UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Sonam Tsering, Petitioner v. Pamela Bondi, Attorney General; et al., Respondents.	Case No. 25-CV-02834-JRT-DTS **PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION FOR PRELIMINARY INJUNCTIVE RELIEF** **EXPEDITED HANDLING REQUESTED**

Petitioner Sonam Tsering has filed a petition seeking a Writ of Habeas Corpus under 28 U.S.C. § 2241. *See* ECF No. 1. On September 9, 2025, Tsering requested a Temporary Restraining Order ("TRO"). *See* ECF No. 14. In his petition, Tsering requested expedited processing on the face of the petition, but his prior counsel did not formally move for expedited processing, it does not appear the case was approved for expedited processing, and his counsel acted contrary to that request by agreeing to extensions of time for the government to respond to the Order to Show Cause. Prior counsel never previously filed a motion seeking preliminary injunctive relief.

Because of the emergency nature of this case, the undersigned respectfully requests that, in accordance with Local Rule 7.1(c), (d), the district judge should handle this matter directly without going through the magistrate Report and Recommendation procedures, as those procedures only serve to cause unnecessary avoidable delays that necessarily increase the length of Petitioner's unlawful incarceration.

To remedy Petitioner's accidentally deficient filing, the undersigned filed a separate motion or request for expedited processing under 28 U.S.C. § 1657 with reference to 28 U.S.C. Ch. 153 (Part VI, specifically, 28 U.S.C. § 2241). ECF No. 12. Petitioner, through the undersigned, now also formally moves the Court for a TRO, seeking Petitioner's immediate release pending the outcome of the habeas corpus petition (the Court may instead grant the habeas petition promptly, mooting out the TRO motion).

As noted in the request/motion for expedited processing, the Petitioner's facts in this case are nearly identical to those in the case of *Roble v. Bondi*, No. 25-CV-03196-LMP-LIB, (D. Minn. Aug. 25, 2025), which led to a grant of habeas relief under expedited processing just 14 days after the habeas petition was filed. *See Roble*, No. 25-CV-03196, ECF No. 12 (Order granting Habeas Corpus petition and denying TRO motion as moot). It appears that based on *Roble* (in addition to other cases cited *infra*), the likelihood of success for Petitioner on his actual habeas petition is exceedingly high.

The only real difference between Roble's case and Petitioner's is that Roble was previously released on an Order of Supervision, whereas Petitioner has not been so released in this case. However, as was true in Roble, the Respondents in this case have not presented any credible or admissible evidence that indicates there is any significant likelihood of Petitioner's removal in the reasonably foreseeable future. Instead, Respondents rely on hearsay within sworn declarations that talk only about what Respondents intend to try to do at some point in the future. *See, e.g.*, ECF No. 9 ¶ 18 ("ERO **is pursuing** a third country removal… On July 17, 2025, ERO St. Paul **requested assistance** from ICE HQ – Removal Management Division for assistance in determining

a Third Country for removal."). Respondents have not stated any facts that give the court any indication that removal is actually significant likely to occur at all, to where that removal might occur, nor when the removal might occur. Petitioner must be released under these circumstances.

Petitioner has been detained for more than six months in ICE custody post-final-order and he cannot be deported to his home country because of his DCAT grant. He has demonstrated his removal is not significantly likely to occur in the reasonably foreseeable future and the government has not shown otherwise. As such, the detention is unlawful, unconstitutional, and Petitioner must be released immediately. Petitioner has been in detention for months now in the absence of lawful authority. If habeas relief is not going to happen quickly, Petitioner must be released and placed onto the Order of Supervision ("OOS") pursuant to 8 C.F.R. § 241.4(e) and *Zadvydas v. Davis*, 533 U.S. 678, 699-700 (2001).

BACKGROUND ON HABEAS CORPUS

The origin of the writ of habeas corpus lies in clause 39 of the Magna Carta, which stated that no free man could be imprisoned except by lawful judgment of his peers or by the law of the land. *See Boumediene v. Bush*, 553 U.S. 723, 740 (2008) (citations omitted). The Magna Carta, and especially clause 39, was designed to limit the king's power by protecting the most fundamental rights of free men. *See Boumediene*, 553 U.S. at 739-42 (collecting sources).

