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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 In re Khalid Keydsane Mohamed,  
13 Petitioner

Case No. 2:25-cv-02562-JAD-NJK

14 **Motion for Temporary Restraining**  
15 **Order**

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## POINTS AND AUTHORITIES

Petitioner Khloid Keydsane Mohamed faces immediate irreparable harm: indefinite immigration detention with no reasonable prospect of removal in the reasonably foreseeable future to the country designated by the immigration judge (“IJ”). Therefore, this Court should grant temporary relief while this case is pending to end his indefinite detention.

The statements in the following paragraph are made on information and belief, unless otherwise specifically noted. Petitioner has lived in the United States since 2010. In 1992 he left the country of his birth, Somalia, when he was five years old. His family was fleeing Somalia’s civil war. Petitioner came to the United States in 2010 as a refugee. On May 5, 2015, an IJ ordered Petitioner removed to Somalia. Petitioner does not have travel or identity documents from Somalia. Since 2015, the government has proved unable to remove him. Nonetheless, just over ten years later, on July 15, 2025, the government re-detained him. ICE gave him no opportunity to contest his re-detention, and there are no apparent changed circumstances justifying it. ICE does not appear to have a travel document in hand.

Petitioner is therefore being subjected to unlawful detention. The requested temporary restraining order (“TRO”) would preserve the status quo while Petitioner litigates these claims by reinstating Petitioner's release on supervision.

In granting this motion, this Court would not break new ground. Several courts, including this one, have granted TROs or preliminary injunctions mandating release for post-final-removal-order immigrants like Petitioner. *See Kazemzadeh v. United States*, No. 2:25-cv-01941-JAD-NJK, 2026 WL 93122 (D. Nev. Jan. 13, 2026); *Partovi v. Bondi*, No. 2:25-cv-02283-JAD-DJA, 2026 WL 93124 (D. Nev. Jan. 13, 2026); *Shadalo v. Mattos*, No. 2:25-cv-02076-RFB-BNW, 2025 WL 3568234 (D. Nev. Dec. 14, 2025); *Rodriguez-Gutierrez v. Noem*, No. 25-cv-02726-BAS-SBC (S.D. Cal. Nov. 7, 2025) ; *Phetsadakone v. Scott*, No. 2:25-CV-01678-JNW, 2025 WL 2579569,

1 at \*6 (W.D. Wash. Sept. 5, 2025) ; *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP,  
2 2025 WL 1993771, at \*7 (E.D. Cal. July 16, 2025) ; *Phan v. Beccerra*, No. 2:25-CV-  
3 01757-DC-JDP, 2025 WL 1993735, at \*7 (E.D. Cal. July 16, 2025); *Nguyen v. Scott*,  
4 No. 2:25-CV-01398, 2025 WL 2419288, at \*29 (W.D. Wash. Aug. 21, 2025).

5 Several more have ordered release for petitioners whose immigration cases  
6 are still pending.<sup>1</sup> *See, e.g., Hiestroza v. Kaiser*, No. 25-CV-07559-JD, 2025 WL  
7 2606983, at \*2 (N.D. Cal. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK,  
8 2025 WL 2607924, at \*12 (D. Mass. Sept. 9, 2025); *R.D.T.M. v. Wofford*, No. 1:25-  
9 CV-01141-KES-SKO (HC), 2025 WL 2617255, at \*6 (E.D. Cal. Sept. 9, 2025). These  
10 courts have determined that, for these long-term releasees, liberty is the status quo,  
11 and only a return to that status quo can avert irreparable harm.

12 Several courts have likewise granted temporary restraining orders  
13 preventing third-country removals without due process. *See, e.g., Bunnell v. Noem*,  
14 No. 2:25-cv-02259-GMN-EJY, 2025 WL 3707588 (D. Nev. Dec. 22, 2025); *J.R. v.*  
15 *Bostock*, 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025);  
16 *Vaskanyan v. Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25,  
17 2025); *Ortega v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. June 26,  
18 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at \*7 (E.D.  
19 Cal. July 16, 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL  
20 1993735, at \*7 (E.D. Cal. July 16, 2025).

