of removing individuals to third countries, without first following the Immigration and Nationality Act ("INA") procedures for designation and removal to a third country and without providing fair notice and an opportunity to contest the removal in immigration court. These removals are unconstitutionally punitive, crossing the line between the civil sanction of deportation to punitive banishment.

Respondents reportedly have negotiated with at least 58 countries to accept deportees from other nations. On June 25, 2025 the New York Times reported that seven countries-----Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda, had agreed to accept deportees who are not their own citizen's. Since then, ICE has carried out highly -publicized third country deportation to South Sudan and Eswatini.

PUNISHMENT AND DETERRENCE APPEAR TO BE THE POINT OF THE

ADMINISTRATION REMOVAL SCHEME

In January, President Trump announced a plan to detain immigrant at the Guantanamo Bay prison in Cuba stating: Some of them are so bad we don't even trust the countries to hold

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them, because we don't want them coming back, he continued, "So we're going to send them to Guantanamo... It's a tough place to get out."

In February, Secretary of State Marco Rubio announced that El Salvador had agreed to "accept for deportation any illegal alien in the [U.S] who is a criminal from any nationality" with the explicit understanding that deportees will be imprisoned. "We can send them, and [President Bukele] will put them in his jails." At a press conference with President Trump and President Bukele, Respondent DHS Secretary Kristi Noem said, "It has been wonderful for us to be able to have somewhere to send the worst of the worst and someone to partner with. And we'd like to continue that partnership because it's been a powerful message of consequences." Secretary Noem continued, "Mr. president you wanted people to know that there were consequences if you break our laws and harm our people and endanger families. In February, Panama and Costa Rica took in hundreds of deportees from countries in Africa and Central Asia and imprisoned them in hotels, a jungle camp, and a detention center. In Panama, officials confiscated cell phones, and did not allow the group access to their attorneys. Deportees slept in structures made from plastic sheets and had to be escorted to toilet. They were guarded like prisoners. In March, the government paid \$5 million to arbitrarily and indefinitely imprison over 200 deportees Venezuelans in a maximum-security prison notorious for gross human rights abuses, known as CECOT. CECOT is notorious for gross human rights abuses, including torture. El Salvador's justice minister stated the only way out of CECOT is in a coffin. In May, ICE attempted to deport individuals from different countries to Libya, the aircraft sat on the runway for hours, before the immigrants were taken back to a detention center after a court ordered the men not to be deported.

THE ADMINISTRATION HAS HANDPICKED COUNTRIES KNOWN FOR HUMAN RIGHTS ABUSES AND INSTABILITY FOR THIRD COUNTRY DEPORTATION AGREEMENT

TO FURTHER FRIGHTEN PEOPLE IN THE U.S INTO SELF DEPORTATION OR ACCEPT

REMOVAL TO THEIR HOME COUNTRIES, For example, conditions in South Sudan are so extreme that the U.S State Department website warns Americans not to travel there, and if they do, to prepare their will make funeral arrangements, and appoint a hostage-taker negotiator first.

This court should issue a temporary restraining order because "immediate and irreparable injury... or damage" is occurring and will continue in the absence of an order. Fed. R. Civ. p. 65(b) Respondent have re-detained petitioner in violation of his due process and statutory rights and threaten to remove him to a third country without adhering to constitutional and statutory procedural protections and in violation of bedrock law prohibiting the government from imposing punitive measures on noncitizens ordered removed. This Court should order petitioner release and enjoin removal to a third country where he may be imprisoned or harmed and absent legally required protections. Petitioner was ordered removed since 2009 and have been checking inn with ICE without any violation. ICE may revoke a noncitizen's release and return them to ICE custody due to failure to comply with any of the conditions of release, 8 C.F.R. § 241.13 (i)(1), or if "on account of changed circumstances, the Service determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future." Id. § 2241.13(i)(2). Here, there is no lawful justification for petitioner's re-detained and continued detention. Petitioner YOUNAN, removal to Egypt is not reasonably foreseeable. Respondent had requested a travel document since 2009 and was unsuccessful and told me there are not able to obtain travel document. There is no evidence Egypt is likely to issue a travel document, so petitioner deportation is not reasonably foreseeable in the future. "It is well established that the

deportation of constitutional rights 'unquestionably constitutes irreparable injury.'" *melendres v . Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v . Burns*, 427 U.S 347, 373 (1976). where the "alleged deprivation of a constitutional right is involved, most court hold that no further showing of irreparable injury is necessary." *warsoldier v. woodford*, 418 F.3d 989, 1001 02 (9th Cir. 2005) Besides qualifying for a TRO under the Federal Rules, this is a textbook case for use of the All Writs Act ("AWA"), which provides court with a powerful tool to "maintain the status quo by injunction pending review of an agency's action through the prescribed statutory channels." *F.T.C. v . Dean Foods Co.*, 384 U.S. 597, 604 (1966) (citation omitted); 28 U.S.C. § 1651(a); *California v . M&P Inv.*, 46 F . App' x 876, 878, (9th Cir. 2002) (unpublished) (finding Act should be broadly construed to "achieve all rational ends of law" (quoting *Adams v . United States*, 317 U.S. 269, 273 (1942))).

v. CONCLUSION

For the foregoing reasons, the Court should immediately grant petitioner TRO

Date 12/5/25

Respectfully Submitted

x *D. Rachid*
YOUNAN, DANIEL RACHID