When the United States seceded from Great Britain, the Framers of the Constitution and the States that were to make up the Union, in order to ensure sufficient signatories,

reserved debate on most of the civil rights for a few years in what would later become the Bill of Rights. However, one right was so fundamental and so undisputed that it was placed into the actual Constitution. *See generally* U.S. Const., Art. I, § 9, cl. 2. The Framers and the States thus recognized and agreed that habeas corpus is the most fundamental and important civil right in any free society. *Cf. Boumediene*, 553 U.S. at 743 ("Surviving accounts of the ratification debates provide additional evidence that the Framers deemed the writ to be an essential mechanism in the separation-of-powers scheme."). As Alexander Hamilton explained in The Federalist No. 84:

> "[T]he practice of arbitrary imprisonments, have been, in all ages, the favorite and most formidable instruments of tyranny. The observations of the judicious Blackstone ... are well worthy of recital: 'To bereave a man of life ... or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole nation; but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a *more dangerous engine* of arbitrary government.' And as a remedy for this fatal evil he is everywhere peculiarly emphatical in his encomiums on the *habeas corpus* act, which in one place he calls 'the bulwark of the British Constitution.' " C. Rossiter ed., p. 512 (1961) (quoting 1 Blackstone *136, 4 *id.*, at *438).

Throughout the history of the United States, habeas corpus has had three principal eras of importance. First, there was the post-reconstruction era following the civil war. *See, e.g.*, *Ex parte Milligan*, 71 U.S. 2 (1866) (ruling that civilians cannot be tried by military tribunals when civilian courts are open and functioning); Habeas Corpus Act of 1867, 14 Stat, 385, 28 U.S.C. § 451 et sq. The second era occurred during World War 2 when the United States placed persons of Japanese origin in internment camps. *See, e.g.*, *Korematsu v. United States*, 323 U.S. 214 (1944), *abrogated by Trump v. Hawaii*, 585 U.S. 667 (2018).

Most recently, there was the war on terror and associated detentions at Guantanamo Bay, Cuba. *See Rasul v. Bush*, 542 U.S. 466 (2004) (foreign nationals housed at Guantanamo Bay had the right to challenge their detention via habeas corpus); *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) (U.S. citizens designated as "enemy combatants" and detained in the United States have a constitutional right to due process, including a meaningful opportunity to challenge their detention before a neutral decisionmaker); *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006) (military commissions used to try Guantanamo Bay detainees lacked congressional authorization and violated both the Uniform Code of Military Justice and the Geneva Convention); *Boumediene v. Bush*, 553 U.S. 723, 740 (2008) (foreign detainees at Guantanamo Bay have a constitutional right to habeas corpus and the Military Commissions Act of 2006's procedures were an inadequate substitute for habeas corpus).

We are now in the fourth major era of habeas, which began when the present administration started arbitrarily revoking student visas and detaining students on the basis of those revocations, deporting individuals to Salvadoran prison without due process, jailing immigrants for exercising their rights to free speech, and announcing an intent to use civil detention punitively against criminal aliens. *Accord, cf.*, Ratkowski Decl., Exhibit A, *100 Days of Fighting Fake News*, HOMELAND SECURITY (Apr. 30, 2025).[1]

The student visa issue showed that the administration's animus against immigrants is not restricted to immigrants who are present without authorization or in violation of law. *Accord Mohammed H. v. Trump*, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025

[1] Available at: https://www.dhs.gov/news/2025/04/30/100-days-fighting-fake-news.

WL 1692739, at *5 (D. Minn. June 17, 2025) ("Punishing Petitioner for protected speech or **using him as an example to intimidate other students into self-deportation is abusive and does not reflect legitimate immigration detention purposes**.") (emphasis added). The administration's animus against criminal aliens and other noncitizens with unexecuted final orders of removal is especially pronounced. *See* Ratkowski Decl., Exhibit A ("**The reality is that prison isn't supposed to be fun. It's a necessary measure to protect society and punish bad guys. It is not meant to be comfortable. What's more: prison can be avoided by self-deportation.** CBP Home makes it simple and easy. **If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.**") (emphasis added).

