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10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 **MAGED ABDULHAMEED HAMOOD**  
13 **ABDULLAH,**

14 **Petitioner,**

15 **v.**

16 **KRISTI NOEM, Secretary of the**  
17 **Department of Homeland Security,**  
18 **PAMELA JO BONDI, Attorney General,**  
19 **TODD M. LYONS, Acting Director,**  
20 **Immigration and Customs Enforcement,**  
**JESUS ROCHA, Acting Field Office**  
**Director, San Diego Field Office,**  
**CHRISTOPHER LAROSE, Warden at**  
**Otay Mesa Detention Center,**

21 **Respondents.**

Case No.: '26CV0176 BJC BLM

**Notice of motion and memorandum  
of law in support of temporary  
restraining order**

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27 <sup>1</sup> Federal Defenders of San Diego, Inc., is filing the instant motion and associated  
28 petition with provisional appointment under Chief Judge Order No. 134. Mr.  
Abdullah's financial eligibility for representation is included in a sworn statement  
attached to his habeas petition.

1 **I. Introduction**

2 Maged Abdullah faces immediate irreparable harm: (1) revocation of his  
3 release on immigration supervision despite ICE’s failure to follow its own  
4 revocation procedures, resulting in him missing his last fall semester college final,  
5 and potentially missing the start of the spring semester on February 2, 2026;  
6 (2) indefinite immigration detention with no individualized, significantly likely  
7 prospect of removal in the reasonably foreseeable future; and (3) potential  
8 movement from this jurisdiction during the pendency of this petition.

9 Issuing the requested temporary restraining order (“TRO”) would preserve  
10 the status quo while Petitioner litigates these claims by (1) reinstating  
11 Mr. Abdullah’s release on supervision, and (2) prohibiting the government from  
12 moving him out of this district during the pendency of this litigation, potentially  
13 depriving this Court of jurisdiction.<sup>2</sup>

14 In granting this motion, this Court would not break new ground. Courts in  
15 this district and around the Ninth Circuit have granted TROs or preliminary  
16 injunctions mandating release for post-final-removal-order immigrants like  
17 Petitioner. *See, e.g., Sun v. Noem*, 2025 WL 2800037, No. 25-cv-2433-CAB (S.D.  
18 Cal. Sept. 30, 2025); *Van Aghajavadyha v. Noem*, 2025 WL 2770623, No. 25-cv-  
19 2334-JES, \*3 (S.D. Cal. Sept. 29, 2025); *Truong v. Noem*, No. 25-cv-02597-JES,  
20 ECF No. 10 (S.D. Cal. Oct. 10, 2025); *Khambounheuang v. Noem*, No. 25-cv-  
21 02575-JO-SBC, ECF No. 12 (S.D. Cal. Oct. 9, 2025); *see also, e.g.,*  
22 *Phetsadakone v. Scott*, 2025 WL 2579569, at \*6 (W.D. Wash. Sept. 5, 2025);  
23 *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at \*7 (E.D.  
24 Cal. July 16, 2025); *Phan v. Becerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL  
25 1993735, at \*7 (E.D. Cal. July 16, 2025); *Nguyen v. Scott*, No. 2:25-CV-01398,

26 \_\_\_\_\_  
27 <sup>2</sup> Mr. Abdullah requests this Court order Respondents not move him out of this  
28 district during the pendency of litigation *ex parte*. He requests that this Court  
reinstates him on release on supervision following briefing on this TRO motion  
from Respondents.

1 2025 WL 2419288, at \*29 (W.D. Wash. Aug. 21, 2025). These courts have  
2 determined that, for these long-term releasees, liberty is the status quo, and only a  
3 return to that status quo can avert irreparable harm.

4 Courts have likewise granted temporary restraining orders preventing third-  
5 country removals without due process. *See, e.g., Nguyen Tran v. Noem*, No. 25-  
6 cv-2391-BTM, ECF No. 6 (S.D. Cal. Sept. 18, 2025); *Louangmilith v. Noem*,  
7 2025 WL 2881578, No. 25-cv-2502-JES, \*4 (S.D. Cal. Oct. 9, 2025); *see also*,  
8 *e.g., J.R. v. Bostock*, 25-cv-01161-JNW, 2025 WL 1810210 (W.D. Wash. Jun. 30,  
9 2025); *Vaskanyan v. Janecka*, 25-cv-01475-MRA-AS, 2025 WL 2014208 (C.D.  
10 Cal. Jun. 25, 2025); *Ortega v. Kaiser*, 25-cv-05259-JST, 2025 WL 1771438 (N.D.  
11 Cal. June 26, 2025); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL  
12 1993771, at \*7 (E.D. Cal. July 16, 2025); *Phan*, 2025 WL 1993735 at \*7.

