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6  
7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 HAMED SALIMABADI,

9 Petitioner,

10 v.

11 KRISTI NOEM, *et. al.*,

12 Respondents.  
13

Case No. 2:25-cv-02508-JAD-DJA

**EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
OR PRELIMINARY INJUNCTION**

ORAL ARGUMENT REQUESTED

14  
15 Petitioner Hamed Salimabadi faces immediate and irreparable harm as a result of the  
16 government’s unlawful decision to re-detain him despite the absence of any realistic prospect of  
17 removal. Specifically, Petitioner is suffering (1) re-detention following years of successful  
18 release on immigration supervision, without any allegation that he violated the conditions of his  
19 release and without compliance with required revocation procedures; and (2) prolonged,  
20 potentially indefinite immigration detention notwithstanding the government’s repeated  
21 historical inability to remove him to Iran. This Court should grant temporary relief to preserve  
22 the status quo and prevent further unconstitutional deprivation of liberty.  
23

24 Despite the government’s longstanding inability to obtain travel documents or otherwise  
25 effectuate removal—ICE abruptly re-detained Petitioner on June 25, 2025, without prior notice,  
26 without alleging any violation of supervision, and without identifying any changed  
27 circumstances suggesting that removal is now reasonably foreseeable. ICE does not appear to  
28

1 have travel documents in hand, has not identified any country willing to accept Petitioner, and  
2 has provided no individualized justification for renewed detention.

3 Most recently, Petitioner's assigned deportation officer at the Las Vegas ICE Field  
4 Office acknowledged to Petitioner that he did not know why Petitioner remained detained,  
5 confirmed that Iran would not accept him, and advised Petitioner to file a habeas petition. The  
6 government thus continues to confine Petitioner while effectively conceding—through its own  
7 officer—that detention serves no legitimate immigration purpose.

8  
9 The Petitioner moves, pursuant to Rule 7(b) and Rule 65 of the Federal Rules of Civil  
10 Procedure, for this Court to use its judicial power to preserve its jurisdiction over the pending  
11 habeas petition and ensure it can evaluate the Petitioner's claims and grant relief as law and  
12 justice require. Specifically, Petitioner moves the Court to order his immediate release, or, in the  
13 alternative, to enjoin Respondents from transferring him to a facility outside of this Court's  
14 jurisdiction during the pendency of this proceeding.

15  
16 As set forth below, Petitioner's ongoing detention by Respondents violates his due  
17 process rights under the United States Constitution. In the absence of a temporary restraining  
18 order, Petitioner will suffer irreparable injury, and the balance of hardships and the public  
19 interest favor relief. Critically, because Petitioner cannot be removed to Iran and his detention is  
20 no longer tied to any lawful purpose, continued confinement serves no legitimate governmental  
21 interest and is expressly prohibited under *Zadvydas v. Davis*, 533 U.S. 678 (2001) and the  
22 procedural protections enforced under *Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

23  
24 In support of this Motion, Petitioner relies upon the accompanying memorandum in  
25 support of a Temporary Restraining Order. A proposed order is attached for the Court's  
26 convenience. Petitioner respectfully requests that this Court grant this emergency application  
27 and issue a temporary restraining order or preliminary injunction.  
28

**MEMORANDUM OF POINTS OF POINTS AND AUTHORITIES IN SUPPORT OF  
MOTION FOR TEMPORARY RESTRAINING ORDER**

**I. LEGAL AND FACTUAL BACKGROUND**

Petitioner Hamed Salimabadi has lived in the United States continuously since 1999, when he was admitted as a lawful permanent resident. In 2006, an Immigration Judge ordered Petitioner removed to Iran. Under the Immigration and Nationality Act (“INA”), Immigration and Customs Enforcement (“ICE”) was authorized to detain Petitioner during the initial ninety-day removal period and, if necessary, for a limited period thereafter while attempting to effectuate removal. *See* 8 U.S.C. § 1231(a).

