

1 Theodora E. Adoghe, Esq., CASBN358199
Law Offices Of Mariana L. Hanna
2 402 West Broadway, Suite 1730
Phone: 619-234-3635
3 Email: theodoraadoghe@gmail.com

4 Mariana L. Hanna, Esq., CASBN230125
Law Offices Of Mariana L. Hanna
5 402 West Broadway, Suite 1730
Phone: 619-234-3635
6 Email: mlhlawoffice@yahoo.com

7 *Attorneys for the Petitioner*

8
9 **UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

10 BEHROOZ HAGHANI HAFEZI
11 *Petitioner,*

12 v.

13 CHRISTOPHER J. LAROSE, Warden of the
Otay Mesa Detention Facility, San Diego,
California, in his official capacity;
14 GREGORY J. ARCHAMBEAULT, Field Office
Director, San Diego Field Office, U.S.
15 Immigration and Customs Enforcement, in his
official capacity;
16 U.S. Immigration and Customs Enforcement;
KRISTI NOEM, Secretary of the U.S.
17 Department of Homeland Security, in her official
capacity;
18 TODD M. LYONS, Acting Director of U.S.
Immigration and Customs Enforcement, in his
19 official capacity;
PAMELA BONDI, Attorney General of the
20 United States, in her official capacity.
21 *Respondents.*

Case No. 3:26-cv-01398-CAB-JLB

MOTION FOR TEMPORARY
RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION

INTRODUCTION

1. This case concerns the Department of Homeland Security’s unlawful revocation of Petitioner’s Order of Supervision (“OSUP”) and the resulting deprivation of his liberty without constitutionally required process.
2. Petitioner is a 61-year-old political asylum seeker and a native and citizen of Iran who has lived in the United States for approximately thirty-eight years. He seeks a temporary restraining order and/or preliminary injunction under Federal Rule of Civil Procedure 65 ordering his immediate release from immigration detention and enjoining Respondents from transferring him out of this jurisdiction while this Court reviews his petition for a writ of habeas corpus challenging the legality of his detention.
3. Petitioner entered the United States without inspection in approximately 1988 and applied for asylum the same year. After lengthy immigration proceedings, Petitioner was detained by immigration authorities in 2007 while DHS attempted to effectuate his removal to Iran. Those efforts were unsuccessful. DHS therefore released Petitioner on an Order of Supervision on February 14, 2008.
4. For nearly eighteen years, Petitioner lived in the community under DHS supervision. He complied with all reporting requirements and appeared for every scheduled ICE check-in. During that time, he was never arrested, charged, or convicted of any crime and never violated the conditions of his supervision.
5. On December 10, 2025, Petitioner appeared for his routine ICE check-in as required by his Order of Supervision. Instead of allowing him to depart as he had done for years, ICE officers summarily arrested him and revoked his OSUP without notice, without a

1 pre-deprivation hearing, and without identifying any violation of supervision or change in
2 circumstances that would justify renewed detention.

3 6. Petitioner has remained detained at the Otay Mesa ICE Processing Center in San Diego,
4 California since that date. He was not arrested for any criminal conduct, supervision
5 violation, or failure to appear. He also reported suffering from several chronic medical
6 conditions, including high blood pressure, pre-diabetes, liver complications, and anemia.

7 7. Following his arrest, Petitioner sought custody review before the Immigration Court. On
8 January 27, 2026, the Immigration Judge denied custody redetermination based on the
9 existence of a final order of removal without conducting any individualized assessment of
10 whether continued detention was necessary.

11 8. Petitioner has since filed a Motion to Reopen with the Board of Immigration Appeals
12 based on immigration fraud affecting his original asylum application and changed country
13 conditions in Iran. Petitioner recently discovered that the individual who prepared his
14 original asylum claim, Sohrab Sameni, falsely represented himself as an attorney and was
15 later convicted of immigration fraud and deported to Iran.

16 9. In addition, members of Petitioner's family in Iran have recently been subjected to
17 persecution by Iranian authorities, including assaults and repeated arrests. These
18 circumstances formed the basis of Petitioner's Motion to Reopen, which remains pending
19 before the Board. Conditions in Iran have further deteriorated following the recent
20 U.S.–Israel airstrikes, increasing the instability and risk facing individuals returned to
21 Iran.