Over the past few months, courts around the country have found that the present immigration administration is using immigration detention punitively, as well as to coerce noncitizens into self-deporting from the United States. *E.g.*, *Mohammed H. v. Trump*, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025); *Khalil v. Trump*, No. 25-CV-01963 (MEF/MAH), --- F. Supp. 3d ---, 2025 WL 1649197 (D.N.J. June 11, 2025), *opinion clarified*, No. 25-CV-01963 (MEF/MAH), 2025 WL 1981392 (D.N.J. July 16, 2025), and *opinion clarified*, No. 25-CV-01963 (MEF/MAH), 2025 WL 1983755 (D.N.J. July 17, 2025); *Noem v. Abrego Garcia*, 145 S. Ct. 1017 (2025); *Mahdawi v. Trump*, No. 2:25-CV-389 (GWC), --- F. Supp. 3d ---, 2025 WL 1243135, at *11-12 (D. Vt. Apr. 30, 2025); *Ozturk v. Trump*, No. 2:25-CV-374 (WKS), --- F. Supp. 3d ---, 2025 WL 1420540, at *7 (D. Vt. May 16, 2025) ("Ms. Ozturk argued that her detention is punishment for her op-ed, and that her punishment is intended

to serve as a warning to other non-citizens who are contemplating public speech on issues of the day. The Court found that Ms. Ozturk has presented credible evidence to support her argument.").

The Petitioner in this case, Sonam Tsering, is a victim of the present government's animus against immigrants. His detention lacks legitimacy because it is intended to be punitive. His detention lacks legitimacy because it occurred in violation of law. Mr. Tsering requires a writ of habeas corpus.

RELEVANT FACTUAL AND PROCEDURAL HISTORY

Petitioner was ordered removed on June 28, 2021 and his removal order became administratively final on July 28, 2021. ECF No. 1 ¶ 2. Petitioner was taken into ICE custody on November 12, 2024. *Id.*, ¶ 3. The 90-day removal period of 8 U.S.C. § 1231(a)(1) began on November 12, 2024. 8 U.S.C. § 1231(a)(1)(B)(iii). The removal period thus elapsed on February 10, 2025. Respondents held Petitioner past the removal period under the guise of trying to effect a third country removal. *See* ECF No. 9 ¶ 16. Respondents held Petitioner past the six month custody review as well for the same reason. *Id.*, ¶ 17. Respondents still claim to be trying to effect a third country removal, though they refuse or are unable to identify what country they are trying to effect removal to, the likelihood of that country accepting Petitioner, or the timeline on which that removal will occur. *Cf. id.*, ¶ 18.

As of the date of this filing, Petitioner has been incarcerated in ICE post-removal-order custody for 301 days, 211 of which have occurred after the 90-day removal period. This detention is unlawful, unreasonable, unjustified, and unconstitutional.

ARGUMENT

Petitioner's present detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241. Section 1231 mandates detention "[d]uring the removal period." *Accord* 8 U.S.C. § 1231(a)(1)(A), (a)(2). However, the same section also requires the government to actually remove the alien during this removal period. 8 U.S.C. § 1231(a)(1)(A). Petitioner's removal period began on November 12, 2024, "[t]he date the alien [was] released from [criminal] detention or confinement" and placed into immigration custody. 8 U.S.C. § 1231(a)(1)(B)(i).

The "removal period" is "90 days." 8 U.S.C. § 1231(a)(1)(A). Petitioner's removal period therefore elapsed on February 10, 2025. Nonetheless, Petitioner has not been released despite having been in ICE custody for 301 days after his removal order became administratively final (334.44% longer than the 90-day removal period).