21 Granting this relief would not be breaking new ground in this District.  
22 Another court in this District recently granted habeas relief on this very basis. *See*  
23 *Perez v. Bondi*, No. 2:25-cv-02390-CDS-BNW, 2026 WL 84492 (D. Nev. Jan. 12,  
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27 <sup>1</sup> Because immigration detainees whose cases have not been adjudicated are  
entitled only to a bond hearing-not to outright release-some of these TROs require  
release unless ICE provides that hearing. But because *Zadvydas* requires outright  
release on supervision, a TRO fitted to Petitioner's claims should order that relief.

1 2026); *Barka v. Mattos*, No. 2:25-cv-01781-GMN-MDC, 2025 WL 3723998 (D. Nev.  
2 Dec. 23, 2025); *Gomez v. Mattos*, No. 2:25-CV-00975-GMN-BNW, 2025 WL  
3 3101994, at \*4–6 (D. Nev. Nov. 6, 2025). Petitioner therefore respectfully requests  
4 that this Court grant this TRO.

#### 5 STATEMENT OF FACTS

6 On January 6, 2026, the Court ordered the Clerk of Court to separately file  
7 Petitioner’s petition for writ of habeas corpus, dated December 15, 2025. The Court  
8 appointed undersigned and ordered the petition served on the U.S. Attorney for the  
9 District of Nevada. ECF No. 3 at 2–3.

10 Petitioner files this motion for temporary restraining order because his  
11 continued detention is unconstitutional.

#### 12 ARGUMENT

13 To obtain a TRO, a plaintiff “must establish that he is likely to succeed on the  
14 merits, that he is likely to suffer irreparable harm in the absence of preliminary  
15 relief, that the balance of equities tips in his favor, and that an injunction is in the  
16 public interest.” *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008); *accord*  
17 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839-40 & n.7 (9th  
18 Cir. 2001) (noting that a TRO and preliminary injunction involve “substantially  
19 identical” analysis). A “variant[] of the same standard” is the “sliding scale”: “if a  
20 plaintiff can only show that there are ‘serious questions going to the merits’—a  
21 lesser showing than likelihood of success on the merits—then a preliminary  
22 injunction may still issue if the balance of hardships tips *sharply* in the plaintiff’s  
23 favor, and the other two *Winter* factors are satisfied.” *Immigrant Defs. L. Ctr. v.*  
24 *Noem*, 145 F.4th 972, 986 (9th Cir. 2025) (internal quotation marks omitted). Under  
25 this approach, the four *Winter* elements are “balanced, so that a stronger showing of  
26 one element may offset a weaker showing of another.” *All. for the Wild Rockies v.*  
27 *Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). A TRO may be granted where there

1 are “serious questions going to the merits’ and a hardship balance ... tips sharply  
2 toward the plaintiff,” so long as the other *Winter* factors are met. *Id.* at 1132.

3 Here, this Court should issue a temporary restraining order because  
4 “immediate and irreparable injury . . . or damage” is occurring and will continue in  
5 the absence of an order. Fed. R. Civ. P. 65(b). Respondents re-detained Petitioner in  
6 violation of his due process, statutory, and regulatory rights. This Court should  
7 order Petitioner’s release.

8 **I. Petitioner will likely succeed on the merits, or at a minimum,  
9 Petitioner raises serious merits questions.**

10 In his § 2241 petition, Petitioner raises a straightforward claim under  
11 *Zadvydas* 553 U.S. 678 (2001), that he has been unconstitutionally detained. In  
12 *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered a problem  
13 impacting people like Petitioner: Federal law requires ICE to detain an immigrant  
14 during the “removal period,” which spans the first 90 days after the removal order  
15 becomes final. 8 U.S.C. § 1231(a)(1)–(2). After the 90-day removal period expires,  
16 ICE may detain the noncitizen while continuing to try to remove them. *Id.* §  
17 1231(a)(6). If that subsection were understood to allow for “indefinite, perhaps  
18 permanent, detention,” it would pose “a serious constitutional threat.” *Zadvydas*,  
19 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided this constitutional  
20 concern by interpreting § 1231(a)(6) to incorporate implicit limits. 533 U.S. at 689.  
21 As an initial matter, *Zadvydas* held that detention is “presumptively reasonable” for  
22 six months after the removal order becomes final. *Id.* at 701.