22 10. Petitioner filed a petition for a writ of habeas corpus before this Court on March 4, 2026,
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1 challenging the legality of his detention. Although Petitioner has been detained since
2 December 10, 2025, this motion remains timely because his detention is ongoing. Each
3 day Petitioner remains in custody continues the deprivation of his liberty without the
4 constitutionally required process that his habeas petition seeks to remedy.

5 11. The need for relief is also immediate. Petitioner suffers from several chronic medical
6 conditions, including high blood pressure, pre-diabetes, liver complications, and anemia.
7 At the time of his arrest, he was scheduled to undergo a follow-up ultrasound to evaluate
8 a suspicious liver condition identified by his doctors. Continued detention interrupts his
9 ability to obtain necessary medical care and further underscores the urgency of this
10 motion.

11 12. Absent immediate interim relief, Respondents may transfer Petitioner or attempt to
12 remove him before this Court can review the lawfulness of his detention, thereby
13 undermining this Court's ability to provide effective habeas relief.

14 13. This motion seeks narrowly tailored interim relief to preserve the status quo ante by
15 restoring Petitioner to the supervised release conditions under which he lived for more
16 than seventeen years and preventing his transfer while this Court adjudicates his habeas
17 petition.

18 **JURISDICTION AND AUTHORITY**

19 14. This Court has jurisdiction over the habeas petition pursuant to 28 U.S.C. § 2241, which
20 authorizes federal courts to review the legality of executive detention. Habeas corpus is
21 the proper vehicle for challenging unlawful detention and securing release from illegal
22 custody. See Preiser v. Rodriguez, 411 U.S. 475, 484 (1973). Federal courts retain habeas

1 jurisdiction to review immigration detention imposed without statutory authority or in
2 violation of the Constitution. See Zadvydas v. Davis, 533 U.S. 678, 687 (2001). Habeas
3 jurisdiction under § 2241 remains available unless Congress clearly eliminates it. See INS
4 v. St. Cyr, 533 U.S. 289, 298–314 (2001).

5 15. The Court also has authority to issue temporary relief preserving the status quo in order to
6 protect its jurisdiction and ensure effective review while the habeas petition is pending.
7 See Nken v. Holder, 556 U.S. 418, 426–27 (2009). Federal courts may also issue such
8 interim orders under the All Writs Act, 28 U.S.C. § 1651(a), which authorizes courts to
9 issue orders necessary to protect their jurisdiction and ensure that meaningful judicial
10 review remains available.

11 16. Jurisdiction is not barred by 8 U.S.C. §§ 1252(b)(9) or 1252(g) because Petitioner
12 challenges only the legality of his present detention following his December 10, 2025
13 re-arrest. Petitioner does not challenge a removal order or the merits of his removal
14 proceedings under INA § 240. Rather, he challenges the lawfulness of his detention.
15 Detention challenges are collateral to removal proceedings and therefore fall outside
16 those channeling provisions. See Nadarajah v. Gonzales, 443 F.3d 1069, 1075–76 (9th
17 Cir. 2006); see also Jennings v. Rodriguez, 583 U.S. 281, 293 (2018).

18 **LEGAL STANDARD**

19 17. The standard governing the issuance of a temporary restraining order is “substantially
20 identical” to the standard for issuing a preliminary injunction. Stuhlbarg Int’l Sales Co. v.
21 John D. Brush & Co., 240 F.3d 832, 839 n.7 (9th Cir. 2001). “The proper legal standard
22 for preliminary injunctive relief requires a party to demonstrate ‘[1] that he is likely to

1 succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of
2 preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an
3 injunction is in the public interest.” Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th
4 Cir. 2009) (quoting Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008)).

5 18. The likelihood of success on the merits is the most important Winter factor. Disney
6 Enters., Inc. v. VidAngel, Inc., 869 F.3d 848, 856 (9th Cir. 2017).

7 ARGUMENT

8 1. Petitioner Is Likely to Succeed on the Merits

9 19. Petitioner is likely to succeed on the merits because: (1) DHS revoked his Order of
10 Supervision (“OSUP”) and re-detained him without notice or a pre-deprivation hearing,
11 in violation of the Due Process Clause of the Fifth Amendment; and (2) Petitioner’s
12 continued detention exceeds the statutory limits governing post-order detention

13 1. Petitioner Is Likely to Succeed on the Merits of His Due Process Claim Challenging the 14 Revocation of His OSUP

15 20. Petitioner is likely to succeed on the merits because DHS revoked his Order of
16 Supervision (“OSUP”) and re-detained him without notice and without a pre-deprivation
17 hearing before a neutral decision maker.

