

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Ismoil SAMADOV,

Petitioner,

v.

Donald J. TRUMP, *et al*

Respondents.

Case No. 1:25-cv-0144

**MOTION FOR
TEMPORARY
RESTRAINING ORDER**

Petitioner, Ismoil Samadov, brings this motion pursuant to the All Writs Act, 28 U.S.C. § 1691, and the Court’s inherent equitable authority to enter an order restraining ICE from removing Petitioner from the country while his underlying habeas petition is pending. The risk to Mr. Samadov is particularly acute given that he will be tortured if sent back to Uzbekistan and the Uzbek government has already once sought his extradition. Though critical and urgent, the scope of the relief requested by Petitioner is extremely limited and does not require the consideration of the merits of his petition: Petitioner is merely seeking an order to prevent his removal from this jurisdiction (or the country) before the Court has had an opportunity to review his case.

INTRODUCTION

Mr. Samadov has been unlawfully detained twice by ICE since August 28, 2025, in an apparent attempt to remove him to a “third country” without notice or process. ICE has threatened to remove Mr. Samadov to a third country notwithstanding the fact that he has filed a habeas petition in this Court challenging the lawfulness of said detention and removal. *Samadov v. Trump et al*, Case No. 1:25-cv-01441 (E.D.Va. August 30, 2025). Transfer to a third country would not only perpetuate the unlawfulness of his current detention, but would likely violate Mr. Samadov’s

protections under the Conventions Against Torture and the INA. While for purposes of this motion, the Court need not resolve those questions, the Court should, at a minimum, enjoin transfer to protect the integrity of its jurisdiction to hear such claims, and the claims already raised in his habeas petition. The effective jurisdiction of the Court would be challenged by Mr. Samadov's transfer to a far-off country, not least of which would be due to limited access to counsel.

For the reasons stated below, this Court has authority to grant Petitioner's motion in order to preserve the status quo and prevent Mr. Samadov's transfer out of this district or more critically, out of the United States.

FACTUAL BACKGROUND

A. Mr. Samadov's Unlawful Detention and Pending Habeas Petition.

Mr. Samadov is a citizen of Uzbekistan who fled persecution based on his religious and political beliefs. Following litigation both in immigration court, Board of Immigration Appeals, and before the Third Circuit Court of Appeals, Mr. Samadov was granted withholding of removal under Section 241(b)(3) of the Immigration and Nationality Act ("INA"), 8 U.S.C. 1231(b)(3), and relief under the Convention Against Torture. *See* Ahmad Decl. Ex. 1 (withholding order); *Yusupov v. Attorney Gen. of U.S.*, 650 F.3d 968, 973 (3d Cir. 2011). After being released from immigration custody, he was subject to an Order of Supervision (OSUP), which required regular check-ins with ICE. Ahmad Decl. ¶ 5. There has been no allegation that Mr. Samadov failed to comply with the OSUP in any way. In fact, Mr. Samadov has attended approximately 25 ICE check-ins since 2011. Ahmad Decl. ¶ 5. He was next scheduled to report on September 17, 2025. Ahmad Decl. Ahmad Decl. ¶ 5.

Despite a history of compliance, on August 28, 2025, Mr. Samadov was detained by ICE officers who were waiting outside his home. The officers stated that Mr. Samadov had missed a

court appearance or needed to appear, neither of which were accurate.¹ Ahmad Decl. ¶ 6. Officers forcibly detained Mr. Samadov and took him to the Washington Field Office in Chantilly, VA.² Ahmad Decl. ¶ 6. After spending several hours in ICE custody, Mr. Samadov was released by an ICE officer at the Chantilly Field Office.

The next day, August 29 at approximately 5:27 p.m., Mr. Samadov was detained again, this time by individuals believed to be contractors for Customs and Border Patrol (CBP). Ahmad Decl. Ex. 2 (video of arrest). Mr. Samadov was again sent to the Washington Field Office in Chantilly, Virginia. Following that detention, counsel filed a habeas petition at approximately 12:19 a.m. on August 30, 2025.³

During subsequent calls with Mr. Samadov, he stated that ICE officers had told him they were planning to remove him to a third country. Ahmad Decl. Ex. 3. This is consistent with the Trump Administration's current efforts to circumvent protection under the Convention Against Torture or withholding of removal by sending individuals with final removal orders to so-called third countries—countries to which the individual has no affiliation. Mr. Samadov was told he may be removed to South Sudan, Somalia, or Rwanda. Ahmad Decl. Ex. 3.

