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 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 Khalid Keydsane Mohamed,
 10 Petitioner,
 11 v.

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

**Federal Respondents' Response to the
 Motion for a Temporary Restraining Order
 [ECF No. 11]**

12 Kristi Noem, Secretary of Homeland
 Security, U.S. Department of Homeland
 13 Security, Pamela J. Bondi, Attorney General,
 Todd Lyons, Acting Direct and Senior
 14 Official, Jason Knight, as Acting Field Office
 Director, Salt Lake City Field Office, U.S.
 15 Immigration and Customs Enforcement, and
 John Mattos, Warden of the Nevada
 16 Southern Detention Facility, in their official
 capacities,
 17 Respondents.

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 20 Federal Respondents Kristi Noem, the United States Department of Homeland
 21 Security, Pamela Bondi, Todd Lyons, Jason Knight, the United States Immigration and
 22 Customs Enforcement, and John Mattos, though undersigned counsel, file their collective
 23 response to Petitioner Khalid Keydsane Mohamed's Motion for a Temporary Restraining

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1 Order (“TRO”) (ECF No. 11). Petitioner fails to demonstrate why this extraordinary relief
2 should be granted, and therefore the TRO should be denied .

3 **I. FACTUAL AND PROCEDURAL BACKGROUND¹**

4 On or about May 5, 2015, an Immigration Judge ordered petitioner removed to
5 Somalia. On or about July 13, 2015, Petitioner was released from ICE custody pending
6 removal from the United States. On or about July 15, 2025, ICE took Petitioner into custody
7 following an arrest in Utah for two counts of aggravated felony, theft or burglary and attempt
8 or conspiracy to commit an offense. *Id.* On or about January 6, 2026, petitioner filed a Petition
9 for a Writ of Habeas Corpus. On January 23, 2025, Petitioner filed the within Motion for
10 Temporary Restraining Order.

11 **II. LEGAL STANDARD**

12 Rule 65 of the Federal Rules of Civil Procedure governs the issuance of TROs and
13 preliminary injunctions—either of which is an “extraordinary remedy, which should be granted
14 only in limited circumstances.” *Novartis Consumer Health, Inc. v. & Johnson–Merck Consumer*
15 *Pharm. Co.*, 290 F.3d 578, 586 (3d Cir. 2002). To obtain this extraordinary remedy, Petitioner
16 must demonstrate: (1) a likelihood of success on the merits; (2) that he or she will suffer
17 irreparable harm by denial of the relief; (3) that granting preliminary relief will not result in
18 even greater harm to the nonmoving party; and (4) that the public interest favors such relief.
19 *Kos Pharm., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004).

20 The first two factors are “are the most critical.” *Relly v. City of Harrisburg*, 858 F.3d 173,
21 179 (3d Cir. 2017) (quotations omitted). Moreover, where (as here), a petitioner is seeking
22 mandatory injunctive relief disrupting the status quo, such as immediate release from custody,
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¹ For a more detailed factual and procedural history, see respondents’ Response to Petitioner’s Petition
for Writ of Habeas Corpus filed on January 27, 2026. ECF No. 14.

1 the petitioner must satisfy a “particularly heavy burden” and show a “substantial”—not just
2 reasonable—likelihood of success on the merits and an “indisputably clear” right to relief. *Hope*
3 *v. Warden York County Prison*, 972 F.3d 310, 320 (3d Cir. 2020); *see also Kim v. Hanlon*, 99 F.4th
4 140, 155 (3d Cir. 2024) (“[O]ver and above the showing required to maintain the status quo ...
5 a plaintiff must show a substantial likelihood of success on the merits and that [one’s] right to
6 relief is indisputably clear[.]” (quotation omitted)).

7 The final two factors required for preliminary injunctive relief—balancing of the harm to
8 the opposing party and the public interest—merge when the government is the opposing party.
9 *See Nken v. Holder*, 556 U.S. 418, 435 (2009). The Supreme Court has specifically acknowledged
10 that “[f]ew interests can be more compelling than a nation’s need to ensure its own security.”
11 *Wayte v. United States*, 470 U.S. 598, 611 (1985); *see also United States v. Brignoni-Ponce*, 422 U.S.
12 873, 878-79 (1975); *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1220–21 (D.C. Cir.
13 1981); *Maharaj v. Ashcroft*, 295 F.3d 963, 966 (9th Cir. 2002) (movant seeking injunctive relief
14 “must show either (1) a probability of success on the merits and the possibility of irreparable
15 harm, or (2) that serious legal questions are raised and the balance of hardships tips sharply in
16 the [moving party’s] favor.”) (quoting *Andreiu v. Ashcroft*, 253 F.3d 477, 483 (9th Cir. 2001)).