18 21. The Fifth Amendment provides that no person shall be deprived of life, liberty, or
19 property without due process of law. U.S. Const. amend. V.

20 22. In Zadvydas v. Davis, 533 U.S. 678, 693 (2001), the Supreme Court explained that the
21 Due Process Clause applies to “all persons within the United States, regardless of whether
22 their presence is lawful, unlawful, temporary, or permanent.” The Court further

1 recognized that civil detention is permissible only in limited circumstances and must be
2 supported by adequate procedural safeguards. See United States v. Salerno, 481 U.S. 739
3 (1987); Foucha v. Louisiana, 504 U.S. 71, 80 (1992); Kansas v. Hendricks, 521 U.S. 346,
4 356 (1997).

5 23. The Supreme Court has also recognized that when the government withdraws conditional
6 liberty previously granted to an individual, it imposes a “grievous loss.” Morrissey v.
7 Brewer, 408 U.S. 471, 482 (1972).

8 24. Courts therefore evaluate whether adequate procedures were provided under the
9 balancing framework established in Mathews v. Eldridge, 424 U.S. 319 (1976). Under
10 that framework, courts determine whether a protected liberty interest exists and, if so,
11 what process is required before that liberty may be withdrawn. See also Garcia v.
12 Andrews, No. 2:25-cv-01884-TLN-SCR, 2025 WL 1927596, at *2 (E.D. Cal. July 14,
13 2025). Even individuals subject to immigration detention may bring as-applied
14 constitutional challenges to the procedures used to deprive them of liberty. See T.M. v.
15 Wofford, No. 1:2025cv01141 (E.D. Cal. Sept. 2025).

16 A. DHS’s Release Created a Protected Liberty Interest

17 25. When the government releases a person from immigration custody and permits that
18 person to live in the community under supervision, it creates a protected liberty interest
19 that cannot be revoked arbitrarily. See T.M. v. Wofford, No. 1:2025cv01141 (E.D. Cal.
20 Sept. 2025); Ortiz Calderon v. Kaiser, 2025 WL 2430609 (N.D. Cal. Aug. 22, 2025);
21 Ortega v. Bonnar, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

22 26. The Supreme Court recognized this principle in Morrissey v. Brewer, 408 U.S. 47 (1972),
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1 explaining that a person released under supervision relies on “at least an implicit promise
2 that parole will be revoked only if he fails to live up to the parole conditions.” Because of
3 that reliance, the termination of supervised liberty imposes a “grievous loss.” Id.

4 27. Petitioner entered the United States in 1988 and has lived here continuously since that
5 time. In 2007, DHS detained Petitioner while attempting to effectuate his removal to Iran.
6 When those efforts were unsuccessful, DHS released him on February 14, 2008 under an
7 Order of Supervision. Petitioner then lived in the community under DHS supervision for
8 nearly eighteen years and structured his life in reliance on the government’s authorization
9 to remain at liberty. During that time, he established his family life in the United States, is
10 married, and provided ongoing emotional and financial support to his family while
11 remaining an active presence in his daughter’s life. That prolonged period of supervised
12 release anchors Petitioner’s protected liberty interest in remaining free from confinement.

13 28. Accordingly, DHS’s revocation of Petitioner’s OSUP on December 10, 2025 implicates
14 the protections of the Due Process Clause.

15 B. What Process Was Due Under Mathews

16 29. Once a protected liberty interest is implicated, the question becomes what procedures the
17 Constitution requires before that liberty may be withdrawn. Courts answer that question
18 under the balancing framework established in Mathews v. Eldridge, 424 U.S. 319 (1976).
19 The Mathews test considers: (1) the private interest affected, (2) the risk of erroneous
20 deprivation under the procedures used and the value of additional safeguards, and (3) the
21 government’s interest.

22 30. When the Mathews factors are applied here, all three weigh in Petitioner’s favor and
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1 demonstrate that DHS’s summary revocation of Petitioner’s Order of Supervision without
2 notice or a hearing violated the Fifth Amendment.

