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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 Seyed Hojjat Azimi Osmavandani,
13 Petitioner,
14 v.
15 John Mattos, *et al.*,
16 Respondents.

Case No. 2:26-cv-00008-GMN-BNW
**Petitioner's Motion for Temporary
Restraining Order**

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POINTS AND AUTHORITIES¹

Petitioner Seyed Hojjat Azimi Osmavandani (“Azimi”), a 69-year-old citizen of Iran, has resided in the United States since 1983, when he and his wife arrived here seeking political asylum. He received a deportation order on May 20, 1985, and his final order of removal was entered in December 1994. In 2009, despite abiding by his order of supervision, Azimi was detained for three-and-a-half months.² During that time, Iran made it clear that no travel documents would be issued for Azimi without an original birth certificate, which Iran would not provide.³ Since then, the government has proved unable to remove him, and Azimi has been out of custody on an Order of Supervision (OSUP) from ICE.⁴ Yet on June 22, 2025, the government re-detained him, despite Azimi’s full compliance with probation.⁵ ICE gave him no opportunity to contest his re-detention, and there are no apparent changed circumstances justifying it. Coupled with the three-and-a-half months of detention he already served in 2009, Azimi has been detained for over ten months with no reasonable likelihood of imminent removal. The deadline to remove Azimi has long since expired, and Respondents have no reason to believe that they will now be able to remove Azimi. ICE does not appear to have a travel document in hand as Azimi cannot be removed to Iran. Additionally, there does not appear to be any plan to remove Azimi to a third country. Rather, an officer at his current

¹ Where Azimi possesses relevant documents, he will specifically reference and attach them as exhibits. Citations to exhibits from the Amended § 2241 Petition, filed concurrently with this Motion, will be referred to as “Am. Pet. Ex. #.” Citations to exhibits attached to this motion will be referred to as “Ex. #.” Otherwise, the assertions of facts throughout this section are based on information and belief.

² Am. Pet. Ex. 4.

³ Am. Pet. Exs. 9 and 10.

⁴ Am. Pet. Ex. 7.

⁵ Am. Pet. Ex. 1.

1 facility made an offhand comment that they may try to remove him to a third
2 country.

3 As a result, Azimi faces immediate irreparable harm: (1) revocation of his
4 release on immigration supervision, despite ICE's failure to follow its own
5 revocation procedures; (2) indefinite immigration detention with no reasonable
6 prospect of removal in the reasonably foreseeable future to the country designated
7 by the immigration judge ("IJ"); and (3) potential removal to a third country never
8 considered by an IJ. Beyond that, Azimi's family faces extraordinary hardship
9 during his illegal detention because without Azimi's ability to work, he and his wife
10 face financial privation, including the loss of their apartment due to inability to
11 afford rent. Azimi also suffers from medical conditions, including heart disease and
12 retinal disease, which have not been properly addressed during his time in custody
13 and compound the harm of his unlawful detention.⁶ For the reasons set forth below,
14 this Court should grant temporary relief to preserve the status quo and order his
15 immediate release.

16 Azimi is therefore facing both unlawful detention and a threat of removal to a
17 dangerous third country without due process, which he challenges in an amended
18 § 2241 petition filed concurrently with this Motion. The requested temporary
19 restraining order ("TRO") would preserve the status quo while Azimi litigates his
20 claims by (1) reinstating Azimi's release on supervision, (2) prohibiting the
21 government from revoking his OSUP without first following the required statutory
22 procedures, and (3) prohibiting the government from removing him to a third
23 country without an opportunity to file a motion to reopen with an IJ.

24 In granting this motion, this Court would not break new ground. Several
25 courts have granted TROs or preliminary injunctions mandating release for post-

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27 ⁶ Exs. 1 and 2.

