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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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15 AMBARTSOUM POGOSIAN,

16 Petitioner,

17 v.

18 KRISTI NOEM; *et al*,

19 Respondents.

No. 5:25-cv-03380-DOC-DTB

**RESPONDENTS' SUPPLEMENTAL
BRIEF RE: PRELIMINARY
INJUNCTION**

Honorable David O. Carter
United States District Judge

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1 Petitioner Ambartsoum Pogosian, who has a final order of removal and was taken
2 into immigration custody in October of 2025, filed a petition for writ of habeas corpus
3 asking the Court to order his release. *See* Dkt. No. 1. On December 31, 2025, the Court
4 granted Petitioner’s TRO Application, ordered Petitioner’s release, and directed
5 Respondents to file a brief as to why a preliminary injunction should not issue. Dkt. No.
6 6 at 8. During a PI hearing on January 12, 2026, the Court requested additional briefing
7 regarding the parties’ respective positions on the issuance of a preliminary injunction.
8 Accordingly, Respondents provide the following supplemental brief.

9 Petitioner’s release from ICE detention on January 6, 2026 moots the requested
10 preliminary injunction and this habeas petition more generally. *See* 28 U.S.C. § 2241(c)
11 (“The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody.”);
12 *see also Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) (“Because [petitioner’s]
13 claims lie outside the historic core of habeas corpus, we conclude the district court
14 properly found it lacked jurisdiction to hear [his] petition.”), *cert. denied sub nom. Sands*
15 *v. Bradley*, 144 S. Ct. 1382 (2024); *id.* at 1070 (explaining that “release from
16 confinement is the only available remedy for claims at the writ’s core”); *Munoz v.*
17 *Rowland*, 104 F.3d 1096, 1097–98 (9th Cir. 1997) (“Because [the petitioner] has been
18 released ..., we can no longer provide him the primary relief sought in his habeas corpus
19 petition.”); *United States v. Geophysical Corp. of Alaska*, 732 F.2d 693, 698 (9th Cir.
20 1984) (“We cannot take jurisdiction over a claim as to which no effective relief can be
21 granted.”).

22 Many judges who have considered this issue in this District have ruled that the
23 grant of injunctive relief moots the preliminary injunction, and the habeas petition more
24 generally. *See, e.g., Mosqueda v. Noem*, 5:25-cv-002304-CAS-BFM, Dkt. No. 15 (Sept.
25 17, 2025 minute order by Hon. Judge Snyder, denying preliminary injunction and
26 issuing OSC re dismissal for mootness given the petitioners’ receipt of immigration bond
27 hearings); and Dkt. No. 16 (notice of voluntary dismissal); *Tut v. Noem*, 5:25-cv-02701-
28 DOC (Oct. 30, 2025 order by this Court denying preliminary injunction as moot where

1 bond hearings were provided to detainees pursuant to TRO); *Javier Gonzales v. Noem*,
2 5:25-cv-02054-ODW-BFM, Dkt. No. 16 (Aug. 25, 2025 minute order by Hon. Judge
3 Wright, denying preliminary injunction as moot given petitioners’ receipt of bond
4 hearings pursuant to TRO), Dkt. No. 18 (order dismissing petition); *Torres v. Noem*,
5 5:25-cv-03566-SSS-BFM, Dkt. No. 13 (Jan. 15, 2026 order by Hon. Judge Sykes
6 dismissing petitioners’ petition for writ of habeas corpus given their receipt, pursuant to
7 a TRO, of 1226(a) bond hearings), and Dkt. No. 12 (notice of voluntary dismissal).

8 For example, the Hon. Judge Birotte Jr. dismissed a preliminary injunction as
9 moot, where the petitioner had been ordered released pursuant to the Court’s order upon
10 an *ex parte* TRO application. *See Hezardastan v. Noem*, No. 5:25-cv-03424-AB-DTB
11 [Dkt. No. 13] (January 5, 2026) (order dismissing case as moot). The Hon. Judge
12 Wright, II also dismissed a preliminary injunction as moot following petitioner’s release
13 from custody. *See Woldegabriel v. Noem*, 5:25-03369-ODW-PVC [Dkt. No. 11] (Dec.
14 29, 2025). Similarly, the Hon. Judge Vera dismissed a writ of habeas corpus as moot
15 after Petitioner was released upon a motion for preliminary injunction. *See Hashemi v.*
16 *Noem*, No. 2:25-cv-10335-HDV-SP [Dkt. No. 19] (Jan. 7, 2026).

17 The Hon. Judge Olguin likewise denied a preliminary injunction and writ of
18 habeas corpus as moot following the petitioner’s release, finding “[P]etitioner’s release
19 does not give rise to collateral consequences that are redressable by success on his
20 original petition. And Petitioner’s contention that Respondents will be able to re-arrest
21 and re-detain him appears to be speculative and hypothetical.” *See Trujillo v. Janecka*,
22 No. 5:25-cv-03002-FMO-SSC, 2026 WL 84313, at 1-2 (C.D. Cal. Jan. 12, 2026)
23 (cleaned up).

24 The Hon. Judge Valenzuela declined to issue a preliminary injunction after
25 petitioner’s release, finding that petitioner could not show a likelihood of imminent
26 irreparable harm. *See Petrosyan v. Bondi*, No. 5:25-cv-03240-CV-AS [Dkt. No. 11]
27 (December 31, 2025) (order discharging order to show cause).

28 Similarly, the Hon. Judge Bernal denied as moot a motion for reconsideration in a

1 somewhat similar case, finding claims of re-detention and third country removal to be
2 too speculative to warrant relief. *See Hoang v. Santa Cruz*, No. 5:25-cv-02766-JGB-
3 DSR [Dkt. No. 22] (January 7, 2026) (order denying motion as moot).

4 Accordingly, the OSC re: preliminary injunction should be discharged, and the
5 case dismissed as moot.

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7 Dated: January 16, 2026

Respectfully submitted,

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