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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAVID BUCKINGHAM, *Petitioner*, v. JOHN TSOUKARIS, *et al.*, *Respondents*.	HON. ESTHER SALAS Civil Action No. 25-14601 (ES)

ANSWER TO HABEAS CORPUS PETITION AND REQUEST FOR EXPEDITED CONSIDERATION

On the Brief:

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PRELIMINARY STATEMENT

On August 6, 2025, U.S. Immigration and Customs Enforcement ("ICE") arrested Petitioner pursuant to Immigration and Nationality Act ("INA") § 235(b)(2), 8 U.S.C. § 1225(b)(2), because he is an arriving alien who sought admission to the United States, but found to be inadmissible. Petitioner is a native and citizen of the United Kingdon. *See* Verified Habeas Corpus Petition ("Pet.") ¶ 11, ECF No. 1. Petitioner "was accorded lawful permanent residence on April 3, 2019, and . . . on October 4, 2022, he was convicted of wire fraud, in violation of 18 U.S.C. § 1343[.]" *Id*. ICE detained Petitioner at Elizabeth Contract Detention Facility, in Elizabeth, New Jersey, from August 8 until August 13, 2025. On August 13, 2025, ICE drove Petitioner to the Newark International Airport ("EWR"), where he boarded an ICE passenger jet. The flight departed EWR at 12:00 p.m. and arrived in Richmond, Virginia at 12:55 p.m. On the same day, the flight departed Richmond at 2:30 p.m. and arrived at the Alexandria Staging Facility in Alexandria, Louisiana at 3:55 p.m., where he was located when Petitioner filed this action. On August 14, 2025, ICE transported Petitioner to Adams County Correctional Center in Natchez, Mississippi, where he remains detained at the present time.

The Court does not have jurisdiction over the Petition because the Petition was not filed in the district of confinement and Petitioner sues the incorrect respondent. Petitioner filed the Petition in the District of New Jersey at 4:43 p.m. on August 13, 2025. At that time, he was detained in an ICE facility located within the territory of the U.S. District Court for the Western District of Louisiana. *See Rumsfeld v. Padilla*,

542 U.S. 426, 443 (2004) ("The general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement."). Accordingly, the Court should either dismiss the Petition or transfer it to the Western District of Louisiana or Southern District of Mississippi.[1]

Further, if the Court had jurisdiction, the claims fail on the merits. Petitioner is lawfully detained under 8 U.S.C. § 1225(b)(2), which provides that an "applicant for admission" within the meaning of that statute "shall be detained" until the conclusion of removal proceedings. Petitioner is an "applicant for admission," because he is an arriving alien and because he is present in the United States without admission; accordingly, ICE submits that his detention is mandatory. Further, Petitioner's claims that his transfer out of the District of New Jersey violates his constitutional rights is unavailing because it is barred by the INA. Therefore, the Court should dismiss the Petition and deny the temporary restraining order as moot.

BACKGROUND

Petitioner is a native and citizen of the United Kingdom who was admitted a lawful permanent resident on April 3, 2019. *See* Declaration of Supervisory Detention and Deportation Officer Alexander Cabezas of ICE ERO Newark ("Cabezas Decl."), at ¶ 3. On October 4, 2022, Petitioner was convicted for the offenses of wire fraud in

[1] Petitioner can also refile the Petition in the U.S. District Court for the Southern District of Mississippi, the district of his current detention in Adams County. *See* U.S. District Court for the Southern District of Mississippi, *Jurisdiction Map for the Southern District of Mississippi*, Divisional County Listings | Southern District of Mississippi | United States District Court.

violation of 18 U.S.C. § 1343 and willful failure to collect, account for, and pay over payroll taxes in violation of 26 U.S.C. § 7202. *Id*. at ¶ 4.

On August 6, 2025, after a trip abroad, Petitioner arrived at EWR and requested admission into the United States as a lawful permanent resident. *Id*. at ¶ 5. *See also* Pet. ¶ 9. ICE however, found Petitioner to be inadmissible to the United States pursuant to INA § 212(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude. Cabezas Decl. ¶ 5. ICE served Petitioner an NTA ordering Petitioner to appear at immigration court on August 26, 2025, and placed him into removal proceedings. *Id*. *See also* Pet. ¶ 10.