1 final-removal-order immigrants like Azimi. *See Kazemzadeh v. United States, et al.*,
2 No. 2:25-cv-01941-JAD-NJK (D. Nev. Jan. 13, 2026); *Bunnell v. Noam*, No. 2:25-cv-
3 02259-GMN-EJY (D. Nev. Dec. 22, 2025); *Rodriguez-Gutierrez v. Noem*, No. 25-cv-
4 02726-BAS-SBC (S.D. Cal. Nov. 7, 2025); *Phetsadakone v. Scott*, 2025 WL 2579569,
5 at *6 (W.D. Wash. Sept. 5, 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025
6 WL 1993771, at *7 (E.D. Cal. July 16, 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-
7 DC-JDP, 2025 WL 1993735, at *7 (E.D. Cal. July 16, 2025); *Nguyen v. Scott*, No.
8 2:25-CV-01398, 2025 WL 2419288, at *29 (W.D. Wash. Aug. 21, 2025).

9 Several courts have likewise granted temporary restraining orders
10 preventing third-country removals without due process. *See, e.g., J.R. v. Bostock*,
11 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30, 2025); *Vaskanyan v.*
12 *Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D. Cal. Jun. 25, 2025); *Ortega*
13 *v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D. Cal. June 26, 2025); *Hoac v.*
14 *Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16,
15 2025); *Phan v. Beccerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *7 (E.D.
16 Cal. July 16, 2025).

17 Granting this relief would not even be breaking new ground in this District.
18 Indeed, this Court recently granted habeas relief on this basis. *See Cavieres Gomez*
19 *v. Mattos*, No. 2:25-CV-00975-GMN-BNW, 2025 WL 3101994, at *6–7 (D. Nev. Nov.
20 6, 2025). Azimi therefore respectfully requests that this Court grant this TRO.

21 STATEMENT OF FACTS

22 Concurrent with this motion, Azimi files his amended § 2241 petition. Azimi
23 incorporates by reference the statements of fact set forth in those pleadings.

24 ARGUMENT

25 To obtain a TRO, a plaintiff “must establish that he is likely to succeed on the
26 merits, that he is likely to suffer irreparable harm in the absence of preliminary
27 relief, that the balance of equities tips in his favor, and that an injunction is in the

1 public interest.” *Winter v. Nat. Res. Def Council, Inc.*, 555 U.S. 7, 20 (2008); accord
2 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839-40 & n.7 (9th
3 Cir. 2001) (noting that a TRO and preliminary injunction involve “substantially
4 identical” analysis). A “variant[] of the same standard” is the “sliding scale”: “if a
5 plaintiff can only show that there are ‘serious questions going to the merits’—a
6 lesser showing than likelihood of success on the merits—then a preliminary
7 injunction may still issue if the balance of hardships tips *sharply* in the plaintiff’s
8 favor, and the other two *Winter* factors are satisfied.” *Immigrant Defenders Law*
9 *Center v. Noem*, 145 F.4th 972, 986 (9th Cir. 2025) (internal quotation marks
10 omitted). Under this approach, the four *Winter* elements are “balanced, so that a
11 stronger showing of one element may offset a weaker showing of another.” *All. for*
12 *the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). A TRO may be
13 granted where there are “‘serious questions going to the merits’ and a hardship
14 balance . . . tips sharply toward the plaintiff,” and so long as the other *Winter*
15 factors are met. *Id.* at 1132.

16 Here, this Court should issue a temporary restraining order because
17 “immediate and irreparable injury . . . or damage” is occurring and will continue in
18 the absence of an order. Fed. R. Civ. P. 65(b). Not only have Respondents re-
19 detained Azimi in violation of his due process, statutory, and regulatory rights, ICE
20 policy also allows them to remove him to a third country in violation of his due
21 process, statutory, and regulatory rights. This Court should order Azimi’s release
22 and enjoin removal to a third country with no or inadequate notice.

