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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9

10
11 ALIAKBAR ROSTAMNE
12 JADCHARATI

Case No.: 3:26-cv-01578-DMS-VET

13 A 

Petitioner,

**PETITIONER JADCHARITI'S
MOTION FOR (1) TEMPORARY
RESTRAINING ORDER AND (2)
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

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18 JEREMY CASEY

Memorandum in Support Thereof and Exhibits

19
20 Respondent.

Honorable Judge: Dana M. Sabraw
United States District Court Judge

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MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION, MEMORANDUM OF LAW IN SUPPORT THEROF - 1

1 **TO THE CLERK OF COURT, ALL PARTIES, AND THEIR**
2 **ATTORNEYS OF RECORD:**
3

4 PLEASE TAKE NOTICE Pursuant to Federal Rule of Civil Procedure 65
5 and Local Rule 7.1 and having provided notice to Defendants of this
6 motion, Petitioner Aliakbar RostomneJadchariti ("Petitioner") moves this
7 Court for a temporary restraining order and for the issuance of an order to
8 show cause why a preliminary injunction should not issue as follows:
9

10
11 1) A temporary restraining order that Respondent JEREMY CASEY, in
12 his official capacity as Warden of the Imperial Regional Detention Facility; be
13 immediately enjoined from continuing to detain Petitioner, and following his
14 release, be enjoined from re-detaining Petitioner without complying with all
15 applicable regulatory, statutory, and Constitutional requirements predicate to
16 such detention. Petitioner additionally seeks to enjoin Respondent from
17 removing him from the United States to Iran or any other country without first
18 complying with all Applicable regulatory, statutory, and constitutional
19 requirements predicate to such removal.
20

21 2) Respondents shall show cause on _____, 2026 at _____ why
22 a preliminary injunction should not issue requiring them to act as described
23 above.
24

25 3) The temporary restraining order shall remain effective until such time as
26 the Court has ruled on whether a preliminary injunction should issue. Such
27 relief is necessary to prevent Respondents from violating Petitioner's rights and
28 applicable regulatory, statutory, and constitutional provisions.

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1 Petitioner requests that this Court waive any bond requirement because enjoining
2 Respondents from violating applicable regulatory, statutory, and constitutional
3 provisions will not financially affect Respondents.
4

5 This Motion is made on the grounds that Petitioner is likely to succeed on
6 the merits of his case, will suffer irreparable harm without immediate injunctive
7 relief, the balance of equities tips sharply in his favor, and the relief sought is in the
8 public interest. The accompanying Memorandum of Law, declarations, and exhibits
9 set forth the specific reasons, authorities, and facts warranting immediate relief.
10

11
12 Respectfully submitted.

13
14 Dated: April 15, 2026

/s/Ali M. Farahmand

Ali M. Farahmand

Law Offices of Ali M. Farahmand

Attorney for Petitioner

Aliakbar Rostomne Jadchariti

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7 UNITED STATES DISTRICT COURT
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ALIAKBAR ROSTAMNE
JADCHARATI

A 

Petitioner,

Case No.: 3:26-cv-01578-DMS-VET

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION FOR (1)
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW**

CAUSE RE:

PRELIMINARY INJUNCTION

JEREMY CASEY

Respondent.


Memorandum in Support Thereof and
Exhibits

Honorable Judge: Dana M. Sabraw
United States District Court Judge

1 **I. INTRODUCTION**

2
3 "The Fifth Amendment's Due Process Clause forbids the Government to 'depriv[e]
4 any 'person ... of ... liberty ... without due process of law.' Freedom 5 from
5 imprisonment-from government custody, detention, or other forms of physical
6 restraint-lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*,
7 533 U.S. 678,690 (2001). Petitioner, Aliakbar Rostomnejadchariti, has been re-
8 arrested and imprisoned without proper due process of law for almost 16 months..
9 Facing the prospect of indefinite detention, Petitioner seeks s relief from this Court.

10
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12 **II. STATEMENT OF FACTS**

13
14 Aliakbar Rostomnejadchariti, listed as Aliakbar Rostomne Jadchariti on this
15 Court's documents, ("Petitioner") is an Iranian citizen who was born in Jubar, Iran
16 on  (53 years old).