ICE was unable to remove Petitioner following the issuance of the removal order. Iran refused to issue travel documents, and ICE determined that removal was not reasonably foreseeable. After approximately ninety days of post-order detention, ICE released Petitioner under an Order of Supervision (“OSUP”), consistent with governing statutory and constitutional limits on post-order detention.

In late 2009, ICE again detained Petitioner following a probation-related arrest. ICE once more failed to execute the removal order within the post-order detention period. After detaining Petitioner for more than six months—well in excess of 180 days of post-order detention—ICE again released him under an Order of Supervision. Thus, prior to his most recent arrest, Petitioner had already been held beyond the maximum presumptively reasonable post-order detention period recognized by the Supreme Court, and ICE had twice concluded that continued detention was unlawful due to the absence of any realistic prospect of removal. *See Zadvydas*, 533 U.S. at 701.

Following his release in 2010, Petitioner lived in the community for more than a decade. During that time, he fully complied with all conditions of supervision, appeared as required for

1 ICE check-ins, and was never alleged to have violated supervision, absconded, or posed a  
2 danger to the community. ICE's prior determinations therefore reflected that Petitioner was  
3 suitable for supervised release and that detention served no legitimate immigration purpose.  
4

5 Nevertheless, on June 25, 2025, ICE agents arrived at Petitioner's home and re-detained  
6 him without prior notice, without issuing a revocation of his supervised release, and without  
7 conducting any of the post-order custody reviews required under 8 C.F.R. §§ 241.4 or 241.13.  
8 To date, Iran continues to refuse to issue travel documents. Petitioner has not been informed of  
9 any change in circumstances warranting detention, nor has ICE identified any third country  
10 willing to accept him. ICE has likewise not initiated any lawful process through which  
11 Petitioner could receive the notice and opportunity to seek protection required before any third-  
12 country removal may occur.  
13

14 Petitioner's fears regarding unlawful detention and potential transfer are heightened by  
15 ICE's recent record of arbitrary re-detentions and removal attempts involving individuals whose  
16 countries of origin refuse to accept them. Courts have noted that ICE has, in recent months,  
17 detained and attempted to transfer individuals without affording required procedures, without  
18 identifying viable removal countries, and without statutory authority to continue detention. *See*  
19 *Ali Ghafouri v. Noem*, No. 3:25-cv-02675-RBM-BLM, 2025 LX 462160 (S.D. Cal. Nov. 4,  
20 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH-VET, 2025 LX 377518 (S.D. Cal. Sep. 15,  
21 2025). ICE's conduct toward Petitioner mirrors the same deficiencies identified by the court in  
22 *Ali Ghafouri* and *Rokhfirooz*: a failure to follow required regulations, the absence of  
23 individualized review, and detention divorced from any legitimate removal purpose. Most  
24 recently, on December 14, 2025, this Court ordered the immediate release of an Iranian national  
25 in prolonged post-order detention. *See Shadalo v. Mattos*, No. 2:25-cv-02076-RFB-BNW, 2025  
26 LX 552203 (D. Nev. Dec. 14, 2025).  
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1 In addition, Petitioner’s re-detention occurred against the backdrop of heightened  
2 enforcement actions targeting Iranian nationals nationwide. Recent public reporting confirms a  
3 dramatic surge in ICE arrests of Iranian nationals following the June 2025 U.S.–Iran conflict—  
4 many of whom had no criminal history or pending charges. *See* ICE Press Release (June 24,  
5 2025) (announcing coordinated arrests of Iranian nationals as a group); Prism Investigation  
6 (documenting officer statements that they were directed to target Iranian immigrants and  
7 showing disproportionate enforcement by nationality). Petitioner fits the profile of those swept  
8 up in this pattern of nationality-based enforcement. Petitioner was informed by an ICE officer  
9 that the field office had received instructions to “round up all Iranians.” ICE’s decision to detain  
10 Petitioner therefore appears untethered from any individualized assessment of removability or  
11 risk and instead reflects a broader enforcement directive inconsistent with statutory and  
12 constitutional limits.  
13