23 **I. Azimi will likely succeed on the merits, or at a minimum, Azimi**
24 **raises serious merits questions.**

25 In his amended § 2241 petition, Azimi raises five claims that he has been
26 unconstitutionally detained and that he cannot be removed to a third country.
27 Azimi addresses the merits of each claim below:

1 **A. Azimi is likely to succeed on the merits of his claim that his**
2 **detention violates *Zadvydas* and the Immigration and**
3 **Nationality Act, 8 U.S.C. § 1231(a)(6). (Grounds 1 and 2).**

4 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court considered a
5 problem affecting people like Azimi: Federal law requires ICE to detain an
6 immigrant during the “removal period,” which typically spans the first 90 days after
7 the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-(2). And after that 90-day
8 removal period expires, ICE may detain the migrant while continuing to try to
9 remove them. *Id.* § 1231(a)(6). If that subsection were understood to allow for
10 “indefinite, perhaps permanent, detention,” it would pose “a serious constitutional
11 threat.” *Zadvydas*, 533 U.S. at 699. In *Zadvydas*, the Supreme Court avoided the
12 constitutional concern by interpreting § 1231(a)(6) to incorporate implicit limits. *Id.*
13 at 689. As an initial matter, *Zadvydas* held that detention is “presumptively
14 reasonable” for six months after the removal order becomes final. *Id.* at 701.

15 After six months, detention ceases to be presumptively reasonable. Courts
16 use a burden-shifting framework to decide whether detention remains authorized.
17 First, the petitioner must prove that there is “good reason to believe that there is no
18 significant likelihood of removal in the reasonably foreseeable future.” *Id.* If he does
19 so, the burden shifts to “the Government [to] respond with evidence sufficient to
20 rebut that showing.” *Id.* Ultimately, then, the burden of proof rests with the
21 government: The government must prove that there is a “significant likelihood of
22 removal in the reasonably foreseeable future,” or the immigrant must be released.
23 *Id.*

24 Here, Azimi was ordered removed much more than six months ago, as his
25 removal order became final in 1994. He has been detained since June 24, 2025, and
26 was previously detained for three-and-a-half months in 2009; therefore, he has
27 cumulatively been detained for over 10 months. Even without counting his 2009
detention, Azimi’s present detention has already spanned over seven months, and

1 there is no reasonable likelihood of removal, so Azimi still prevails. Thus, this Court
2 will likely find that Azimi warrants *Zadvydas* relief.

3 **B. Azimi is likely to succeed on the merits of his claim that ICE**
4 **violated its own regulations (Ground 3).**

5 In addition to *Zadvydas*'s protections, 8 C.F.R. §§ 241.4(l), 241.13(i) provide
6 extra process for re-detentions. These regulations permit an official to “return[s]
7 [the person] to custody” because they “violate[d] any of the conditions of release.” 8
8 C.F.R. § 241.13(i)(1); *accord id.* § 241.4(l)(1). Otherwise, they permit revocation of
9 release only if the appropriate official (1) “determines that there is a significant
10 likelihood that the alien may be removed in the reasonably foreseeable future,” and
11 (2) makes that finding “on account of changed circumstances.” *Id.* § 241.13(i)(2).

12 No matter the reason for re-detention, the re-detained person is entitled to
13 “an initial informal interview promptly,” during which they “will be notified of the
14 reasons for revocation.” *Id.* §§ 241.4(l)(1), 241.13(i)(3). The interviewer must
15 “afford[] the [person] an opportunity to respond to the reasons for revocation,”
16 allowing them to “submit any evidence or information” relevant to re-detention and
17 evaluating “any contested facts.” *Id.*

18 ICE is required to follow its own regulations. *United States ex rel. Accardi v.*
19 *Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. INS*, 384 F.3d 1150, 1162 (9th
20 Cir. 2004) (“The legal proposition that agencies may be required to abide by certain
21 internal policies is well-established.”). A court may review a re-detention decision
22 for compliance with the regulations. *See Gomez v. Mattos*, No. 2:25-CV-00975-GMN-
23 BNW, 2025 WL 3101994, at *3 (D. Nev. Nov. 6, 2025); *Phan v. Beccerra*, No. 2:25-
24 CV-01757, 2025 WL 1993735, at *3 (E.D. Cal. July 16, 2025); *Nguyen v. Hyde*, No.
25 25-cv-11470-MJJ, 2025 WL 1725791, at *3 (D. Mass. June 20, 2025) (citing *Kong v.*
26 *United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