On August 8, 2025, ICE detained Petitioner at Elizabeth Contract Detention Facility in Elizabeth, New Jersey. Cabezas Decl. ¶ 6. Petitioner's counsel filed a bond re-determination request that day. Pet. ¶ 12. The Elizabeth Immigration Court scheduled the bond hearing for August 21, 2025. *Id*. at ¶ 13.

According to the Declaration of Supervisory Detention and Deportation Officer Cabezas, on August 13, 2025, ICE placed Petitioner on an ICE passenger jet bound for the Alexandria Staging Facility in Alexandria, Louisianna. Cabezas Decl. ¶ 7. The flight departed EWR at 12:00 p.m. and arrived in Richmond, Virginia at 12:55 p.m. *Id*. The flight then departed Richmond at 2:30 p.m. and arrived at the Alexandria Staging Facility at 3:55 p.m. *Id*. On August 14, 2025, Petitioner was transferred to the Adams County Correctional Center in Natchez, Mississippi, where he remains at the present time. *Id*. at ¶ 8.

Petitioner filed this Petition in the District of New Jersey at 4:43 p.m. on August 13, 2025. *See* Declaration of Brooks E. Doyne ("Doyne Decl."), Exhibit A (Pacer Notification). While Petitioner alleges that he is "currently detained at the Elizabeth detention center," Pet. Introduction, he was in Alexandria, Louisiana at the time the petition was filed.

On August 21, the Immigration Court denied Petitioner's request for a change in custody, finding it lacked jurisdiction over the request because Petitioner is an "arriving alien." *See* Doyne Decl., Exhibit B (Order of the Immigration Judge). On August 24, 2025, ICE informed the Immigration Court that Petitioner was then being detained at the Adams County Detention Center in Mississippi. *See* Doyne Decl., Exhibit C (Notice to EOIR: Alien Address). The virtual master hearing that was scheduled at the Elizabeth Immigration Court for August 26, 2025, did not move forward, and the Elizabeth Immigration Court has not re-scheduled the hearing.

Petitioner alleges that his detention violates the Due Process Clause and the Immigration and Nationality Act because transfer outside of New Jersey infringed his right to counsel. Pet. at 6-7. Petitioner also filed a motion for a temporary restraining order and/or preliminary injunction. *See* ECF 2. On August 14, 2025, Petitioner filed a request for expedited consideration. *See* ECF 7.

Petitioner requests this Court issue a writ preventing ICE from transferring him to Mississippi, requiring ICE to coordinate his transfer back to New Jersey, and ordering his immediate release. *Id*. On August 15, 2025, the Court ordered the Respondents to file an answer to the petition and petitioner's motion. *See* ECF 8.

LEGAL ARGUMENT

I. This Court Should Dismiss or Transfer the Petition Because it Lacks Jurisdiction Over the Petition

As a threshold matter, the Court should dismiss or transfer the Petition because it lacks jurisdiction over it for two reasons. First, the Petition filed suit in the wrong district. Second, the Petitioner does not name the proper custodian.

There are two components to habeas jurisdiction. The Petitioner must file the Petition in the district of confinement and name his immediate custodian. *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 441 (3d Cir. 2021) (requiring petitioner to "name his warden as respondent and file the petition in the district of confinement") (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). "The *Padilla* district of confinement and immediate custodian rules are firmly entrenched in the law of this and other circuits." *Doe v. Garland*, 109 F.4th 1188, 1192 (9th Cir. 2024) (collecting cases).

As to the district of confinement, "jurisdiction lies in only one district: the district of confinement." *Padilla*, 542 U.S. at 443. It is "synonymous with the district court that has territorial jurisdiction over the proper respondent.'" *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 445 (3d Cir. 2021) (quoting *United States v. Poole*, 531 F.3d 263, 273 (4th Cir. 2008)). Put differently, "the only federal court that can properly entertain a habeas petition is one located in the 'district in which the applicant is held[.]'" *Doe v. Garland*, 109 F.4th 1188, 1198 (9th Cir. 2024) (quoting 28 U.S.C. § 2242).