14  
15 Absent immediate judicial intervention, Petitioner will remain subject to ongoing and  
16 potentially indefinite civil detention, not to facilitate removal—which ICE cannot accomplish—  
17 but as the result of an unlawful revocation of supervised release that violates Due Process, the  
18 Immigration and Nationality Act, and ICE’s own regulations. Emergency relief is necessary to  
19 restore the status quo—Petitioner’s release under supervision—while this Court adjudicates the  
20 merits of his habeas petition.  
21

## 22 **II. LEGAL STANDARD**

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24 To obtain a temporary restraining order, the moving party “must establish that he is  
25 likely to 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 is in the  
27 public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *accord Stuhlberg*  
28

1 *Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839–40 & n.7 (9th Cir. 2001) (noting that  
2 a TRO and preliminary injunction involve “substantially identical” analysis).

3 Under the Ninth Circuit’s “sliding scale” approach, “if a plaintiff can only show that  
4 there are ‘serious questions going to the merits’—a lesser showing than likelihood of success on  
5 the merits—then a preliminary injunction may still issue if the balance of hardships tips sharply  
6 in the plaintiff’s favor, and the other two *Winter* factors are satisfied.” *Immigrant Defenders*  
7 *Law Center v. Noem*, 145 F.4th 972, 986 (9th Cir. 2025) (internal quotation marks omitted). The  
8 four *Winter* factors are “balanced, so that a stronger showing of one element may offset a  
9 weaker showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir.  
10 2011). A TRO may issue where there are “serious questions going to the merits” and the  
11 balance of hardships tips sharply toward the petitioner, so long as the remaining *Winter* factors  
12 are met. *Id.* at 1132.

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14  
15 When the government is the defendant, “the balance of hardships and public interest  
16 factors merge.” *Chamber of Commerce of the United States v. Bonta*, 62 F.4th 473, 481 (9th  
17 Cir. 2023) (citing *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)).  
18 Alternatively, under the Ninth Circuit’s sliding scale approach, a plaintiff may show either a  
19 combination of probable success on the merits and the possibility of irreparable injury or that  
20 serious questions going to the merits were raised and the balance of hardships tips sharply in his  
21 favor. *See All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–35 (9th Cir. 2011).

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### III. ARGUMENT

#### A. Petitioner is likely to succeed on the merits, or at a minimum, raises serious questions going to the merits.

Petitioner’s underlying habeas petition raises multiple claims demonstrating that his continued detention is unlawful. At a minimum, those claims present serious questions warranting emergency relief.

##### 1. Petitioner is likely to succeed on his claim that his detention violates *Zadvydas* and 8 U.S.C. § 1231(a)(6).

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court addressed the precise problem presented here: post-final-order immigration detention that risks becoming indefinite because removal cannot be effectuated. Federal law requires detention during the initial 90-day “removal period,” 8 U.S.C. § 1231(a)(1)–(2), and permits continued detention thereafter, *id.* § 1231(a)(6). But interpreting § 1231(a)(6) to authorize indefinite detention would raise “a serious constitutional problem.” *Zadvydas*, 533 U.S. at 699.

To avoid that constitutional infirmity, the Court held that post-order detention is “presumptively reasonable” for six months. *Id.* at 701. After six months, detention is no longer presumptively reasonable, and a burden-shifting framework applies. The detainee must first show “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* If that showing is made, “the Government must respond with evidence sufficient to rebut that showing.” *Id.* Ultimately, if the government cannot demonstrate a significant likelihood of removal in the reasonably foreseeable future, the noncitizen must be released under supervision. *Id.*

Petitioner’s case falls squarely within *Zadvydas*. His removal order became final nearly two decades ago. He has already been detained twice following that order—once for

1 approximately ninety days in 2006 and once for more than six months in 2009–2010—each  
2 time resulting in release because ICE could not effectuate removal. ICE has again detained  
3 Petitioner since June 25, 2025, yet still lacks travel documents, has not identified a receiving  
4 country, and has conceded through its officers that removal cannot be accomplished.  
5