1 Here, none of the prerequisites to detention apply. ICE did not detain Azimi
2 due to a violation. And there are no changed circumstances that justify re-detaining
3 him. Respondents' intent to eventually complete a travel document request to
4 remove Azimi does not constitute a "changed circumstance" under 8 C.F.R. §
5 241.13(i)(2). *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *4
6 (E.D. Cal. July 16, 2025) (citing *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526,
7 at *2 (D. Kan. June 17, 2025)). ICE failed to provide Azimi with "reasons for
8 revocation," they failed to allow Azimi an "opportunity to respond to the reasons for
9 revocation," and Azimi was not allowed to "submit any evidence or information"
10 relevant to re-detention and evaluating "any contested facts." 8 C.F.R. §§ 241.4(l)(1),
11 241.13(i)(3).

12 "[B]ecause officials did not properly revoke petitioner's release pursuant to
13 the applicable regulations," this Court will likely find that "petitioner is entitled to
14 his release" on an order of supervision. *Liu*, 2025 WL 1696526, at *3.

15 **C. Azimi is likely to succeed on the merits of his claim that he is**
16 **entitled to adequate notice and an opportunity to be heard**
17 **prior to any third country removal (Grounds 4 and 5).**

18 Finally, Azimi is likely to succeed on the merits of his claim that he may not
19 be removed to a third country absent adequate notice and an opportunity to be
20 heard.

21 U.S. law enshrines protections against dangerous and life-threatening
22 removal decisions. By statute, the government is prohibited from removing an
23 immigrant to any third country where a person may be persecuted or tortured, a
24 form of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A).
25 The government "may not remove [a noncitizen] to a country if the Attorney
26 General decides that the [noncitizen's] life or freedom would be threatened in that
27 country because of the [noncitizen's] race, religion, nationality, membership in a

1 particular social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16,
2 1208.16. Withholding of removal is a mandatory protection.

3 Similarly, Congress codified protections enshrined in the Convention Against
4 Torture (CAT) prohibiting the government from removing a person to a country
5 where they would be tortured. *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231
6 note) (“It shall be the policy of the United States not to expel, extradite, or
7 otherwise effect the involuntary return of any person to a country in which there
8 are substantial grounds for believing the person would be in danger of being
9 subjected to torture, regardless of whether the person is physically present in the
10 United States.”); 28 C.F.R. § 200.1; *id.* §§ 208.16-208.18, 1208.16-1208.18. CAT
11 protection is also mandatory.

12 To comport with the requirements of due process, the government must
13 provide notice of third country removal and an opportunity to respond. Due process
14 requires “written notice of the country being designated” and “the statutory basis
15 for the designation, i.e., the applicable subsection of§ 1231(b)(2).” *Aden v. Nielsen*,
16 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S. Dep’t of*
17 *Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21,
18 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

19 Due process also requires the following: “[A]sk[ing] the noncitizen whether he
20 or she fears persecution or harm upon removal to the designated country and
21 memorialize in writing the noncitizen's response. This requirement ensures DHS
22 will obtain the necessary information from the noncitizen to comply with section
23 1231(b)(3) and avoids [a dispute about what was said].” *Aden*, 409 F. Supp. 3d at
24 1019. “Failing to notify individuals who are subject to deportation that they have
25 the right to apply for asylum in the United States and for withholding of
26 deportation to the country to which they will be deported violates both INS
27

1 regulations and the constitutional right to due process.” *Andriasian*, 180 F.3d at
2 1041.

3 If the noncitizen claims fear, measures must be taken to ensure that the
4 noncitizen can seek asylum, withholding, and relief under CAT before an
5 immigration judge in reopened removal proceedings. The amount and type of notice
6 must be “sufficient” to ensure that “given [a noncitizen’s] capacities and
7 circumstances, he would have a reasonable opportunity to raise and pursue his
8 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009 (citing
9 *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132 F.3d 405,
10 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring a minimum of 15
11 days notice).

12 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,
13 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and
14 for good reason: To have a meaningful opportunity to apply for fear-based protection
15 from removal, immigrants must have time to prepare and present relevant
16 arguments and evidence. Merely telling a person where they may be sent, without
17 giving them a chance to look into country conditions, does not give them a
18 meaningful chance to determine whether and why they have a credible fear.