As to the immediate custodian, "the default rule" is "that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official," *Padilla*, 542 U.S. at 435; that is, the person who has "immediate custody" of the petitioner, *id.* at 434-35 (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885)). The proper respondent is, in other words, the "person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge[.]" *Id.* at 435 (emphasis in original).

The Supreme Court recently reiterated these principles in the immigration context akin to the one here. *Trump v. J.G.G.*, 145 S. Ct. 1003, 1005-06 (2025) (per curiam).[2] In *J.G.G.*, a group of Venezuelan nationals in immigration detention filed suit in the U.S. District Court for the District of Columbia, seeking relief against their removal. *See id.* at 1005. Because "jurisdiction lies in only one district: the district of confinement," the Supreme Court concluded that the plaintiffs were not likely to succeed on the merits of their claims in the District of Columbia because the plaintiffs in that case were "confined in Texas." *Id.* at 1005-06; *see also id.* at 1006 (holding that proper venue for core immigration habeas petition "lies in the district of confinement.").

[2] Although *Padilla* addressed a habeas petition in the prisoner context, the Third Circuit has applied the "district of confinement" and "immediate custodian" rules in the immigration context. *See Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444 (3d Cir. 2021) ("Whenever a § 2241 habeas petitioner seeks to challenge present physical custody within the United States, he [or she] should name his [or her] warden as respondent and file the petition in the district of confinement" (citation omitted)). So did numerous courts within this District. *See, e.g.*, *Eddine v. Chertoff*, No. 07-6117(FSH), 2008 WL 630043, at *2 (D.N.J. Mar. 5, 2008).

Applying these principles here, this Court should dismiss the Petition for lack of jurisdiction.[3] Petitioner is not confined in the District of New Jersey now, and he was not confined here when his counsel filed the Petition. Instead, all parties agree that he was in the Western District of Louisiana. *See* Cabezas Decl. ¶ 7. Moreover, Petitioner's immediate custodian is now the Warden of the Adams County Correctional Center in Natchez, Mississippi, who is not a named respondent. As a result, the Petition does not name the proper custodian and was not filed in the district of confinement. This Court should dismiss the Petition for lack of habeas jurisdiction. *See*, *e.g.*, *Glover v. City of Philadelphia*, No. 24-1479, 2024 WL 3272912, at *1 (3d Cir. July 2, 2024) (affirming dismissal for lack of habeas jurisdiction because the petitioner was not in custody); *see also Ozturk v. Trump*, 779 F. Supp. 3d 462, 471 (D. Vt 2025) (*citing* the Supreme Court and noting that jurisdiction lies in only one district: the district of confinement.)

II. Petitioner is Properly Detained as an Applicant for Admission Under 8 U.S.C. § 1225(b)(2)(A)

As to the merits of the Petition, the Court should find that Petitioner's detention is lawful under the INA because he is an "applicant for admission" under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A).

"The power to admit or exclude [non-citizens] is a sovereign prerogative." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020) (alteration omitted)

[3] Alternatively, the Court should transfer the Petition to the Western District of Louisiana, where he was a the time Petitioner filed, or to the Southern District of Mississippi, where ICE is currently detaining Petitioner.

(quoting *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). And "the Constitution gives 'the political department of the government' plenary authority to decide which [non-citizens] to admit." *Id.* (emphasis added) (quoting *Nishimura Ekiu v. United States*, 142 U.S. 651, 659 (1892)). "[A] concomitant of that power is the power to set the procedures to be followed in determining whether a[] [non-citizen] should be admitted." *Id.*; see *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) ("To implement its immigration policy, the Government must be able to decide (1) who may enter the country and (2) who may stay here after entering.").