6 Under these circumstances, Petitioner has more than met his burden to show that  
7 removal is not reasonably foreseeable. ICE has had nearly twenty years and multiple detention  
8 cycles to remove him and has failed each time. Because ICE cannot rebut Petitioner’s showing,  
9 continued detention violates *Zadvydas* and § 1231(a)(6). Courts routinely grant TROs and  
10 preliminary injunctions mandating release for post-final-order detainees in materially  
11 indistinguishable circumstances. *See Rodriguez-Gutierrez v. Noem*, No. 25-cv-02726-BAS-SBC  
12 (S.D. Cal. Nov. 7, 2025); *Phetsadakone v. Scott*, 2025 WL 2579569, at \*6 (W.D. Wash. Sept. 5,  
13 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at \*7 (E.D. Cal. July  
14 16, 2025); *Phan v. Becerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at \*7 (E.D. Cal.  
15 July 16, 2025); *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at \*29 (W.D. Wash.  
16 Aug. 21, 2025).  
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19 Most significantly, courts in this District have already granted the precise relief  
20 Petitioner seeks under materially indistinguishable facts. In *Shadalo v. Mattos*, the District of  
21 Nevada granted a preliminary injunction ordering the immediate release of an Iranian national  
22 with a final order of removal where ICE could not articulate a reasonably foreseeable path to  
23 removal and relied instead on speculative third-country review. 2025 U.S. Dist. LEXIS 257948,  
24 at 14–18 (D. Nev. Dec. 14, 2025). The court rejected ICE’s reliance on vague assertions of  
25 future removal and held that continued detention was likely unlawful under *Zadvydas*. *Id.*  
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1           **2. Petitioner is likely to succeed on his claim that ICE violated its own**  
2           **regulations governing re-detention.**

3           In addition to *Zadvydas*, ICE's regulations impose independent limits on re-detention of  
4 individuals previously released under an Order of Supervision. *See* 8 C.F.R. §§ 241.4(1),  
5 241.13(i). Re-detention is permitted only where the individual violates supervision or where an  
6 authorized official determines, based on changed circumstances, that removal has become  
7 reasonably foreseeable. *Id.* §§ 241.4(1)(1), 241.13(i)(1)–(2). In all cases, ICE must provide  
8 prompt notice, an opportunity to respond, and an evaluation of contested facts. *Id.* §§  
9 241.4(1)(1), 241.13(i)(3).  
10

11           ICE must follow its own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347  
12 U.S. 260, 268 (1954); *Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th Cir. 2004). Courts routinely  
13 review re-detention decisions for regulatory compliance. *See Gomez v. Mattos*, No. 2:25-CV-  
14 00975-GMN-BNW, 2025 WL 3101994, at \*3 (D. Nev. Nov. 6, 2025); *Phan*, 2025 WL  
15 1993735, at \*3; *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at \*3 (D. Mass.  
16 June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).  
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19           Here, none of the regulatory predicates for re-detention exist. ICE has not alleged that  
20 Petitioner violated any condition of supervision. Nor has ICE identified any changed  
21 circumstance demonstrating that removal is now reasonably foreseeable. ICE failed to provide  
22 notice, failed to afford Petitioner an opportunity to respond, and failed to evaluate contested  
23 facts. Because ICE did not properly revoke Petitioner's release pursuant to its own regulations,  
24 Petitioner is entitled to release under supervision. *See Liu v. Carter*, No. 25-3036-JWL, 2025  
25 WL 1696526, at \*3 (D. Kan. June 17, 2025).  
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1           **B. Petitioner would suffer irreparable harm in the absence of a temporary**  
2           **restraining order.**