19 Respondents’ third country removal policy skips over these statutory and
20 constitutional procedural protections. According to ICE’s July 9, 2025, Directive,
21 individuals can be removed to third countries “without the need for further
22 procedures,” so long as “the [U.S.] has received diplomatic assurances.”⁷ Petitioner
23 is likely to succeed on the merits of his claim on this fact alone, because the policy
24 instructs officers to provide no notice or opportunity to be heard of any kind. The
25 same is true of the minimal procedures ICE offers when no diplomatic assurances
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27 ⁷ Am. Pet. Ex. 12.

1 are present. The policy provides no meaningful notice (only 6-24 hours), instructs
2 officers not to ask about fear, and provides no actual opportunity to see counsel and
3 prepare a fear-based claim (6-24 hours), let alone reopen removal proceedings. In
4 sum, it directs ICE officers to violate the rights of those whom they seek to subject
5 to the third country removal program.

6 Faced with similar arguments, several courts have recently granted
7 individual TROs against removal to third countries. See *Rodriguez-Gutierrez*, No.
8 25-cv-02726-BAS-SBC (S.D. Cal. Nov. 7, 2025) *J.R.*, 2025 WL 1810210; *Vaskanyan*,
9 2025 WL 2014208; *Ortega*, 2025 WL 1771438; *Hoac*, 2025 WL 1993771, at *7; *Phan*,
10 2025 WL 1993735, at *7.

11 Because ICE's new policies for third country removal fail to comply with
12 existing law, they also violate the Administrative Procedures Act. Furthermore,
13 given the blatant unlawfulness and unconstitutionality of ICE's policies, Azimi's
14 detention under the color of those policies is unlawful.

15 **II. Azimi will suffer irreparable harm absent injunctive relief.**

16 Azimi also meets the second factor: irreparable harm. He has been unlawfully
17 detailed for at least seven months. "It is well established that the deprivation of
18 constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v.*
19 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347,
20 373 (1976)). Where the "alleged deprivation of a constitutional right is involved,
21 most courts hold that no further showing of irreparable injury is necessary."
22 *Warsoldier v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir. 2005) (quoting 11A Charles
23 Alan Wright et al., *Federal Practice and Procedure*, § 2948.1 (2d ed. 2004)). Thus, he
24 has already been harmed by his unconstitutional detention, and each additional day
25 in detention adds to the hardship.

26 While unlawful detention itself "constitutes extreme or very serious damage
27 [which] is not compensable in damages," *Hernandez v. Sessions*, 872 F.3d 976, 999

1 (9th Cir. 2017) (internal citations omitted), here, the potential irreparable harm to
2 Azimi is even more concrete. He has been unable to financially support his wife
3 since his detention, and he and his wife had to give up their rental home because
4 they could no longer afford it.

5 Third-country deportations pose that risk and more. Recent third-country
6 deportees have been held, indefinitely and without charge, in hazardous foreign
7 prisons.⁸ They have been subjected to solitary confinement.⁹ They have been
8 removed to countries so unstable that the U.S. government recommends making a
9 will and appointing a hostage negotiator before traveling to them.¹⁰ These and other
10 threats to Azimi's health and life independently constitute irreparable harm.

11 Additionally, Azimi's health is at risk due to ICE's failure to provide timely
12 medical care for serious heart problems. Since 2012, Azimi has had three surgical
13 procedures to address acute cardiovascular ailments, including two heart attacks.¹¹
14 On June 24, 2025, the day he was detained, he was en route to a cardiology
15 appointment for required testing to determine the appropriate course of action
16 following complaints of chest pains and an abnormal stress test. Once he was
17 detained, it took ICE almost three months to get him back to his cardiologist, then
18 an additional two months to schedule further cardiac testing despite Azimi's
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21 ⁸ Edward Wong et al., *Inside the Global Deal-Making Behind Trump's Mass*
22 *Deportations*, N.Y. Times (Jun. 25, 2025), available at
23 [https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)
[deportations.html](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html)

24 ⁹ Gerald Imray, *Men deported by US to Eswatini in Africa will be held in*
25 *solitary confinement for undetermined time*, Associated Press (Jul. 18, 2025),
26 available at [https://apnews.com/article/eswatini-united-states-trump-deportation-](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbcbfe6caff87d0bb8)
[immigrants-a5853b16b7b275cbcbfe6caff87d0bb8](https://apnews.com/article/eswatini-united-states-trump-deportation-immigrants-a5853b16b7b275cbcbfe6caff87d0bb8)

27 ¹⁰ See Wong, *supra*.