A noncitizen "who has not been admitted or who arrives in the United States" is considered an "applicant for admission" under the INA. 8 U.S.C. § 1225(a)(1). All "[a]pplicants for admission must 'be inspected by immigration officers' to ensure that they may be admitted into the country consistent with U.S. immigration law." *Jennings*, 583 U.S. at 287 (quoting 8 U.S.C. § 1225(a)(3)). "[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Id.* at 287. "Both § 1225(b)(1) and § 1225(b)(2) authorize the detention of certain aliens." *Id.* Immigration officials also have the discretion to permit an applicant for admission to withdraw an application and depart the United States immediately. 8 U.S.C. § 1225(a)(4).

Under § 1225(b)(1), applicants for admission who are "arriving" or fall into certain other categories are subject to expedited removal. In general, an immigration officer who finds the applicant inadmissible "shall order" removal without further hearing. § 1225(b)(1)(A)(i). If the applicant announces an intention to apply for

asylum or expresses a fear of persecution, expedited removal is postponed pending further proceedings on the asylum application. *Id.* § 1225(b)(1)(B). However, the applicant "shall be detained" throughout this process. *Id.* § 1225(b)(1)(B)(ii), (b)(1)(B)(iii)(IV) ("Any alien subject to the procedures under this clause shall be detained pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed.").

Subject to certain exceptions not applicable here, § 1225(b)(2)(A) applies to all other applicants for admission. Such applicants "shall be detained" pending a standard removal proceeding unless the immigration officer determines that the applicant is "clearly and beyond a doubt entitled to be admitted." § 1225(b)(2).

Although detention under § 1225(b) is mandatory, it is not indefinite. On the contrary, "§§ 1225(b)(1) and (b)(2) . . . provide for detention for a specified period of time." *Jennings*, 583 U.S. at 299. Specifically, "detention must continue until immigration officers have finished 'consider[ing]' the application for asylum or until removal proceedings have concluded." *Id.* (internal citation omitted). "Once those proceedings end, detention under § 1225(b) must end as well." *Id.* at 297.

Further, while section 1225(b) does not provide for bond hearings, *see id.* at 297–303, it does contain "a specific provision authorizing release from . . . detention": The Secretary of Homeland Security "may 'for urgent humanitarian reasons or significant public benefit' temporarily parole aliens detained under §§ 1225(b)(1) and

(b)(2)," *id.* at 300 (quoting 8 U.S.C. § 1182(d)(5)(A)).[4] "[S]uch parole," however, "shall not be regarded as an admission of the alien." 8 U.S.C. § 1182(d)(5)(A); *see* 8 C.F.R. § 1001.1(q). When the DHS Secretary determines that "the purposes of [the] parole . . . have been served[,] the alien shall . . . return or be returned to the custody from which he was paroled." 8 U.S.C. § 1182(d)(5)(A). After that, the noncitizen's "case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States." *Id.*

To understand why ICE has detained Petitioner under § 1225(b), a brief discussion of the caselaw interpreting the statute is helpful. By its plain text, § 1225(b) requires ICE to detain two types of "applicants for admission"—those who have "arrived in the United States" and those "who ha[ve] not been admitted." 8 U.S.C. § 1225(a)(1). "[A]rrive[d] in the United States" means the noncitizen has just entered the country—such as Petitioner did at the airport or at the U.S. border—or did so very recently. *See DHS v. Thuraissigiam*, 591 U.S. 103, 139, (2020). Noncitizens "have not been admitted" if no immigration officer inspected them or authorized them to be here. *See* 8 U.S.C. § 1101(a)(13)(A) (defining "admission").

Here, when Petitioner presented for admission to the United States at the port of entry (i.e., Newark International Airport), Petitioner was immediately detained

[4] "That express exception to detention implies that there are no other circumstances under which aliens detained under § 1225(b) may be released." *Id.* (citing A. Scalia & B. Garner, Reading Law 107 (2012) ("Negative–Implication Canon[:] The expression of one thing implies the exclusion of others (expressio unius est exclusio alterius)"). "That negative implication precludes the sort of implicit time limit on detention that we found in *Zadvydas*." *Id.*

and classified as an "arriving alien." *See* 8 C.F.R. § 1001.1(q) ("The term arriving alien means an applicant for admission coming or attempting to come into the United States at a port-of-entry."). "Because he was never admitted into the United States, he is an inadmissible arriving alien and his detention is controlled by 8 U.S.C. § 1225(b)." *See Pulatov v. Lowe*, No. 18-934, 2019 WL 2643076, at *2 (M.D. Pa. June 27, 2019).