17 On January 25, 2025, the Respondent entered the United States at or near San
18 Ysidro, California and was apprehended by the Customs and Border Patrol.
19 Respondent has been residing at the Imperial Regional Detention Facility since
20 January 31, 2025. During his initial interview with ICE, the Respondent stated that
21 he had left Iran and traveled to Mexico. Subsequently, Respondent traveled from
22 Mexico and entered the United States to request Asylum, Withholding of Removal,
23 and CAT in the United States.

24
25 On March 30, 2025, ICE officials attempted to remove him to Iran without
26 notice or a hearing but he refused to go out of fear for his life. On April 7, 2025, he
27 was given a 'credible fear" interview by ICE and he was found to have a credible
28 fear of persecution if he was returned to Iran. Dkt.5 at 8 This finding led to him being

1 issued a Notice to Appear before an Immigration Court on April 21, 2025

2 In that hearing, through his immigration counsel Petitioner requested Asylum,
3 Withholding of Removal, and CAT in the United States. His attorney filed the Form
4 I-589 Application for Asylum, Withholding of Removal, and CAT on May 6, 2025
5 prior to another Master Calendar hearing scheduled for May 20, 2025 and in
6 preparation for an Individual Hearing scheduled in June 2025. Dkt. 1-6. That hearing,
7 as several subsequent hearings were either postponed or rescheduled by the
8 immigration court.
9

10 On March 10, 2025, Petitioner's immigration attorney filed a Motion for
11 Custody Redetermination and Release on Bond or Own Recognizance with the
12 immigration court. Dkt. 5 at 13. This motion was denied on March 11, 2026 by
13 Immigration Judge Anne Perry because she found she had no jurisdiction under
14 current BIA case law. Dkt. 5 at 17.
15

16 Respondents filed a Return to Habeas Petition and Notice of Non
17 Opposition on March 23, 2026. Dkt. 4. Specifically this filing stated that they
18 were not opposed to a bond hearing for Petitioner in this matter, subject to
19 supervision during his removal proceedings. After receiving this and hopeful for
20 the ability to present his case for release, Petitioner waited for about two weeks
21 and, when there was no further movement and with increasing desperation, filed a
22 Motion for Immediate Release on April 6, 2026.
23

24 Petitioner has an upcoming individual removal hearing on April 28, 2026
25 and the limitations caused by his detention severely hinders his and his attorney's
26 preparation for that hearing. Petitioner desperately needs to be released from
27 custody to acquire evidence and assist his attorney in the preparation any
28 individual hearing in immigration court. He has no intention to take flight and

1 every intention to pursue his case. He has submitted letters from US citizens
2 pledging to house and support him upon his release. Dkt.5 at 9-12

3 This is his last best opportunity to obtain justice and the freedom of movement
4 to assist his counsel in properly preparing his case
5

6 ARGUMENT

7 A. Standard of Review

8
9 The standards governing the grant of a temporary restraining order and a
10 preliminary injunction are "substantially identical." *Stuhlbarg Int'l Sales Co*
11 *v. John D Brush & Co.*, 240 F.3d 832, 839 n. 7 (9th Cir. 2001). The moving
12 party must demonstrate 1) a likelihood of success on the merits; 2) the likelihood
13 of irreparable harm if relief is denied; 3) the balance of equities in their favor;
14 and 3) and the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008). In
15 determining whether relief is warranted, the district court may consider the
16 pleadings, as well as declarations and exhibits submitted by the parties. *Johnson*
17 *v. Couturier*, 572 F.3d 1067, 1083 (9th Cir. 2009).
18

19 A Temporary Restraining Order ("TRO") may be issued upon a showing
20 "that immediate and irreparable injury, loss, or damage will result to the movant
21 before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). A
22 trial court may grant a TRO or a preliminary injunction to "preserve the status quo
23 and the rights of the parties" until a decision can be made in the case. *U.S. Philips*
24 *Corp v. KBC Bank N V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). The status quo in
25 this context "refers not simply to any situation before the filing of a lawsuit, but
26 instead to ' the last uncontested status which preceded the pending controversy'"
27 *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (quoting
28

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1 *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th Cir. 1963). The
2 analysis for a TRO and a preliminary injunction is the same. *Frontline Med. Assoc.*
3 *Inc. v. Coventry Healthcare Workers Compensation, Inc.*, 620 F.
4 Supp. 2d 1109, 1110 (C D. Cal. 2009).