Under the Supreme Court's decision in *Zadvydas v. Davis*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained indefinitely pending removal. 533 U.S. 678, 699-700 (2001). "*Zadvydas* established a temporal marker: post-final order of removal detention of six months or less is presumptively constitutional." ECF No. 6 at 12-13 (citing *Zadvydas* at 701). *Zadvydas* also stated:

> After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, **the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink.**

533 U.S. at 701 (emphasis added).

I. The Government Is Abridging Petitioner's Constitutional Right to Due Process.

Because Tsering's removal period has elapsed, he has been detained for more than six months post-final order, and after he "has provided good reason to believe there is no significant likelihood of removal to the country to which he… was ordered removed, or to a third country, in the reasonably foreseeable future," any future determinations as to whether there is a significant likelihood of removing Tsering in the reasonably foreseeable future are governed by *Zadvydas*.

Thus, under *Zadvydas*, the Service was required to rebut, **with evidence**, Tsering's showing that there is no significant likelihood of removal in the reasonably foreseeable future. *See Zadvydas*, 533 U.S. at 701. The Service is required to provide credible evidence to justify the continued detention of Tsering. *See id.*

The government predicates its continued detention on the idea that there is a significant likelihood of removal to a safe third country in the reasonably foreseeable future. *See* ECF Nos. 8-9. But the only support offered is a short conclusory affidavit from Officer Pryd asserting that his office has requested assistance from ICE HQ in identifying a country for proposed removal and obtaining a travel document permitting Petitioner's removal to that country. ECF No. 9. No travel document is attached. *Id.* Murphy does not even claim to have any idea of whether removal is likely to occur or when it might occur, indicating a lack of personal knowledge. *Id.* No confirmation from any Embassy is provided. *Id.* Courts require competent evidence—not hearsay within an affidavit—for the

extraordinary relief of extending unlawful detention. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (government bears burden to present evidence justifying continued custody); *e.g.*, *Nguyen v. Hyde*, No. 25-cv-11470-MJJ, 2025 WL 1725791, at *3 n.2 (D. Mass. June 20, 2025) (ICE must substantiate claims of likelihood of removal); Fed. R. Evid. 801-802.

The government's claims regarding future removal remain speculative. Habeas cannot be delayed on the basis of conjecture. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (government must rebut with actual evidence once petitioner shows removal not reasonably foreseeable); *see also* Fed. R. Evid. 1002 ("**An original** writing, recording, or photograph **is required** in order to prove its content unless these rules or a federal statute provides otherwise.") (emphasis added).

The Service cannot meet its burden for continued detention under *Zadvydas*. This is dispositive because the government, not Petitioner, bears the burden of making an evidentiary showing that satisfies *Zadvydas* by rebutting the showing Petitioner previously made that there was no significant likelihood of removal in the reasonably foreseeable future in his habeas petition.

Tsering cannot be removed to anywhere because the government lacks a valid travel document for Petitioner. *See, e.g.*, ECF No. 9. Tsering cannot be removed until the government obtains a travel document for Petitioner that allows him to enter the country of removal. The government has been unable to obtain a travel document that would permit Tsering's removal to any country since at least November 12, 2024, a period of nearly a year. Moreover, even though Tsering was ordered removed in 2021 and his order of removal became administratively final in 2021, there is no indication that ICE or other

Respondents made any effort whatsoever to begin the process of third country removal prior to November 12, 2024, indicating a lack of commitment to securing Tsering's removal to a third country. *See generally* ECF No. 9. Tsering was taken into custody prior to the government applying for a travel document for Tsering. The government still does not have a travel document for Tsering even though, as of the time of this filing, 301 days have elapsed since Petitioner was detained by ICE.

Zadvydas stated that "for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." 533 U.S. at 701. In the case before the Court, Petitioner's aggregate period of prior post-removal confinement has grown to 301 days as September 9, 2025. This means that "the reasonably foreseeable future," as applied to the facts of Petitioner's case, is significantly shorter than would be the case for an individual with a significantly shorter period of prior post-removal confinement, such as 180 days. *Zadvydas*, 533 U.S. at 701.