3           The second *Winter* factor also weighs strongly in Petitioner’s favor. Although removal is  
4 “not categorically irreparable,” *Nken v. Holder*, 556 U.S. 418, 435 (2009), courts have  
5 consistently recognized that ongoing unlawful detention and the deprivation of constitutional  
6 rights constitute irreparable harm that cannot be remedied after the fact. *See Hernandez v.*  
7 *Sessions*, 872 F.3d 976, 994 (9th Cir. 2017); *Rodriguez v. Robbins*, 715 F.3d 1127, 1144–45  
8 (9th Cir. 2013). Petitioner has been re-detained despite the absence of any reasonably  
9 foreseeable removal pathway, and each additional day of confinement compounds an injury that  
10 cannot later be cured.  
11

12           It is well established that the deprivation of constitutional rights “unquestionably  
13 constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)  
14 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Accordingly, “[w]hen an alleged  
15 deprivation of a constitutional right is involved, most courts hold no further showing of  
16 irreparable injury is necessary.” *Vasquez Perdomo v. Noem*, 148 F.4th 656, 689 (9th Cir. 2025)  
17 (citation omitted). Because Petitioner has demonstrated a likely violation of his Fifth  
18 Amendment due process rights, irreparable harm follows as a matter of law.  
19

20           The Ninth Circuit has likewise made clear that, under the *Winter* framework, irreparable  
21 harm is satisfied where the injury is ongoing and cannot be undone through later relief. *All. for*  
22 *the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). Continued civil detention—  
23 particularly where it is likely unlawful—fits squarely within that category. Petitioner’s injury is  
24 not speculative or abstract; it is the daily loss of liberty caused by detention untethered to any  
25 lawful removal purpose.  
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1 Petitioner also suffers irreparable harm because ICE revoked his supervision without  
2 providing the procedural protections required by regulation, including timely notice, a prompt  
3 interview, and a reasoned custody determination. Courts addressing materially similar facts  
4 have held that such procedural deprivations constitute ongoing due process violations sufficient  
5 to establish irreparable harm. *See Rokhfirooz v. LaRose*, 2025 U.S. Dist. LEXIS 180605, at 10–  
6 12 (S.D. Cal. Sept. 15, 2025); *Ghafouri v. Noem*, 2025 U.S. Dist. LEXIS 218347, at 11–13  
7 (S.D. Cal. Oct. 28, 2025). Petitioner is in the same position: he was re-detained without  
8 contemporaneous notice of reasons, without a meaningful opportunity to respond, and without  
9 any documented finding that removal is significantly likely in the reasonably foreseeable future.  
10

11 Absent a TRO, Petitioner faces the risk of sudden transfer or attempted third-country  
12 removal without adequate notice or process—actions that could irreparably frustrate this  
13 Court’s ability to adjudicate the pending habeas petition. Courts routinely consider the risk of  
14 agency action that undermines meaningful judicial review as irreparable harm. *See Mendez v.*  
15 *Noem*, No. 2:25-cv-02062-RFB-MDC, 2025 LX 578463 (D. Nev. Nov. 7, 2025). Courts in this  
16 District have likewise recognized that continued detention pending habeas review causes  
17 irreparable injury where detention is likely unlawful. *Shadalo v. Mattos*, 2025 U.S. Dist. LEXIS  
18 257948, at 16–17 (D. Nev. Dec. 14, 2025).  
19

20 Because Petitioner’s continued loss of liberty, ongoing deprivation of due process,  
21 attendant psychological harm, and risk of actions that could defeat judicial review cannot be  
22 remedied after the fact, Petitioner has satisfied the irreparable harm requirement.  
23

24 **C. The balance of the equities and the public interest favor Petitioner.**

25 The final two *Winter* factors—the balance of equities and the public interest—also  
26 weigh decisively in Petitioner’s favor. When the Government is the opposing party, these  
27  
28

1 factors “merge.” *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023) (quoting *Nken v. Holder*,  
2 556 U.S. 418, 435 (2009)). As a result, the Court may consider these factors together.