5
6 To obtain a preliminary injunction, a Petitioner "must establish [1] that he is
7 likely to succeed on the merits. [2] that he is likely to suffer irreparable harm in the
8 absence of preliminary relief, [3] that the balance of equities tips in their favor, and
9 [4] that an injunction is in the public interest." *City and County of San Francisco*
10 *v. USCIS*, 944 F.3d 773, 788-89 (9th Cir. 2019) (quoting *Winter v. Nat. Res. Def*
11 *Council, Inc.*, 555 U.S. 7, 20 (2008). "Likelihood of success on the merits is the
12 most important factor " *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018)
13 (quotations omitted). If the first two factors are met, the third and fourth factors
14 merge when the government is the opposing party. *Nken v. Holder*, 556 U.S. 418,
15 435 (2009).
16

17 Additionally, in the Ninth Circuit, courts also "employ an alternative
18 'serious questions' standard, also known as the 'sliding scale' variant of the
19 *Winter* standard." *Fraihat v. U.S Immigr. & Customs Enft*, 16 F.4th 613,635 (9th
20 Cir. 2021) (quotations and citations omitted and alterations accepted). "Under that
21 formulation, 'serious questions going to the merits' and a balance of hardships
22 that tips sharply towards the Petitioner[s] also show that there is a likelihood of
23 irreparable injury and that the injunction is in the public interest." *Id.* (quoting *All.*
24 *for the Wild Rokies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)).
25

26 **B. Petitioner is likely to prevail on the merits.**

27 I. Petitioner is likely to prevail on the merits of his Petition for Writ of
28 Habeas Corpus because Respondent have filed a Return to Habeas Petition and

1 Notice of Non Opposition on March 2, 2026. Dkt. 4. Specifically this filing
2 stated that they were not opposed to a bond hearing for Petitioner in this matter,
3 **subject to supervision** during his removal proceedings. *Emphasis Added*. This can
4 be read in no uncertain terms that Respondents have no objection to Petitioner's
5 release as long as he complies with all supervision orders. Thus, this Court should
6 interpret their filing as a concession to the granting of Petitioner's Habeas Corpus-
7 therefore, clearly succeeding on its merits.
8

9
10 2. Petitioner's detention of over 16 months violates the Supreme Court's
11 unambiguous directive that immigration detainees may *only* be held for "a
12 period reasonably necessary to bring about the alien's removal from the
13 United States." *Zadvydas*, 533 U.S. at 689, 701. Where, as here, there is no
14 reasonable prospect of imminent removal detention becomes arbitrary, is no
15 longer authorized by statute, and violates basic American norms of due process.
16

17 As the Ninth Circuit has squarely held, such notice is required by 8 U.S.C.
18 § 1231(b)(3)(A) as well as the "basic tenet of constitutional due process: that
19 individuals whose rights are being determined are entitled to notice of the issues to
20 be adjudicated, so that they will have the opportunity to prepare and present
21 relevant arguments and evidence." *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th
22 Cir. 1999).

23 Providing such notice and opportunity to present a fear-based claim prior
24 to deportation also implements the United States' obligations under international
25 law. See United Nations Convention Relating to the Status of Refugees, July 28,
26 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of
27 Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267; Refugee Act of 1980,
28

1 Pub.L.96-212,§203(e), 94 Stat. 102,107 (codified as amended at 8 U.S.C. §123
2 l(b)(3)); *INS v. Stevie*, 467 U.S. 407, 421 (1984) (noting that the Refugee Act of
3 1980 "amended the language of [the predecessor statute to § 1231(b)(3)], basically
4 conforming it to the language of Article 33 of the United Nations Protocol";
5

6
7 **C. Petitioner's continuing detainment as a flight risk is not supported**
8 **by the facts and law established in *Rodriguez v. Robbins*, No. 13-56706 (9th**
9 **Cir. 2018).**