Zadvydas, in the context of Petitioner's case, requires the government to have sufficient evidence to rebut the previously established showing that Petitioner's removal is not significantly likely to occur in the reasonably foreseeable future.

II. The Government's Evidence of Removability Does Not Satisfy *Zadvydas*.

The only evidence the government relied upon to assert that Petitioner's removal was significantly likely to occur in the reasonably foreseeable future consists of the Murphy affidavit, which really states no facts that might allow the Court to determine or review the likelihood of removal or when removal might occur. *See* ECF No. 9. As

Murphy's silence on the issue admits in his declaration, ICE had not even begun the process of requesting a travel document prior to detaining Petitioner on November 12, 2024. *See* ECF No. 9.

Thus, the government's preliminary determination that removal is significantly likely to occur in the reasonably foreseeable future requires presuming facts that have no basis for being presumed. Namely, it must be presumed that: (1) ICE has identified an allegedly safe third country for removal that will accept Tsering despite his criminal history in the United States (even though the government has been unable to accomplish this task for nearly four years since the removal order became administratively final); and (2) the allegedly safe third-country will issue a travel document in the reasonably foreseeable future. Such presumptions are arbitrary, capricious, unlawful, unconstitutional, and are otherwise reliant upon abuses of discretion in the present context because such presumptions are grounded on conclusory opinions and beliefs rather than on fact and experience. The government's determination—*i.e.*, that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future—relies on a series of suppositions rather than actual evidence, the evidence is not competent under *Zadvydas*' burden-shifting scheme.

III. Petitioner's Interest in Avoiding Unnecessary Extended Detention Far Exceeds the Government's Interests in Detaining Petitioner.

Under the Fifth Amendment, no citizen or noncitizen may be deprived of life, liberty, or property without due process of law. *See* U.S. Const. amend. V; *Mathews v. Diaz*, 426 U.S. 67 (1976); *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976) (due process

is flexible, and the protections depend on the situation, considering the private interest at issue, the risk of erroneous deprivation of that interest through the procedures used, and the Government's interest). These protections extend to deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

"The essence of due process is the requirement that a person in jeopardy of serious loss (be given) notice of the case against him and opportunity to meet it." *Mathews*, 424 U.S. at 348–49; *cf. Bridges*, 326 U.S. 135, 152–53 (administrative rules are designed to afford due process and to serve as "safeguards against essentially unfair procedures").

The *Mathews v. Eldridge* balancing test counsels heavily in favor of finding a due process violation. Petitioner's private interest here is avoiding unnecessary periods of confinement in excess of those which are truly necessary to effect his lawful removal from the United States. *See* 424 U.S. at 334-35. The risk of erroneous deprivation of that interest is especially high where, as occurred in Petitioner's case, the government detains an individual who has cannot be removed to his home country because of an intervening court order proscribing such removal in circumstances where no allegedly safe third country of removal has been so much as identified as likely to accept Petitioner for removal. The procedures used in Petitioner's own case are especially concerning, considering Petitioner has already been incarcerated for 301 days since November 2024, yet the government still has not received a travel document or even identified what country might issue a travel document or when. Petitioner's substantial liberty interests and the risk of erroneous deprivation of said interests far outweigh the government's interest in executing a four-year-old removal order.

IV. The Government's Detention of Petitioner Is Punitive.

Zadvydas held that civil detention violates due process unless special, nonpunitive circumstances outweigh an individual's interest in avoiding restraint. 533 U.S. at 690 (**immigration detention must remain "nonpunitive in purpose and effect"**) (emphasis added).