3 1. The Private Interest Is Substantial

4 31. 36. The first Mathews factor evaluates the private interest affected by the government’s
5 action. Here, the interest at stake is freedom from physical confinement. The Supreme
6 Court has recognized that “freedom from imprisonment—from government custody,
7 detention, or other forms of physical restraint—lies at the heart of the liberty that the Due
8 Process Clause protects.” Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

9 32. Here, Petitioner’s interest in remaining free from confinement is substantial. Petitioner
10 has lived in the United States since 1988, and DHS’s revocation of his Order of
11 Supervision withdrew the liberty he had exercised for many years.

12 33. Conditional liberty of this kind carries constitutional significance. Individuals released
13 under supervision rely on “at least an implicit promise that [release] will be revoked only
14 if [they] fail[] to live up to the conditions.” Morrissey v. Brewer, 408 U.S. 471, 482
15 (1972). Because supervised liberty allows a person to live and function within the
16 community, its termination inflicts a “grievous loss.” Id.

17 34. Here, DHS terminated that liberty and returned Petitioner to custody after he had lived in
18 the community for nearly eighteen years. The private interest affected by that action is
19 therefore substantial.

20 35. Thus, the first Mathews factor weighs strongly in Petitioner’s favor.

21 2. The Risk of Erroneous Deprivation Was High

22 36. The second Mathews factor examines the risk that the procedures used will lead to an
23

1 erroneous deprivation of liberty and the value of additional procedures.

2 37. Here, DHS revoked Petitioner's Order of Supervision on December 10, 2025 without
3 notice and without providing a pre-deprivation hearing before a neutral decision maker.
4 Petitioner was taken into custody during a routine ICE check-in without any opportunity
5 to contest the basis for revoking the liberty he had exercised for nearly eighteen years.

6 38. Therefore, the procedures used created a substantial risk of erroneous deprivation. DHS
7 provided no notice of the grounds for revocation and no neutral determination before the
8 re-detention was imposed. As a result, Petitioner had no mechanism to assess or
9 challenge whether renewed detention was justified.

10 39. Courts addressing materially similar circumstances have held that due process requires a
11 pre-deprivation hearing before DHS may revoke a noncitizen's release and re-arrest the
12 individual. In J.C.E.P. v. Wofford, No. CV-25-01449-EFB (HC), 2025 WL 3268273, at
13 *6 (E.D. Cal. Nov. 24, 2025), the court concluded that individuals previously released
14 from immigration detention are entitled to a pre-deprivation hearing before rearrest as a
15 matter of due process. Likewise, in Ramirez Clavijo v. Kaiser, No. CV-25-06248-BLF,
16 2025 WL 2419263, at *3 (N.D. Cal. Aug. 21, 2025), the court held that due process
17 requires a pre-deprivation hearing before the government may re-detain a noncitizen who
18 had been released into the community. Similarly, in Singh v. Andrews, No.
19 CV-25-00801-KES-SKO (HC), 2025 WL 1918679, at *8 (E.D. Cal. July 11, 2025), the
20 court concluded that the Mathews factors required process before detention where the
21 government sought to re-detain an individual who had previously been released.

22 40. Petitioner's re-detention occurred under the same circumstances addressed in those

1 decisions. Petitioner's OSUP was revoked during a routine ICE check-in without notice
2 and without a pre-deprivation hearing. Because DHS withdrew Petitioner's liberty
3 without providing the process required to test whether re-detention was warranted, the
4 risk of erroneous deprivation was substantial.

5 41. Accordingly, the second Mathews factor weighs strongly in Petitioner's favor.

6 3. The Government's Interest Is Minimal on This Record.

7 42. The third Mathews factor considers the government's interest, including the
8 administrative burden of additional procedures. In Zadvydas v. Davis, 533 U.S. 678, 690
9 (2001), the Supreme Court recognized that civil immigration detention is justified only
10 for limited regulatory purposes, such as preventing flight or protecting the community in
11 appropriate circumstances

12 43. Here, those interests were already evaluated when DHS released Petitioner on an Order of
13 Supervision in 2008. For nearly eighteen years following that decision, Petitioner
14 complied fully with all conditions of supervision. He reported to ICE as required and
15 appeared for every scheduled check-in.

16 44. The government's interest in protecting the community is also minimal on this record.
17 During the more than seventeen years that Petitioner lived in the community, he was
18 never arrested and committed no crimes.

19 45. Furthermore, DHS has not identified any violation of supervision, any failure to appear,
20 or any changed circumstance that would justify renewed detention. Courts have
21 recognized that re-arrest following release generally requires some change in
22 circumstances or violation of supervision conditions. See Saravia v. Sessions, 280 F.