On August 31 Mr. Samadov's counsel notified both the United States Attorney's Office and the Washington Detention Center in Chantilly, Virginia, where Mr. Samadov is currently detained, of his habeas petition contesting his detention and threatened removal, and made clear that removal to a third country will expose Mr. Samadov to significant danger. Ahmad Decl. Ex. 4. Counsel has not received any further communication from either party indicating that they will

¹ Mr. Samadov's case was finally adjudicated in 2011, and the case has been administratively closed since 2014.

² The conditions of the Washington ICE Field Office are horrific. *See* Laura Barrón-López, "One meal a day, no bathing for days: Inside the 'crisis' at one Virginia ICE field office," MSNBC (August 29, 2025), available at: <https://www.msnbc.com/msnbc/news/virginia-ice-office-one-meal-day-inhumane-conditions-rcna227976>.

³ Mr. Samadov's habeas corpus petition was filed urgently and counsel plans to amend it in due time. The instant motion is respectfully submitted without prejudice to Mr. Samadov's ability to amend the underlying petition seeking relief from his unlawful detention as needed.

not remove Mr. Samadov from the district or the country. *Id.*

B. Mr. Samadov's Underlying Fear of Torture and Persecution.

The ██████████ controls the practice of religion in the state, and since he was a child, Mr. Samadov has practiced as an "██████████." His rejection of the teachings of the ██████████, which he considers inconsistent with true Islamic principles, made him an enemy of the government. He entered the United States lawfully in 1999 to continue his English language study and stayed in the United States due to fear of persecution if he returned to Uzbekistan. *Yusupov*, 650 F.3d at 973. After being placed in removal proceedings, Mr. Samadov requested asylum, protection under the Convention Against Torture, and withholding of removal. *Id.* The immigration judge ("IJ") found his testimony regarding ██████████ ██████████ to be "extremely credible, *id.*, and granted relief under the Convention Against Torture.

Mr. Samadov was denied withholding of removal under a national security exception, a holding which the Third Circuit later found was wholly without support in the record. *See Yusupov*, 650 F.3d at 992 ("The evidence viewed as a whole not only supports a conclusion contrary to the BIA, but compels it."). Even while the litigation related to the BIA's decision to apply a national security exception to deny otherwise "mandatory" withholding was ongoing, there was no dispute that the IJ and Board of Immigration Appeals ("BIA") found Mr. Samadov's testimony regarding fear of persecution was "extremely credible," *id.* at 973, or that he "would be ██████████," *id.* at 993. Accordingly, once the Third Circuit held that, as a matter of law, the national security exception did not apply, it held Mr. Samadov was entitled to mandatory withholding of removal.

It is also worth acknowledging that the ██████████'s pursuit of Mr. Samadov was

aggressive and individualized: it requested his extradition and issued an Interpol warrant to return Mr. Samadov to answer for falsified charges. *Id.* at 982 (finding there was “overwhelming evidence that [REDACTED] of the [REDACTED], upon which the [REDACTED] charges are based, is used by that government as a pretext to single out and punish those in [REDACTED] to the [REDACTED]”). Due to the extent to which the [REDACTED] government has pursued extradition of Mr. Samadov, there are grave concerns that removal to a third country will not adequately protect him from torture. *See id.* at 978 (“[B]oth Immigration Judges and the BIA agreed that Yusupov and Samadov are likely to be tortured if removed.”).

ARGUMENT

The Court should grant Petitioner’s limited motion in order to preserve the status quo pending adjudication of his petition. Such relief is increasingly necessary as the executive branch routinely attempts to move detained petitioners before legal proceedings can be filed or adjudicated, and Courts have regularly enjoined transfer or removal from the country under similar or identical circumstances. The Court has the authority to do so *ex parte*, and doing so is warranted, where, as here, the threat of harm is urgent and irreparable. The limited relief requested does nothing to alter the status of the parties—it merely prevents Mr. Samadov from being unlawfully removed from the country while his legal challenge to his detention is pending.