10 The Ninth Circuit, in the *Rodriguez* decision established the requirement for
11 bond and custody hearings after six months of detention and placed the burden of
12 proving a detainee was a flight risk on the government. The Board of Immigration
13 Appeals in *Matter of Dobrotvorskii*, 29 I&N Dec.211 (BIA 2025) applied the Ninth
14 Circuit *Rodriguez* precedent to affirm that DHS must prove flight risk or danger by
15 clear and convincing evidence for detainees held in California for over six months.
16

17 The 2025 case of *Garro Pinchi v. Noem et al*, No.5: 2025cv05632 (N.D. Cal.
18 2025), in a case involving the re-arrest and detainment of an alien previously
19 released the Court succinctly and logically stated "The regulations authorizing ICE
20 to release a noncitizen from custody require that the noncitizen "demonstrate to the
21 satisfaction of the officer that such release would not pose a danger to property or
22 persons" and that the noncitizen is "likely to appear for any future proceeding." 8
23 C.F.R. § 1236.1(c)(8).3
24

25 Petitioner, by his conduct in detention, where, through his friends in the
26 United States, he has acquired counsel for his removal proceeding, provided letters
27 insuring his appearance at any future hearings, as well as his vested interest in
28 pursuing his requests for discretionary relief before an immigration judge, should be

1 released.

2
3 **D. Petitioner will suffer irreparable harm if injunctive relief is denied.**

4 While Petitioner continues to languish in ICE detention, indefinitely and
5 for no lawful purpose, Respondents precipitous and arbitrary actions will rob
6 Petitioner of his ability to gather evidence and assist counsel in the preparation of his
7 upcoming removal case and could seriously impact its outcome.
8

9 These irreparable harms are why the Ninth Circuit has held that "unlawful
10 detention certainly constitutes 'extreme or very serious' damage, and that
11 damage is not compensable in damages." *Hernandez*, 872 F.3d at 999. And each
12 extra day of that unlawful detention irreparably harms Petitioner's fundamental
13 constitutional rights. *Warsolder v. Woodford*, 418 F.3d 989, 1001-02 (9th Cir.
14 2005) (Where "alleged deprivation of a constitutional right is involved, most
15 courts hold that no further showing of irreparable injury is necessary.") (quoting
16 *Wright & Miller*, Fed. Prac. Proc. § 2948.1); *see also Melendres v. Arpaio*, 695
17 F.3d 990, 1002 (9th Cir. 2012) ("It is well established that the deprivation of
18 constitutional rights 'unquestionably constitutes irreparable injury.'") (quoting
19 *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
20

21 **E. Both the equities and the public interest are served by granting**
22 **relief.**
23

24 Because Respondent appears in his official capacity, the third and fourth
25 injunction factors merge. *Drakes Bay Oyster v. Jewell*, 747 F.3d 1073, 1092 (9th
26 Cir. 2014). Here, the public interest strongly favors immediate injunctive relief.
27

28 *First*, the public has a strong interest in the preservation of the status
quo against unlawful government action. Federal district courts across this state
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1 have held that this interest is best served by granting injunctive relief
2 against unlawful governmental efforts to detain non-citizens by the misuse of
3 immigration authorities. *See, e.g., Phan*, 2025 WL 1993735; *Pinchi v Noem*,
4 No. 25-cv-5632-RMI-FL, Order (N.D. Cal., Jul. 4, 2025); *Domingo-Ros*
5 *v. Archambeault*, No. 25-cv-1208-DMS-DEB, Order (S.D. Cal., May 18, 2025);
6 *Doe v. Becerra*, No. 25-cv-647-DJC-DMC, Order (E.D. Cal., Mar 3, 2025).
7

8 **Second**, the public has a strong and compelling interest in ensuring that
9 federal officials comply with the law. *Inland Empire-Immigrant Youth*
10 *Collective v. Duke*, No. EDCV 17-2048, 2017 WL 5900061, at *10 (C.D. Cal.
11 Nov. 20, 2017) (enjoining USCIS from terminating DACA status and noting
12 "the public has a strong interest in ensuring that the nation's immigration
13 laws are *robustly-and fairly-enforced*" (emphasis in original))
14

15 **Third**, the public has a financial as well as a humane interest in ensuring
16 that the government's detention authorities are not used profligately. As the
17 Ninth Circuit has recognized, "the costs to the public of immigration detention
18 are 'staggering.' *Hernandez*, 872 F.3d at 996. The public has avoided those
19 costs during the time of Petitioner's release while Petitioner remained under
20 his bonded release.
21

22 In short, Petitioner's continued unlawful detention imposes nothing but
23 costs on him, on the public, and on those who depend upon him. The balance of
24 equities, and the public interest, therefore, strongly tip against those costs and
25 the grant of the relief requested.
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CONCLUSION

For the foregoing reasons, Petitioner asks that his motions for a Temporary Restraining Order and a Preliminary Injunction be GRANTED without delay.