¹¹ Ex. 1.

1 repeated requests for treatment.¹² It was more than a month and a half before ICE
2 gave Azimi his prescribed heart and cholesterol medication.¹³ He finally underwent
3 angioplasty and stent placement in November 2025.¹⁴ Although his cardiologist
4 ordered follow-up evaluation and testing within two weeks of the procedures, ICE
5 failed to get Azimi the necessary medical care.¹⁵

6 Similarly, ICE has failed to provide Azimi necessary medical care to address
7 possible retinal detachment.¹⁶ In August 2024, Azimi underwent laser surgery for a
8 horseshoe retinal tear in his left eye following months of eye pain, headache, and
9 red eyes.¹⁷ He was scheduled for a checkup one year later, in September 2025, but
10 was unable to see his ophthalmologist due to his ICE detention. In the meantime,
11 since he has been detained the symptoms of possible retinal detachment or
12 damage—including headache, dry eye, floaters, and eye pain—have returned.¹⁸ As
13 of the filing of this motion, ICE has failed to provide Azimi with urgent medical care
14 despite Azimi’s repeated requests for assistance.¹⁹

15 **III. The balance of hardships and the public interest weigh heavily in** 16 **Azimi’s favor**

17 The final two factors for a TRO—the balance of hardships and public interest—
18 “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S.
19 418,435 (2009). That balance tips decidedly in Azimi’s favor.

21 ¹² Ex. 2 at 10-17.

22 ¹³ *Id.*

23 ¹⁴ Ex. 1 at 22.

24 ¹⁵ Ex. 2 at 3-4.

25 ¹⁶ *Id.* at 1-2, 5-6.

26 ¹⁷ Ex. 1 at 24-26.

27 ¹⁸ Ex. 2 at 1-2, 5-6.

¹⁹ *Id.*

1 The government “cannot reasonably assert that it is harmed in any legally
2 cognizable sense” by being compelled to follow the law. *Zepeda v. I.N.S.*, 753 F.2d
3 719, 727 (9th Cir. 1983). Moreover, it is always in the public interest to prevent
4 violations of the U.S. Constitution and ensure the rule of law. *See Nken*, 556 U.S. at
5 436 (describing public interest in preventing noncitizens “from being wrongfully
6 removed, particularly to countries where they are likely to face substantial harm”);
7 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019) (when
8 government's treatment “is inconsistent with federal law, . . . the balance of
9 hardships and public interest factors weigh in favor of a preliminary injunction.”).

10 Azimi also faces weighty hardships: unlawful, indefinite detention and
11 removal to a third country where he is likely to suffer imprisonment or other serious
12 harm. The balance of equities thus favors preventing the violation of “requirements
13 of federal law,” *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1069 (9th Cir.
14 2014), by granting emergency relief to protect against unlawful detention and
15 prevent unlawful third country removal.

16 CONCLUSION

17 For those reasons, Azimi requests that this Court issue a temporary
18 restraining order.

19 Dated January 29, 2026.

20 Respectfully submitted,
21 Rene L. Valladares
22 Federal Public Defender

23 /s/ Celeste Bacchi


24 Celeste Bacchi
25 Assistant Federal Public Defender
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on January 29, 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:

Summer Allegra Johnson US Attorney's Office District of Nevada 501 Las Vegas Blvd. South Las Vegas, NV 89101 Email: summer.johnson@usdoj.gov	Sigal Chattah First Assistant, District of Nevada 501 Las Vegas Blvd, Ste 1100 Las Vegas, NV 89101 Email: Sigal.Chattah@usdoj.gov
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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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