The government's redetention of Petitioner is punitive. First, the present administration has expressed and vocalized an intent to use civil detention punitively against noncitizens for the dual purposes of: (1) encouraging self-deportation, and (2) coercing foreign recalcitrant governments to issue travel documents for its citizens ordered deported from the United States by demonstrating through a systematic campaign of abuse and terror that the recalcitrant government's citizens detained in post-removal-order custody will suffer immensely in the absence of such travel documents being issued. *Accord* Ratkowski Decl., Exhibit A, *100 Days of Fighting Fake News*, HOMELAND SECURITY (Apr. 30, 2025) ("**The reality is that prison isn't supposed to be fun. It's a necessary measure to protect society and <u>punish</u> bad guys. It is not meant to be comfortable. What's more: prison can be avoided by self-deportation.** CBP Home makes it simple and easy. If you are a criminal alien and we have to deport you, you could end up in Guantanamo Bay or CECOT. Leave now.") (emphasis added);[2] *Mohammed H.*

[2] To the extent necessary to accord the requested relief, Petitioner requests that the Court judicially notice this press release under Fed. R. Evid. 201(b). The fact of the press release's issuance, and the fact of its contents, both constitute adjudicative facts not subject to reasonable dispute because the press release "can be accurately and readily determined from [federal government] sources whose accuracy cannot reasonably be questioned."

v. Trump, No.: 25-CV-1576-JWB-DTS, --- F. Supp. 3d ---, 2025 WL 1692739, at *5 (D. Minn. June 17, 2025) ("Punishing Petitioner for protected speech or **using him as an example to intimidate other students into self-deportation is abusive and does not reflect legitimate immigration detention purposes**.") (emphasis added).

Second, the Respondents' emphasis of Petitioner's criminal history in the Murphy affidavit without any regard to whether Petitioner presents an ongoing or future danger or flight risk, per 8 C.F.R. § 241.4(e)(2)-(6), indicates an intent to keep Petitioner detained as punishment for prior crimes rather than to effect removal. *See* ECF No. 9 ¶¶ 11-12.

The foregoing contentions are buttressed by the realization that Petitioner is detained in Freeborn County Jail, a facility designed to house and punish convicted criminals. Petitioner's conditions of confinement are totally indistinguishable from those of convicted criminals, further demonstrating that Petitioner's detention is punitive.

V. A Temporary Restraining Order Is Warranted.

In determining whether to grant a TRO, this Court must consider four factors:

(1) the probability that the moving party will succeed on the merits;

(2) the threat of irreparable harm to the moving party;

(3) the balance between harm to the moving party and the potential injury inflicted on other party litigants by granting the injunction; and

(4) whether the issuance of a TRO is in the public interest.

See Dataphase Sys., Inc. v. C.L. Sys., Inc., 640 F.2d 109, 114 (8th Cir. 1981); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Consideration of these four factors does not require mathematical precision but rather should be flexible enough to encompass

the particular circumstances of each case. *See Dataphase*, 640 F.2d at 113. The basic question is whether the balance of equities so favors the moving party "that justice requires the court to intervene to preserve the status quo until the merits are determined." *Id.* Although the probability of success on the merits is the predominant factor, the Eighth Circuit has "repeatedly emphasized the importance of a showing of irreparable harm." *Caballo Coal Co. v. Ind. Mich. Power Co.*, 305 F.3d 796, 800 (8th Cir. 2002).

Petitioner incorporates all prior arguments by reference and submits that he has demonstrated that all four factors weigh strongly in favor of granting the requested TRO.

CONCLUSION

The Government has wide—but not unlimited—discretion in the immigration realm. *See Zadvydas*, 533 U.S. at 700 (recognizing that Executive Branch's wide discretion regarding immigration remains subject to constitutional limitations); *Ali v. Sessions*, No.: 18-CV-2617-DSD-LIB, 2019 WL 13216940, at *3 (D. Minn. July 30, 2019) (recognizing that attorney general's discretionary detention authority is "subject to the constitutional requirement of due process"). At its foundation, due process prohibits detaining an individual without justification. Petitioner has established, and the Government has not sufficiently rebutted, that his detention is rooted in improper purposes and lacks an individualized legal justification. *See, e.g.*, *Mohammed H.*, 2025 WL 1692739, at *5; *Ozturk v. Trump*, 2025 WL 1420540, at *7.

The Court must grant Petitioner's emergency motion for a temporary restraining order and order Petitioner's immediate release from custody.

DATED: September 9, 2025

Respectfully submitted,

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