3           Petitioner faces an ongoing deprivation of liberty from continued detention that is likely  
4 unlawful. The Government, by contrast, faces minimal hardship from releasing Petitioner to the  
5 same conditions of supervision under which he lived for years without incident. And where the  
6 “impact of an injunction reaches beyond the parties, carrying with it a potential for public  
7 consequences, the public interest will be relevant to whether the district court grants the  
8 preliminary injunction.” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (quoting  
9 *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1139 (9th Cir. 2009)).

10           Moreover, ICE itself has acknowledged that removal is not reasonably foreseeable.  
11  
12 Where the government concedes—through its own officers—that it lacks travel documents,  
13 lacks a receiving country, and cannot effectuate removal, continued detention serves no  
14 operational or enforcement interest. In these circumstances, the government would suffer no  
15 cognizable harm whatsoever from Petitioner’s immediate release under supervision, a status  
16 ICE has previously deemed appropriate for him on multiple occasions. By contrast, each  
17 additional day of confinement inflicts concrete and irreparable harm on Petitioner. Compelling  
18 the government to release an individual it admits it cannot remove merely requires ICE to  
19 comply with constitutional and statutory limits; it does not impair enforcement priorities or  
20 frustrate removal efforts that, by the government’s own account, cannot occur.

21           The Ninth Circuit has recognized that “neither equity nor the public’s interest are  
22 furthered by allowing violations of federal law to continue.” *Galvez v. Jaddou*, 52 F.4th 821,  
23 832 (9th Cir. 2022). Thus, to the extent Respondents invoke a generalized interest in enforcing  
24 immigration laws, that interest cannot justify continued detention where, as here, Petitioner has  
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1 demonstrated that his detention is likely unlawful. *See Shadalo v. Mattos*, 2025 U.S. Dist.  
2 LEXIS 257948, at 17–18 (D. Nev. Dec. 14, 2025).

3 To be sure, the Government vindicates the public interest by enforcing this country’s  
4 immigration laws, including the “public interest in prompt execution of removal orders.” *Nken*,  
5 556 U.S. at 436. But that interest does not support continued detention where removal is not  
6 reasonably foreseeable and detention exceeds statutory and constitutional limits. Where the  
7 challenged detention “appears to be unlawful,” an injunction requiring release “would itself  
8 promote the rule of law.” *Shadalo*, 2025 U.S. Dist. LEXIS 257948, at 18.

9  
10 Finally, the public interest is also served because unnecessary detention imposes  
11 significant costs. Immigration detention is “undoubtedly a costly endeavor,” and limiting  
12 unlawful detention reduces Respondents’—and the public’s—fiscal and administrative burdens.  
13 *Shadalo*, 2025 U.S. Dist. LEXIS 257948, 18 (quoting *Hernandez v. Sessions*, 872 F.3d 996 (9th  
14 Cir. 2017)). Releasing Petitioner to supervision therefore advances, rather than undermines, the  
15 public interest while this Court adjudicates the legality of his detention.  
16

17 For these reasons, the balance of equities and the public interest strongly favor granting  
18 a temporary restraining order.  
19

20 **D. This Court should not impose a bond requirement.**

21 Federal Rule of Civil Procedure 65(c) provides that a court may issue a temporary  
22 restraining order or preliminary injunction “only if the movant gives security in an amount that  
23 the court considers proper.” FED. R. CIV. P. 65(c). The purpose of a bond is to ensure that an  
24 enjoined party may be compensated for costs incurred if it is later determined that the injunction  
25 was wrongfully issued. *See Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009).

26 Despite Rule 65(c)’s wording, the Ninth Circuit has made clear that district courts retain  
27 discretion as to the amount of security required, if any. *Johnson*, 572 F.3d at 1086. And the  
28

1 Court “may dispense with the filing of a bond when it concludes there is no realistic likelihood  
2 of harm to the defendant from enjoining his or her conduct.” *Id.*; *Jorgensen v. Cassidy*, 320  
3 F.3d 906, 919 (9th Cir. 2003).