23 After six months, detention ceases to be presumptively reasonable. Courts  
24 use a burden-shifting framework to decide whether detention remains authorized.  
25 First, the petitioner must prove that there is “good reason to believe that there is no  
26 significant likelihood of removal in the reasonably foreseeable future.” *Id.* If he does  
27 so, the burden shifts to “the Government [to] respond with evidence sufficient to

1 rebut that showing.” *Id.* Ultimately, then, the burden of proof rests with the  
2 government: The government must prove that there is a “significant likelihood of  
3 removal in the reasonably foreseeable future,” or the immigrant must be released.  
4 *Id.*

5 Here, Petitioner was ordered removed more than 6 months ago, almost a  
6 decade in fact, as his removal order became final in 2015. He has also been re-  
7 detained since July 15, 2025, which is more than 6 months ago.<sup>2</sup> There is no  
8 significant likelihood of removal, so Mr. Mohamed is likely to prevail. Thus, this  
9 Court will likely find that Petitioner warrants *Zadvydas* relief.

## 10 **II. Petitioner will suffer irreparable harm absent injunctive relief.**

11 Petitioner also meets the second factor, irreparable harm. “It is well  
12 established that the deprivation of constitutional rights ‘unquestionably constitutes  
13 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)  
14 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Where the “alleged deprivation  
15 of a constitutional right is involved, most courts hold that no further showing of  
16 irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02  
17 (9th Cir. 2005) (quoting 11A Charles Alan Wright et al., *Federal Practice and*  
18 *Procedure*, § 2948.1 (2d ed. 2004)). Further, unlawful detention itself “constitutes  
19 extreme or very serious damage, and that damage is not compensable in damages.”  
20 *Hernandez v. Sessions*, 872 F.3d 976, 999 (9th Cir. 2017) (internal citations  
21 omitted). Indeed, this Court has rejected in other cases the government’s arguments  
22 that this factor has not been met. *See Kazemzadeh*, 2026 WL 93122 at \*4 (noting  
23 government’s argument does not “make[] any sense” where government argues that  
24 there is no irreparable harm because harm is “essentially inherent in detention”  
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27 <sup>2</sup> See ECF No. 4 at 1.

1 and finding irreparable harm in unlawful detention); *see also Partovi*, 2026 WL  
2 93124 at \*5 (same).

3 **III. The balance of hardships and the public interest weigh heavily in**  
4 **Petitioner’s favor**

5 The final two factors for a TRO—the balance of hardships and public  
6 interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556  
7 U.S. 418,435 (2009). That balance tips decidedly in Petitioner’s favor.

8 The government “cannot reasonably assert that it is harmed in any legally  
9 cognizable sense” by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d  
10 719, 727 (9th Cir. 1983). Moreover, it is always in the public interest to prevent  
11 violations of the U.S. Constitution and ensure the rule of law. *See Nken*, 556 U.S. at  
12 436 (describing public interest in preventing noncitizens “from being wrongfully  
13 removed, particularly to countries where they are likely to face substantial harm”);  
14 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (when  
15 government's treatment “is inconsistent with federal law, ... the balance of  
16 hardships and public interest factors weigh in favor of a preliminary injunction.”).

17 Petitioner also faces a weighty hardship as a result of his already lengthy  
18 unlawful, indefinite detention. The balance of equities favors preventing the  
19 violation of “requirements of federal law,” *Arizona Dream Act Coal. v. Brewer*, 757  
20 F.3d 1053, 1069 (9th Cir. 2014), by granting emergency relief to protect against  
21 unlawful detention.

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CONCLUSION

For these reasons, Petitioner requests that this Court grant this motion and issue a temporary restraining order.

Dated January 23, 2026

Respectfully submitted,

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/s/ Randolph M. Fiedler  
Randolph M. Fiedler  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed on January 23, 2026. I personally served a true and correct copy of the foregoing index and exhibits in support of the first amended petition by CM/ECF to the following individuals:

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I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

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