

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN GIL ROJAS;

Petitioner,

v.

William JOYCE, in his official capacity as District Director of New York, Immigration and Customs Enforcement; Kristi NOEM in her official capacity as Secretary of Homeland Security; Pam BONDI, in her official capacity as Attorney General.

Respondents.

Civil Action No. 1:25-cv-03937

**NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65, Petitioner Adrian Gil Rojas hereby moves this Court to issue a Temporary Restraining Order and Preliminary Injunction enjoining Respondents from detaining him and ordering his immediate release from custody, and a stay of his removal from the United States, pending further proceedings before this Court. In support of this motion, Petitioner respectfully submits a Memorandum of Law and refers the Court to the Declarations and Exhibits filed in support of the First Amended Petition and referenced in support of the instant motion.

As detailed in the accompanying Memorandum of Law and supporting materials, Mr. Gil Rojas was just ordered released by a federal district court in the Southern District of Texas on April 2, 2025. At that time, he was in the process of appealing the withdrawal of his Temporary Protected Status (TPS). TPS status provides statutory protection against both detention and

removal. 8 U.S.C. 1254a(d)(4). Those protections continue during the pendency of an appeal from the withdrawal of TPS status. 8 C.F.R. 244.14(b)(3). Mr. Gil Rojas has fully complied with ICE supervision since he was released from custody on or about April 4, 2025, appearing numerous times at 26 Federal Plaza; wearing a GPS bracelet; and complying with extensive ISAP supervision requirements. On April 26, his counsel filed an appeal of the withdrawal of his TPS by overnight UPS mail to a USCIS lockbox facility on Phoenix, Arizona. Tracking information shows its receipt on April 28, 2025, well before the 30-day deadline from service of the withdrawal notice on Mr. Gil Rojas on April 1. Given that timely filing, his posture has not changed since the prior court order releasing him.

On May 12, Mr. Gil Rojas was detained at 26 Federal Plaza after a routine ISAP check-in. Counsel immediately contacted ICE ERO, which confirmed he was detained on the basis of his final order of removal but provided no other information. Counsel then filed the instant habeas petition in the early afternoon while Mr. Gil Rojas was still detained in Manhattan. Shortly thereafter, counsel shared a copy with the U.S. Attorney's Office via email and requested assistance in investigating the reason for Mr. Gil Rojas's redetention. Counsel from the U.S. Attorney's Office subsequently had several communications with ICE; USCIS; and Petitioner's counsel, in which he stated that ICE claimed it was unable to verify the status of Mr. Gil Rojas's administrative appeal, despite Mr. Gil Rojas's provision of tracking information and a complete copy of the appeal to both ICE and the U.S. Attorney's Office, and that ICE did not intend to release Mr. Gil Rojas.

Mr. Gil Rojas via counsel advised the U.S. Attorney's Office of his intent to file the instant motion and amended petition this morning, May 13, 2025. Counsel for the U.S. Attorney's Office requests an opportunity to review and respond to the filing.

ECF-stamped copies of this notice of motion, the memorandum of law in support of this motion, and the declarations and exhibits in support of the amended petition will be provided to Respondents' counsel via email immediately after filing.

Dated: May 13, 2025
Brooklyn, NY

Respectfully submitted,

/s/ Paige Austin
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on May 13, 2025, I electronically filed the attached the foregoing Notice of Motion and accompanying Proposed Order and Memorandum of Law with the Clerk of the Court for the United States District Court for the Southern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

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