4 This Court should waive any bond requirement here because the requested injunctive  
5 relief poses no realistic risk of monetary harm to Respondents. Petitioner seeks release to the  
6 same conditions of supervision under which he lived for nearly 15 years without incident. The  
7 requested relief restores the long-standing status quo and prevents continued detention that is  
8 likely unlawful. Respondents will not suffer compensable damages from compliance with an  
9 order requiring them to refrain from unlawful detention pending adjudication of the habeas  
10 petition.  
11

12 Accordingly, the Court should exercise its discretion to waive the security requirement  
13 under Rule 65(c).  
14

#### 15 **IV. CONCLUSION**

16 For the foregoing reasons, Petitioner respectfully requests that the Court grant this  
17 Emergency Motion for a Temporary Restraining Order or, in the alternative, a Preliminary  
18 Injunction, and order Petitioner’s immediate release from ICE custody pending resolution of his  
19 petition for writ of habeas corpus. Petitioner further requests that the Court waive any bond  
20 requirement and grant such other and further relief as the Court deems just and proper.  
21

22 DATED this 22nd day of December, 2025.  
23

24 Respectfully Submitted,

25 SHAMOON ELIADES, LLP

26 /s/ Michael T. Shamoan  
27 Michael T. Shamoan, Esq.  
28 Nevada Bar. No. 15324  
*Attorney for Petitioner*

**Certificate of Service**

1  
2 I hereby certify that on December 22, 2025, I electronically filed the foregoing with the  
3 Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF  
4 system. Participants in the case who are registered CM/ECF users and will be served by the  
5 CM/ECF system.  
6

7 I further certify that some of the participants in the case are not registered CM/ECF  
8 users. I have mailed the foregoing by First-Class Mail, postage pre-paid, or have dispatched it to  
9 a third-party commercial carrier for delivery within three calendar days, to the following non-  
10 CM/ECF participants:  
11

12 John Mattos, Warden  
13 Nevada Southern Detention Center  
14 2190 E Mesquite Avenue  
15 Pahrump, NV 89048

16 /s/ Michael T. Shamoon  
17 Michael T. Shamoon, Esq.  
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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 HAMED SALIMABADI,

10 Petitioner,

11 v.

12 KRISTI NOEM, *et. al.*,

13 Respondents.

Case No. 2:25-cv-02508-JAD-DJA

**[PROPOSED] TEMPORARY  
RESTRAINING ORDER**

14  
15 Upon consideration of Petitioner’s Motion for a Temporary Restraining Order or  
16 Preliminary Injunction; having determined that Petitioner is likely to succeed on the merits of  
17 his claim that his continued detention by the Respondents violates his right to due process; that,  
18 in the absence of injunctive, relief Petitioner will suffer irreparable injury; and that the balance  
19 of hardships and public interest favor temporary relief, it is, therefore,

20  
21 **ORDERED** that Petitioner’s Emergency Motion for a Temporary Restraining Order is  
22 hereby **GRANTED**.

23 **IT IS FURTHER ORDERED** that Respondents shall **IMMEDIATELY RELEASE**  
24 Petitioner Hamed Salimabadi from ICE custody.

25 **IT IS FURTHER ORDERED** that Petitioner shall be released under the same Order of  
26 Supervision, or substantially similar conditions, that governed his release prior to his re-  
27 detention, pending further order of this Court.  
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**IT IS FURTHER ORDERED** that Respondents shall not re-detain Petitioner during the pendency of this action absent further order of this Court based on a lawful, individualized determination consistent with the Constitution, the Immigration and Nationality Act, and applicable regulations.

**IT IS FURTHER ORDERED** that no bond or security is required pursuant to Federal Rule of Civil Procedure 65(c).

**IT IS FURTHER ORDERED** that this Temporary Restraining Order shall remain in effect until further order of this Court.

**DATED** this \_\_\_\_ day of December, 2025.

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**JENNIFER A. DORSEY**  
**UNITED STATES DISTRICT JUDGE**