

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AYMAN SOLIMAN,

Petitioner,

v.

TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,

JOSEPH B. EDLOW, Director, Immigration
and Customs Enforcement;

KRISTI NOEM, Secretary, United States
Department of Homeland Security;

RICHARD K. JONES, Sheriff, Butler County
Jail;

Respondents.

HEARING REQUESTED

Case No.: 1-25-cv-00556

**MEMORANDUM IN SUPPORT OF EMERGENCY EX PARTE REQUEST FOR
TEMPORARY RESTRAINING ORDER PREVENTING CONTINUED DETENTION**

Petitioner submits this additional memorandum in support of his pending request for an emergency temporary restraining order preventing his continued detention. As the petition references the time available for trial in this matter, an understanding of the timeline in this case is important. That timeline is as follows:

1. June 3, 2025, the Notice to Appear (NTA) is issued.

- Petitioner is not detained.
 - Petitioner has a self-report to court date of July 3, 2025.
 - The NTA contains the material support allegations and charges of removability.
2. June 5, 2025, the NTA is filed with immigration Court.
 - 2 days have elapsed.
 3. June 26, 2025, the immigration court cancels the July 3, 2025 appearance date.
 - 24 additional days have passed. 26 days total since the NTA.
 - Petitioner remains free from ICE custody.
 4. July 1, 2025, the immigration court issues a scheduling order for written pleadings.
 - 5 additional days pass. 31 days total
 - Petitioner remains free from ICE custody.
 - Petitioner still proceeding under the original NTA
 5. July 9, 2025, Petitioner reports for ICE check-in, voluntarily, but is detained at that time.
 - 8 additional days have passed. 39 days total.
 - Petitioner still proceeding under the original NTA allegations.
 6. July 11, 2025, DHS files form I-830, notify the immigration court of Petitioner's status as detained.
 - 2 additional days pass. 41 days total. 2 days since detention started.
 7. July 12, 2025, the immigration court issues a new appearance date for a detained docket case. This new appearance date is for July 22, 2025.
 - 1 additional days passes. 42 days total. 3 days since detention.
 - Petitioner still proceeding under original NTA.

8. July 18, 2025, Petitioner files objections and motions to terminate based upon original NTA allegations.
9. July 22, 2025 DHS, at 11:06 a.m., less than two hours before the scheduled July 22, 2025 Master Calendar (MC) hearing files form I-261, withdrawing all prior NTA allegations and substituting new allegations. This is essentially, a new NTA.
 - 10 additional days passed. 52 days total, 13 days since detention began.
 - Court sets new hearing date for July 29, 2025 for filing new objections and to review the new allegations.
10. July 29, 2025, MC is held. Court sets new hearing date to rule on objections and pending motions, of August 12, 2025.
 - 7 additional days pass. 59 days total since issuance of first NTA. 7 days since issuance of I-261, 20 days since detention began.
11. August 12, 2025 MC held.
 - 14 additional days have passed. 73 days total since issuance of NTA. 20 days since I-261 was filed, 34 days since detention began.
 - Next MC date set for August 26, 2025.
12. Immigration Court enters orders denying Petitioner's motions to terminate and denying Petitioner's objections to the allegations in the I-261.
 - 2 additional days pass. 75 days total since issuance of the NTA. 22 days since the I-261 was filed, 36 days since detention began.
13. August 26, 2025 MC was cancelled due to technical difficulties in the video connection between the court and Butler County jail.
 - 12 additional days have passed. 87 days total since issuance of the NTA. 34 days

since the I-261 was filed and 48 days since detention began.

- A new hearing date was set for September 3, 2025.

14. September 3, 2025, an MC was held and a trial date was selected. The originally selected date was December 15, 2025. Due to Court scheduling requirements, this was then later advanced to September 25, 2025.

- 8 additional days passed. As of September 3, 2025, a total of 95 days elapsed since the original NTA, only 42 days since the issuance of the I-261, or the second NTA, and 56 days of total detention time have elapsed.

15. If this matter proceeds to trial on September 25, 2025, it will have been 117 days since the issuance of the original NTA, 64 days since the issuance of the I-261 or second NTA, and 78 days of total detention.

Petitioner was not detained, able to work (after work authorization was granted) and an active and valued member of his community, effectively since his arrival in the United States in 2014. DHS originally allowed Petitioner to self-report to court and to his initial ICE check-in. Of the 95 days since the original NTA issued and the setting of the trial date, Petitioner was not detained, a decision made by ICE, for the first 39 of those days, nearly half of the time since the NTA issued.

For a total of 53 of the 95 days between the original issuance of the NTA and the date trial was set, Petitioner operated, prepared and labored under an NTA that was later withdrawn by DHS. Between June 3, 2025 and September 3, 2025, there was no trial date. There was no indication or any mandatory deadline in which the start of trial had to be accomplished.

Dated: September 5, 2025


Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this, the 5th day of September, 2025, I have caused to be served via email and electronic filing a copy of this pleading to opposing counsel

Signed:  _____

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