The current length of Petitioner's detainment is reasonable and permissible under § 1225(b). Moreover, Petitioner's detention comports with the INA and the Due Process Clause. Although the Due Process Clause prohibits unduly prolonged detention, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), some amount of detention is permissible, *Demore v. Kim*, 538 U.S. 510, 511 (2003). To that end, Petitioner's detention is presumptively reasonable if it does not exceed six months. *Zadvydas*, 533 U.S. at 701. Here, ICE detained Petitioner on August 8, 2025, approximately three weeks days ago. *See* Cabezas Decl. ¶ 5. Petitioner's detention is accordingly reasonable. *See Pena,* 2025 WL 2108913, at *2–3 (holding detention of 17 days comported with due process). Furthermore, Petitioner can request release on parole under § 1225, 8 U.S.C. § 1182(d)(5)(A), and thus she has not exhausted her administrative remedies. For these reasons, the Court should dismiss Petitioner's due process challenge to her detention.

III. Petitioner's Allegations Concerning Access to Counsel and Prohibiting Transfer

A. Petitioner's Constitutional Challenges to his Detention Based on Access to Counsel are Incorrect.

Petitioner alleges a "breakdown" in the ability to consult with his attorney and requests to be transferred to New Jersey where his family resides. However, a habeas petition is not the proper forum for raising these types of allegations.

Under 28 U.S.C. § 2241, federal courts are provided jurisdiction over allegations that a petitioner (including an immigration detainee) "is in custody in violation of the Constitution or laws or treaties of the United States." *See* § 2241(c)(3); *see also Munaf v. Geren*, 553 U.S. 674, 693 (2008) ("Habeas is at its core a remedy for unlawful executive detention."). Therefore, the traditional function of the writ is to seek one's release from unlawful detention. *See Thuraissigiam*, 140 S. Ct. at 1969 (citing *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)). As the Supreme Court has held, relief other than "simple release" is not available in a habeas action. *See Thuraissigiam*, 140 S. Ct. at 1970–71 ("Claims so far outside the core of habeas may not be pursued through habeas.") (internal quotations and citations omitted). Put differently, federal habeas relief is generally limited to an alleged deprivation of rights that "necessarily impacts the fact or length of detention." *Leamer v. Fauver*, 288 F.3d 532, 540 (3d Cir. 2002).

Courts in the Third Circuit have found on many occasions that habeas petitions should only present challenges concerning the fact, duration, or execution of a

petitioner's confinement. *See Velazquez v. Superintendent Fayette SCI*, 937 F. 3d 151, 158 (3d Cir. 2019) and *Leslie v. Att'y Gen. of U.S.*, 363 F. App'x 955, 958 (3d Cir. 2010).

Furthermore, "a district court does not have jurisdiction over a habeas corpus challenge" to a transfer between detention facilities. *See Zapata v. United States*, 264 F. App'x 242, 243–44 (3d Cir. 2008). That is because a transfer between facilities, "regardless of their geographical location or security levels, cannot affect the fact or the length of" detention. *See Scott v. Zickefoose,* No. 12-782, 2012 WL 1232269, at *2 (D.N.J. Apr. 11, 2012). Moreover, "Congress has provided the Government with considerable discretion in determining where to detain aliens pending removal or the outcome of removal proceedings." *See Edison C. F. v. Decker*, No. 20-15455, 2021 WL 1997386, at *6 (D.N.J. May 19, 2021) (citing 8 U.S.C. § 1231(g)(1) and *Calla-Collado v. Att'y Gen.*, 663 F.3d 680, 685 (3d Cir. 2011)).

Accordingly, "[s]everal courts in this District have therefore found that this Court lacks jurisdiction to enjoin a transfer in an immigration habeas matter." *See Edison*, 2021 WL 1997386, at *6 (collecting cases). Many others have found no jurisdiction in the related context of claims to enjoin transfers between prison facilities. *Scott*, 2012 WL 1232269, at *2 (collecting cases).