1 Supp. 3d 1168, 1197 (N.D. Cal. 2017); see also Salcedo Aceros, 2025 WL 2637503. In
2 the absence of any new facts, the government's interest in summarily revoking
3 Petitioner's supervision and returning him to custody is minimal.

4 46. By contrast, Petitioner has demonstrated full compliance and has a strong interest in
5 remaining at liberty. Accordingly, the third Mathews factor weighs in Petitioner's favor.

6 47. Therefore, balancing the Mathews factors confirms that DHS's actions violated the Fifth
7 Amendment. Petitioner possessed a substantial liberty interest after living under
8 supervision for nearly eighteen years. DHS revoked that liberty without notice, without a
9 hearing, and without identifying any violation of supervision or change in circumstances.
10 The procedures used created a significant risk of erroneous deprivation, while the
11 government's interest in summary re-detention is minimal.

12 48. Under these circumstances, the Constitution required meaningful process before DHS
13 could revoke Petitioner's Order of Supervision and return him to detention.

14 49. Accordingly, Petitioner is likely to succeed on the merits of his claim that his protected
15 liberty interest was revoked without procedural due process in violation of the Fifth
16 Amendment.

17 **II. DHS Violated Due Process by Failing to Follow Governing Post-Removal Regulations**

18 50. Independently, Petitioner is likely to succeed on the merits because DHS failed to follow
19 the governing post-removal custody regulations when it revoked Petitioner's Order of
20 Supervision and summarily re-detained him at a routine ICE check-in without notice.

21 51. An agency must follow its own regulations when making immigration custody decisions.
22 See United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260, 268 (1954). When those

1 regulations are designed to protect the liberty interests of the individual, failure to follow
2 them invalidates the resulting action. See Montilla v. INS, 926 F.2d 162, 169 (2d Cir.
3 1991).

4 52. Post-order detention is governed by 8 U.S.C. § 1231(a)(6) and the implementing
5 regulations, including 8 C.F.R. §§ 241.4 and 241.13. In Zadvydas v. Davis, the Supreme
6 Court held that detention after a final removal order is limited to the time reasonably
7 necessary to carry out removal and is not permitted once removal is no longer reasonably
8 foreseeable.

9 53. Consistent with Zadvydas, 8 C.F.R. § 241.13 requires DHS to release a person under an
10 Order of Supervision when there is no significant likelihood of removal in the reasonably
11 foreseeable future. DHS released Petitioner under that framework on February 14, 2008,
12 after it was unable to effectuate his removal to Iran. Petitioner then lived in the
13 community under DHS supervision for nearly eighteen years and complied with all
14 reporting requirements.

15 54. Furthermore, once a person is released under § 241.13, DHS may revoke that release only
16 if changed circumstances demonstrate that removal has become significantly likely in the
17 reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2). The regulation also requires DHS
18 to notify the individual of the reasons for revocation and to provide an opportunity to
19 respond through an informal interview after the person is returned to custody. 8 C.F.R. §
20 241.13(i)(3).

21 55. DHS did not follow those requirements here. On December 10, 2025, Petitioner appeared
22 for a routine ICE check-in as required by his Order of Supervision. ICE officers

1 immediately arrested him and revoked his supervision. DHS did not allege any violation
2 of the Order of Supervision, any new offense, or any failure to comply with reporting
3 requirements. DHS also did not identify any changed circumstance suggesting that
4 removal to Iran had suddenly become likely after nearly two decades during which
5 removal proved impossible.

6 56. DHS further failed to follow the procedures required by the regulation. Petitioner was
7 taken into custody without being informed of the reasons for revoking his supervision,
8 and DHS did not conduct the informal interview required by 8 C.F.R. § 241.13(i)(3).

9 57. There is likewise no indication that removal to Iran has become reasonably foreseeable.
10 To the contrary, conditions involving Iran remain unstable due to ongoing conflict
11 involving Israel, the United States, and Iran, and Petitioner has filed a motion to reopen
12 his immigration proceedings. DHS has not identified any diplomatic development or
13 travel document availability suggesting that removal to Iran is now realistically possible.

14 58. Because DHS revoked Petitioner's Order of Supervision without identifying the required
15 change in circumstances and without following the procedures mandated by its own
16 regulations, the resulting detention is unlawful under the Accardi doctrine and provides
17 an independent basis for habeas relief.