Respectfully submitted,

Dated April 16, 2026

/s/ Ali M. Farahmand


Ali M. Farahmand

Attorney for Petitioner

Aliakbar Rostomnejadchariti

1 **DECLARATION OF ALIAKBAR ROSTOMNEJADCHARITI**

2 I, Aliakbar Rostomnejadchariti, do hereby declare the following:
3

- 4 1. I, Aliakbar Rostomnejadchariti, listed as Aliakbar Rostomne
5 Jadchariti on this Court's documents, ("Petitioner") am an Iranian citizen
6 who was born in Jubar, Iran, on 
- 7 2. On January 25, 2025, I entered the United States at or near San
8 Ysidro, California and surrendered myself to the Customs and Border
9 Patrol.
- 10 3. During my initial interview with ICE, I stated that I had Iran and
11 traveled to Mexico and then traveled from Mexico and entered the United
12 States to request Asylum, Withholding of Removal, and CAT in the
13 United States.
- 14 4. On January 31, 2025, I was transferred to the Imperial Regional
15 Detention Facility where I remain to this day.
- 16 5. On March 30, 2025, ICE officials attempted to remove me to Iran
17 without notice or a hearing but I refused to go out of fear for my life.
- 18 6. On April 7, 2025, I was given a 'credible fear' interview by ICE and
19 I was found to have a credible fear of persecution if I was returned to
20 Iran.
- 21 7. This finding led to me being issued a Notice to Appear before an
22 Immigration Court on April 21, 2025
- 23 8. In that hearing, through my immigration counsel, I requested
24 Asylum, Withholding of Removal, and CAT in the United States.
- 25 9. On May 6, 2025, pursuant to the court's order, my attorney filed the
26 Form I-589 Application for Asylum, Withholding of Removal, and CAT
27 prior to another Master Calendar hearing scheduled for May 20, 2025 and
28

1 in preparation for an Individual Hearing scheduled in June 2025.
2

3 10. Unfortunately that hearing, as has been the case with several
4 subsequent hearings, were either postponed or rescheduled by the
5 immigration court.
6

7 11. On March 10, 2025, my immigration attorney filed a Motion for Custody
8 Redetermination and Release on Bond or Own Recognizance with the
9 immigration court.

10 12. This motion was denied on March 11, 2026 by Immigration Judge
11 Anne Perry because she found she had no jurisdiction under current BIA
12 case law.

13 13. After receiving a Return to Habeas Petition and Notice of Non
14 Opposition filed by the Government on March 23, 2026. I became
15 hopeful for the ability to present my case for release,

16 14. I waited for about two weeks and, when there was no further
17 movement and with increasing desperation, I filed a Motion for
18 Immediate Release on April 6, 2026.

19 15. I have an upcoming individual removal hearing on April 28, 2026 and the
20 limitations caused by my detention severely hinders my and my
21 attorney's preparation for that hearing.

22 16. I desperately needs to be released from custody to acquire evidence and
23 assist my attorney in the preparation any individual hearing in immigration
24 court.

25 17. I have no intention to take flight and every intention to pursue his case and
26 have submitted letters from US citizens pledging to house and support me
27 upon my release.
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18. I have no criminal history or record and after working so hard to enter the United States I will always be available to all government authorities as I have no intention of not pursuing my case here to its completion.

19. Now, approaching the most important day of my life, I desperately need to be released from custody to acquire evidence and assist my attorney in the preparation for my individual hearing in immigration court scheduled for March 20, 2026. I have no intention to take flight and every intention to pursue my case.

Respectfully submitted under penalty of perjury this 15th day of April, 2026


Aliakbar Rostomnejadchariti