17 **III. ARGUMENT**

18 **A. Petitioner’s request for injunctive relief fails because he cannot establish a** 19 **likelihood of success on the merits.**

20 In his Motion, Petitioner seeks an order granting Petitioner’s request for a TRO and
21 ordering Petitioner’s release from detention. ECF No. 11 at 2. In general, the showing required
22 for a temporary restraining order is the same as that required for a preliminary injunction. *See*
23 *Stuhlberg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839, n. 7 (9th Cir. 2001). To prevail
24 on a motion for a preliminary injunction, a plaintiff must “establish that he is likely to succeed

1 on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief,
2 that the balance of equities tips in his favor, and that an injunction is in the public interest.”
3 *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see also Nken*, 556 U.S. at 426.
4 Plaintiffs must demonstrate a “substantial case for relief on the merits.” *Leiva-Perez v. Holder*,
5 640 F.3d 962, 967–68 (9th Cir. 2011). When “a plaintiff has failed to show the likelihood of
6 success on the merits, we need not consider the remaining three [*Winter* factors].” *Garcia v.*
7 *Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

8 As set forth in the respondents’ response to petitioner’s writ of habeas corpus, Petitioner
9 is detained lawfully, and removal is imminent. *See* ECF No. 14. Petitioner argues that there is
10 “no significant likelihood of removal, so [he] is likely to prevail.” ECF No. 11, at p.9.
11 Petitioner is incorrect. As noted previously, ICE has confirmed receipt of a temporary travel
12 document from the Somalian Embassy; and secured a commercial flight for Petitioner to
13 Somalia. *See* Exhibits A and B. As that is the sole basis of Petitioner’s argument, he cannot
14 establish a likelihood to succeed on the merits.

15 **B. Petitioner has failed to show an irreparable harm.**

16 To prevail on their request for injunctive relief, Petitioners must demonstrate
17 “immediate threatened injury.” *Caribbean Marine Servs. Co. v. Baldrige*, 844 F.2d 668, 674 (9th
18 Cir. 1988) (*citing Los Angeles Mem’l Coliseum Comm’n v. Nat’l Football League*, 634 F.2d 1197, 1201
19 (9th Cir. 1980)). Merely showing a “possibility” of irreparable harm is insufficient. *See Winter*,
20 555 U.S. at 22. “Issuing a preliminary injunction based only on a possibility of irreparable
21 harm is inconsistent with [the Supreme Court’s] characterization of injunctive relief as an
22 extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is
23 entitled to such relief.” *Id.* Here, because Petitioner’s alleged harm “is essentially inherent in

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1 detention, the Court cannot weigh this strongly in favor of” Petitioner. *Lopez Reyes v. Bonnar*,
2 No. 18-CV-07429-SK, 2018 WL 7474861, at *10 (N.D. Cal. Dec. 24, 2018).

3 **C. Factors three and four also weigh against petitioner.**

4 When “the government is a party, [courts] consider the balance of the equities and the
5 public interest together.” *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018). And “[i]n
6 exercising their sound discretion, courts of equity should pay particular regard for the public
7 consequences in employing the extraordinary remedy of injunction.” *Weinberger v. Romero-*
8 *Barcelo*, 456 U.S. 305, 312 (1982). Here, an adverse decision would negatively impact the public
9 interest by jeopardizing “the orderly and efficient administration of this country’s immigration
10 laws” by requiring “the Court to severely restrict the discretion of the Attorney General.” *See*
11 *Sasso v. Milhollan*, 735 F. Supp. 1045, 1049 (S.D. Fla. 1990); *see also Coal. for Econ. Equity v.*
12 *Wilson*, 122 F.3d 718, 719 (9th Cir. 1997) (“[I]t is clear that a state suffers irreparable injury
13 whenever an enactment of its people or their representatives is enjoined.”). The public has an
14 interest in the government’s enforcement of its laws. *See, e.g., Stormans, Inc. v. Selecky*, 586 F.3d
15 1109, 1140 (9th Cir. 2009) (“[T]he district court should give due weight to the serious
16 consideration of the public interest in this case that has already been undertaken by the
17 responsible state officials in Washington, who unanimously passed the rules that are the subject
18 of this appeal.”).

19 As with the irreparable harm analysis, the “determination of where the public interest
20 lies also is dependent on the determination of the likelihood of success on the merits of the
21 [constitutional] challenge.” *Phelps-Roper v. Nixon*, 545 F.3d 685, 690 (8th Cir. 2008), overruled
22 on other grounds by *Phelps-Roper v. City of Manchester, Mo.*, 697 F.3d 685, 690 (8th Cir. 2012).
23 While it is “always in the public interest to protect constitutional rights,” *id.*, when, as here,
24 Petitioner has not shown a likelihood of success on the merits of that claim, that presumptive

1 public interest evaporates. *See Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005).

2 Accordingly, Petitioner has not established that he merits an injunction, and the Court should

3 deny this request.

4 **IV. CONCLUSION**

5 For these reasons, Federal Respondents respectfully request that petitioner's motion for
6 temporary restraining order be denied.

7 Respectfully submitted this 6th day of February, 2026.

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9 TODD BLANCHE
Deputy Attorney General

10
11 /s/ Lauren Ibanez
LAUREN IBANEZ
Assistant United States Attorney

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EXHIBIT INDEX

Exhibit A Temporary Travel Document
Exhibit B Flight Confirmation