13 **A. Mr. Abdullah comes to the U.S., is ordered removed to Saudi**  
14 **Arabia and granted withholding of removal from Yemen, and**  
15 **after he cannot be removed is released on an order of supervision**  
**before being re-detained.**

16 Mr. Abdullah is a Yemeni citizen who has never lived in Yemen. Exhibit A  
17 to Habeas Petition, Declaration of Maged Abdullah, ¶ 3. He was born and raised  
18 in Saudi Arabia by his Yemeni parents. *Id.* In 2016, Mr. Abdullah came to the  
19 United States from Saudi Arabia. *Id.* ¶ 2. He was detained and ordered removed to  
20 Saudi Arabia in 2022. *Id.* ¶ 4.

21 But his immigration case was “complicated.” *Id.* Saudi Arabia does not  
22 have birthright citizenship. *See* Government of the Kingdom of Saudi Arabia,  
23 *Obtaining Saudi Citizenship*.<sup>3</sup> Instead, citizenship passes patrilineally. *Id.* Because  
24 Mr. Abdullah’s father does not have Saudi citizenship, Mr. Abdullah has never  
25 been able to receive Saudi citizenship. Exhibit A ¶¶ 3, 10. After issuance of his  
26 removal order, “ICE could not remove [him] to Saudi Arabia because [he] do[es]  
27 not have any status there.” *Id.* ¶ 4.

28 \_\_\_\_\_  
<sup>3</sup> Available at <https://my.gov.sa/en/content/saudi-citezens-hip#section-3>.

1           Ultimately, on February 15, 2024, an immigration judge granted  
2 Mr. Abdullah withholding of removal to Yemen and ordered him removed as to  
3 Saudi Arabia and Yemen. Exhibit B to Habeas Petition. Because ICE was unable  
4 to deport Mr. Abdullah to Saudi Arabia, and it was prohibited from deporting him  
5 to Yemen, it released Mr. Abdullah from custody in June 2024 on an order of  
6 supervision. Exhibit A ¶ 4. Mr. Abdullah complied with his conditions of release  
7 and attended all his check-ins. *Id.* ¶ 5. He started studying at Mesa College. *Id.*  
8 ¶ 9.

9           On December 18, 2025, ICE arrested Mr. Abdullah at his check-in around 9  
10 AM. *Id.* ¶ 6. That evening, around 9 PM, Mr. Abdullah received a “Notice of  
11 Revocation of Release.” Exhibit C. It states in part:

12           This letter is to inform you that your order of supervision has been  
13 revoked and you will be detained in the custody of U.S.  
14 Immigration and Customs Enforcement (ICE) at this time. This  
15 decision has been made based on a review of your official alien file  
16 and a determination that there are changed circumstances in your  
17 case.

18           ICE has determined that you can be expeditiously removed from  
19 the United States pursuant to the outstanding order of removal  
20 against you. ICE will attempt removal to Saudi Arabia or removal  
21 to a third country.

22           Based on the above, and pursuant to 8 C.F.R. § 241.13(i)(2), your  
23 release on an order of supervision will be revoked today and you  
24 will be taken into ICE custody. You will be afforded an informal  
25 interview today at which you will be given an opportunity to  
26 respond to the reasons for the revocation.

27 Exhibit C.

28           Mr. Abdullah “asked to be able to talk to [his] lawyer before [he] signed”  
the notice. Exhibit A ¶ 6. The officer who gave him the notice “would not wait to  
let [him] to talk [his] lawyer or have [his] lawyer come to the office.” *Id.*

1 Mr. Abdullah was then taken to the Otay Mesa Detention Center. *Id.* ¶ 7.

2 As of today, he explains,

3 [N]o one from ICE has told me what changed to make it possible  
4 to deport me. I don't know what's changed between June 2024 and  
5 now. It's the same situation.

6 Since I have been detained, I have been unable to go to school. . . .  
7 I had a political science final scheduled for December 18, but I  
8 could not attend the final because ICE arrested me. I think I'm  
9 going to get a much worse grade in the class because I missed the  
10 final. I am registered for classes for the spring semester. I really  
11 don't want to miss my spring classes.

12 Exhibit A ¶¶ 9.

13 Spring classes at Mesa College are scheduled to begin on February 2, 2026.  
14 *See San Diego Mesa College, Spring 2026.*<sup>4</sup>

15 **II. Argument: Mr. Abdullah meets all *Winter* factors.**

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

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<sup>4</sup> Available at <https://www.sdmesa.edu/spring/>.

1 are “balanced, so that a stronger showing of one element may offset a weaker  
2 showing of another.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131  
3 (9th Cir. 2011). A TRO may be granted where there are “serious questions going  
4 to the merits’ and a hardship balance. . . tips sharply toward the plaintiff,” and so  
5 long as the other *Winter* factors are met. *Id.* at 1132.