18 59. Accordingly, Petitioner has demonstrated that he is likely to succeed on the merits of his
19 due process claims

20 **2. Petitioner Will Suffer Irreparable Harm Absent Immediate Relief**

21 60. Petitioner will suffer irreparable harm absent immediate injunctive relief. Irreparable
22 harm is established where the injury is probable and cannot be undone through later

1 judicial relief. See Leiva-Perez v. Holder, 640 F.3d 962, 967 (9th Cir. 2011). Interim
2 relief exists precisely to allow courts to act before the harm occurs rather than after it has
3 already taken place.

4 61. Here, Petitioner remains detained following a summary re-arrest, faces an imminent risk
5 of transfer outside this Court’s jurisdiction or removal to Iran, and is separated from his
6 family. These harms are immediate and personal to Petitioner and cannot be remedied
7 after the fact.

8 A. Continued detention constitutes irreparable harm

9 62. Continued detention in violation of the Fifth Amendment constitutes irreparable harm.
10 The Ninth Circuit has recognized that individuals who are likely to be unconstitutionally
11 detained suffer irreparable injury because the loss of physical liberty cannot be remedied
12 after the fact. Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir. 2017). Likewise, the
13 deprivation of constitutional rights “unquestionably constitutes irreparable injury.”
14 Melendres v. Arpaio, 695 F.3d 990, 1002 (9th Cir. 2012). Civil immigration detention
15 therefore inflicts a loss of liberty that cannot be remedied through later judicial review.
16 Zadvydas v. Davis, 533 U.S. 678, 690–93 (2001).

17 63. Here, Petitioner has remained detained since his summary re-arrest on December 10,
18 2025, after having lived at liberty under government supervision for nearly eighteen
19 years. Absent interim relief, Petitioner will continue to suffer an immediate and ongoing
20 loss of liberty while this Court considers the legality of his detention. That injury cannot
21 be undone by a later favorable ruling.

22 B. Imminent transfer outside this Court’s jurisdiction or removal to Iran constitutes irreparable

1 harm

2 64. Here, Petitioner faces an imminent risk of transfer outside this Court's jurisdiction or
3 removal to Iran. Absent relief, such transfer or removal could occur at any time. The
4 irreparable-harm requirement does not demand certainty; it is sufficient that the harm is
5 probable. Leiva-Perez v. Holder, 640 F.3d 962, 967 (9th Cir. 2011).

6 65. Petitioner has lived in the United States since 1988. Removal to Iran would sever him
7 from his home, family, and long-established life in this country and place him in
8 unfamiliar circumstances without any meaningful support system. Transfer outside this
9 District would likewise disrupt access to counsel and impede this Court's ability to
10 review his claims while emergency litigation is pending.

11 66. In addition, circumstances particular to Petitioner underscore the seriousness of the harm
12 he faces if removed. Petitioner is a citizen and native of Iran, where ongoing conflict and
13 instability have further intensified following recent U.S.–Israel airstrikes in the region.
14 Petitioner has also reported that members of his family have recently been subjected to
15 persecution by Iranian authorities.

16 67. Moreover, Petitioner has filed a motion to reopen his immigration proceedings based on
17 changed country conditions and immigration fraud affecting his original asylum claim,
18 which remains pending. These circumstances further demonstrate the severe and
19 irreversible consequences that removal would impose.

20 68. Thus, once transfer or removal occurs, the resulting harm cannot be meaningfully
21 remedied through later judicial relief. Accordingly, the imminent risk of transfer or
22 removal constitutes irreparable harm.

1 C. Family separation constitutes irreparable harm

2 69. Family separation and the inability to support close family members during periods of
3 serious need constitute irreparable harm in the immigration context. The Ninth Circuit
4 has recognized that separation from family members, medical needs, and resulting
5 economic hardship are factors that weigh heavily in favor of interim relief. Andreu v.
6 Ashcroft, 253 F.3d 477, 484 (9th Cir. 2001).

7 70. Here, Petitioner entered the United States in 1988 and has lived here continuously since
8 that time. He established his family life in this country and is married. Prior to his
9 detention on December 10, 2025, Petitioner provided ongoing emotional and financial
10 support to his family and was an active presence in his daughter's life.

11 71. The harm from separation is immediate and not speculative. Petitioner remains detained,
12 faces removal at any time, and continues to be separated from his family, causing injuries
13 that compound daily and cannot be remedied through later judicial action.