As for Petitioner's related access to counsel claim, this also cannot affect the fact or length of detention, fails for the same reason. *See Cf. Edison*, 2021 WL 1997386, at *6 ("Notwithstanding the right to counsel an alien may have even in his underlying immigration proceedings, an alien 'does not have the right to be detained where he believes his ability to obtain representation and present evidence would be

most effective.'" (quoting *Calla-Collado*, 663 F.3d at 685)). Accordingly, Petitioner's access-to-counsel and transfer-related claims fail.

IV. The Court Should Deny the Request for a TRO

Even if the Court does not dismiss the petition, the Court should still deny the request for a TRO because Petitioner cannot satisfy the factors which warrant that relief. Rule 65 of the Federal Rules of Civil Procedure governs the issuance of TROs and preliminary injunctions—either of which is an "extraordinary remedy, which should be granted only in limited circumstances." *Novartis Consumer Health, Inc. v. & Johnson–Merck Consumer Pharm. Co.*, 290 F.3d 578, 586 (3d Cir. 2002). To obtain this extraordinary remedy, Petitioner must demonstrate: (1) a likelihood of success on the merits; (2) that he or she will suffer irreparable harm by denial of the relief; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief. *Kos Pharm., Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004).

The first two factors are "are the most critical." *Relly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017) (quotations omitted). Moreover, where (as here), a petitioner is seeking mandatory injunctive relief disrupting the status quo, such as immediate release from custody, the petitioner must satisfy a "particularly heavy burden" and show a "substantial"—not just reasonable—likelihood of success on the merits and an "indisputably clear" right to relief. *Hope v. Warden York County Prison*, 972 F.3d 310, 320 (3d Cir. 2020); *see also Kim v. Hanlon*, 99 F.4th 140, 155 (3d Cir. 2024) ("[O]ver and above the showing required to maintain the status quo . . . a plaintiff must show a substantial likelihood of success on the merits and that

[one's] right to relief is indisputably clear[.]" (quotation omitted)). Petitioner fails to make these showings here.

A. Petitioner is Not Substantially Likely to Succeed on the Merits

As set forth above, Petitioner cannot show a likelihood of success on the merits, much less a substantial likelihood. His claims face significant jurisdictional hurdles given that he has not filed the petition in the district of confinement or against his immediate custodian. And he faces other jurisdictional issues under the INA and the REAL ID Act. In addition, the claims fail on the merits, because Petitioner cannot show a violation of either the INA or Due Process Clause. For these reasons, even if the Court does not dismiss the petition, the Court should nevertheless deny the TRO motion because Petitioner cannot show a "substantial likelihood of success on the merits" or right to relief which is "indisputably clear." *See Kim*, 99 F.4th at 155; *Hope*, 972 F.3d at 320.

B. Petitioner Cannot Establish Irreparable Harm

Petitioner also falls short of establishing that "irreparable injury is likely in the absence of" a TRO. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). ICE has detained Petitioner because the INA requires (i.e., "shall") it to detain Petitioner based on his criminal conviction. Petitioner cannot show that detention mandated by Congress is irreparable harm.

C. An Injunction Would be Contrary to Public Interest

Where, as here, the government is the responding party, the final two factors—balance of the equities and public interest—merge. *See Nken v. Holder*, 556 U.S. 418,

435 (2009). These factors weigh against granting a TRO in this case. There is a significant public interest in lawful enforcement of the immigration laws. *Id.* Here, as discussed above, the government's detention of Petitioner pending removal is a valid exercise of its authority under the INA and its regulations. And issuing a TRO seeking release—given the absence of a strong showing of success on the merits and immediate irreparable harm—would thwart the "public interest in prompt execution of removal orders." *Id.* at 436. These interests weigh against granting a TRO.

CONCLUSION

For the foregoing reasons, the Court should deny the Petition for lack of jurisdiction and deny the request for temporary restraints as moot.

Respectfully submitted,

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