6 Here, this Court should issue a temporary restraining order because  
7 “immediate and irreparable injury . . . or damage” is occurring and will continue  
8 in the absence of an order. Fed. R. Civ. P. 65(b). Respondents re-detained  
9 Mr. Abdullah in violation of his due process, statutory, and regulatory rights. This  
10 Court should order Petitioner’s release and enjoin removal from this Court’s  
11 jurisdiction during the pendency of litigation.

12 **A. Mr. Abdullah is likely to succeed on the merits, or at a minimum,  
13 raises serious merits questions.**

14 As described in detail in Mr. Abdullah’s habeas petition, he is likely to  
15 succeed on both of his claims.

16 First, ICE failed to follow its own regulations requiring changed  
17 circumstances before Mr. Abdullah’s re-detention, as well as its procedural  
18 regulations requiring it to notify him of those circumstances and allow him an  
19 opportunity to contest them. This was a violation of both the regulations and due  
20 process and requires his release. *See, e.g., See Phan v. Noem*, 2025 WL 2898977,  
21 No. 25-CV-2422-RBM-MSB, \*3–\*5 (S.D. Cal. Oct. 10, 2025) (explaining this  
22 regulatory framework and granting a habeas petition for ICE’s failure to follow  
23 these regulations); *Rokhfirooz*, No. 25-CV-2053-RSH-VET, 2025 WL 2646165 at  
24 \*2 (same).

25 Second, *Zadvydas v. Davis* holds that immigration statutes do not authorize  
26 the government to detain immigrants like Mr. Abdullah, for whom there is “no  
27 significant likelihood of removal in the reasonably foreseeable future.” 533 U.S.  
28 678, 701 (2001). *See, e.g., Gharakhan v. Noem*, No. 25-cv-2879-DMS, 2025 WL

1 3539161(S.D. Cal. Dec. 10, 2025); *Villanueva v. Tate*, \_\_ F. Supp. 3d \_\_, 2025  
2 WL 2774610 (S.D. Tex. 2025); *Zavvar v. Scott*, No. cv-25-2104-TDC, 2025 WL  
3 2592543 (D. Md. Sept. 8, 2025) (all granting habeas petitions as to noncitizens  
4 who had received withholding of removal protections, were released on an order  
5 of supervision, and who were later re-detained).

6 **B. Mr. Abdullah will suffer irreparable harm absent injunctive**  
7 **relief.**

8 Mr. Abdullah also meets the second factor, irreparable harm. “It is well  
9 established that the deprivation of constitutional rights ‘unquestionably constitutes  
10 irreparable injury.’” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)  
11 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Where the “alleged  
12 deprivation of a constitutional right is involved, most courts hold that no further  
13 showing of irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d  
14 989, 1001-02 (9th Cir. 2005) (quoting 11A Charles Alan Wright et al., *Federal*  
15 *Practice and Procedure*, § 2948.1 (2d ed. 2004)).

16 The Ninth Circuit has specifically recognized the “irreparable harm”  
17 created by the likelihood of being “unconstitutionally detained for an  
18 indeterminate period of time” in immigration detention. *Hernandez v. Sessions*,  
19 872 F.3d 976, 995 (9th Cir. 2017).

20 Further, Mr. Abdullah’s continued detention has already prevented him  
21 from being able to take one of his final exams in college last fall. If he is not  
22 released by the time the spring semester at Mesa College begins, on February 2,  
23 2026, he miss the beginning of his classes. *See* Exhibit A ¶ 9.

1           **C. The balance of hardships and the public interest weigh heavily in**  
2           **Mr. Abdullah’s favor.**

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

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

16           On the other hand, Mr. Abdullah faces weighty hardships: unlawful,  
17 indefinite detention, and possible movement out of this district and out of the  
18 Court’s jurisdiction. The balance of equities thus favors preventing the violation  
19 of “requirements of federal law,” *Arizona Dream Act Coal. v. Brewer*, 757 F.3d  
20 1053, 1069 (9th Cir. 2014), by granting temporary emergency relief to protect  
21 against unlawful detention and loss of this Court’s jurisdiction.

22           **III. Mr. Abdullah will give the government notice of this TRO motion**  
23           **immediately, and the TRO should remain in place throughout habeas**  
24           **litigation.**

25           When Federal Defenders first started filing TROs in immigration habeas  
26 cases, a Federal Defenders attorney called the U.S. Attorney’s Office and was put  
27 in touch with Janet Cabral. Ms. Cabral requested that Federal Defenders provide  
28 notice of these motions via email after the motion has been filed and court-  
stamped. Federal Defenders will do so in this case.



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**Proof of Service**

I, the undersigned, will cause the attached motion for temporary restraining order to be emailed to the U.S. Attorney’s Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Dated: January 12, 2026

s/ Jessie Agatstein  
Jessie Agatstein