14 72. 64. Accordingly, Petitioner has demonstrated irreparable harm.

15 **3. Balance of Equities and Public Interest**

16 73. The balance of equities and the public interest weigh in favor of granting temporary
17 injunctive relief. Where the government is a party, these two factors merge. Nken v.
18 Holder, 556 U.S. 418, 435 (2009). The requested relief is narrowly tailored to preserve
19 the status quo while this Court reviews the legality of Petitioner's detention.

20 74. Petitioner faces substantial and immediate harm. He remains detained following the
21 summary revocation of his Order of Supervision after living in the community under
22 DHS supervision for more than seventeen years. His detention has stripped him of his

1 liberty and disrupted the life he established in reliance on DHS's authorization to remain
2 at liberty.

3 75. By contrast, the requested relief imposes minimal burden on the government. Petitioner
4 seeks only temporary relief restoring the supervisory conditions that governed his release
5 for many years while this Court considers his claims.

6 76. The public interest likewise favors relief. The public has a strong interest in ensuring that
7 executive detention complies with constitutional and statutory limits. Preventing
8 detention imposed without due process promotes confidence in the fair administration of
9 the law.

10 77. Accordingly, the balance of equities and the public interest weigh strongly in favor of
11 granting temporary injunctive relief.

12 **CONCLUSION**

13 78. For the reasons set forth above, Petitioner's due process rights were violated when DHS
14 summarily re-arrested him at a routine ICE check-in without following the governing
15 post-removal regulations. Petitioner therefore respectfully requests that the Court grant
16 his Motion for a Temporary Restraining Order and/or Preliminary Injunction.

17 **PRAYER FOR RELIEF**

18 79. Petitioner respectfully requests that the Court issue a Temporary Restraining Order and/or
19 Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65. Absent immediate
20 relief, a transfer or continued detention risks impairing this Court's jurisdiction and its
21 ability to grant effective habeas relief.

22 80. Accordingly, Petitioner respectfully requests that the Court:

1 81. Issue a Temporary Restraining Order and/or Preliminary Injunction restoring the status
2 quo ante pending adjudication of the Petition for Writ of Habeas Corpus and order
3 Petitioner's immediate release from immigration custody as the appropriate remedy for
4 the violation of his due process rights;

5 82. Enjoin Respondents, during the pendency of this habeas action, from re-arresting or
6 re-detaining Petitioner absent compliance with applicable statutory and constitutional
7 requirements or further order of this Court;

8 83. Enjoin Respondents from transferring Petitioner from this district or facility during the
9 pendency of this action in a manner that would impair this Court's jurisdiction or its
10 ability to grant effective habeas relief;

11 84. Enjoin Respondents from removing Petitioner from the United States pending resolution
12 of this Motion and the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241; and

13 85. Grant such other temporary and narrowly tailored relief as the Court deems necessary to
14 preserve its jurisdiction and ensure meaningful judicial review.

15 Dated: March 6, 2026

Respectfully Submitted,

16 /s/ Theodora E. Adoghe

Theodora E. Adoghe, Esq.,

17 CASBN358199

Law Offices Of Mariana L. Hanna

18 402 West Broadway, Suite 1730

Phone: 619-234-3635

19 Email: theodoraadoghe@gmail.com

20 /s/ Mariana L. Hanna

Mariana L. Hanna, Esq., CASBN230127

21 Law Offices Of Mariana L. Hanna

22 402 West Broadway, Suite 1730

Phone: 619-234-3635

Email: mlhlawoffice@yahoo.com

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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2026, I caused a true and correct copy of the foregoing
Petitioner's Motion for Temporary Restraining Order to be served on all counsel of record by
electronic means through the Court's CM/ECF system. Such service effectuated electronic notice
to all CM/ECF-registered counsel for Respondents.

/s/ Theodora E. Adoghe

Theodora E. Adoghe, Esq., CASBN358199
Law Offices Of Mariana L. Hanna
402 West Broadway, Suite 1730
Phone: 619-234-3635
Email: theodoraadoghe@gmail.com

/s/ Mariana L. Hanna

Mariana L. Hanna, Esq., CASBN230127
Law Offices Of Mariana L. Hanna
402 West Broadway, Suite 1730
Phone: 619-234-3635
Email: mlhlawoffice@yahoo.com