I. The Court Enjoys Broad Authority to Issue an Injunction

The All Writs Act (“AWA”) provides federal courts with a powerful tool to preserve the integrity of their jurisdiction to adjudicate claims before them. *See* 28 U.S.C. § 1651(a) (authorizing federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law”); *TBG v. Bendis*, 36 F.3d 916, 925 (10th Cir. 1994). The Act encompasses a federal court’s power to “maintain the status quo by

injunction pending review of an agency’s action through the prescribed statutory channels,” *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966), and courts have found that the Act should be broadly construed to “achieve all rational ends of law,” *California v. M&P Investments*, 46 F. App’x 876, 878 (9th Cir. 2002) (quoting *Adams v. United States*, 317 U.S. 269, 273 (1942)). Whereas a traditional preliminary injunction requires a party to state a claim and show injury to the moving party, an injunction based on the AWA requires only that a party identify a threat to the integrity of an ongoing or prospective court proceeding, or of a past order or judgment. *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097 (11th Cir. 2004) (a court may enjoin almost any conduct “which, left unchecked, would have . . . the practical effect of diminishing the court’s power to bring the litigation to a natural conclusion”). Thus, to issue an injunction pursuant to the AWA, this Court need not find that there is a likelihood of success on the merits of the underlying claims. *See Arctic Zero, Inc. v. Aspen Hills, Inc.*, No. 17-CV-00459-AJB-JMA, 2018 WL 2018115, at *5 (S.D. Cal. May 1, 2018) (distinguishing AWA injunction from traditional preliminary injunction). Rather, it is sufficient for the Court to find that a party has identified a threat to the integrity of or “natural conclusion” of an ongoing proceeding such as the instant habeas action. Usage to prevent transfer here comports with the underlying purpose of the AWA. *See SEC v. Vision Communs.*, 315 U.S. App. D.C. 384, 74 F.3d 287, 291 (D.C. Cir. 1996) (All Writs Act “empowers a district court to issue injunctions to protect its jurisdiction”); *Abu Ali v. Ashcroft*, 350 F. Supp. 2d 28, 54 (D.D.C. 2004) (federal courts “may and should take such action as will defeat attempts to wrongfully deprive parties” of their right to sue in federal court) (internal citation omitted); *Lindstrom v. Graber*, 203 F.3d 470, 474–76 (7th Cir. 2000) (All Writs Act permits court to stay extradition pending appeal of habeas corpus petition)

Courts likewise retain comparable, inherent equitable authority to enjoin transfers pending

a habeas petition, see 28 U.S.C. § 2243 (habeas courts authorized to order relief “as law and justice require”), and courts regularly exercise that authority. *See, e.g., Perez Parra v. Castro*, 765 F. Supp. 3d 1241 (D.N.M. 2025) (granting TRO preventing transfer of detained immigrant to U.S. military base at Guantánamo Bay, Cuba); *Order, Westley v. Harper*, No. 2:25-cv-00229 (E.D. La. Feb. 2, 2025), ECF No. 7; *Santos Garcia v. Wolf*, No. 1:20-cv-821 (LMB/JFA), 2020 WL 4668189 (E.D. Va. Aug. 11, 2020); *Order, Campbell v. U.S. Immigr. & Customs Enf’t*, No. 1:20-cv-22999-MGC (S.D. Fl. July 26, 2020), ECF No. 13; *Order, Sillah v. Barr*, No. 19-cv-1747 (S.D.N.Y. Feb. 25, 2019), ECF No. 3; *see also Zepeda Rivas v. Davis*, 504 F. Supp. 3d 1060, 1077 (N.D. Cal. 2020); *Dorce v. Wolf*, No. 20-CV-11306, 2020 WL 7264869 (D. Mass. Dec. 10, 2020).

II. A TRO Is Necessary to Preserve the Status Quo and Prevent Mr. Samadov’s Unlawful Removal from the Country While His Legal Challenge to His Detention and Threatened Removal are Pending

Petitioner in no way suggests or concedes that this Court would not continue to have jurisdiction over his pending claims under controlling law if he were transferred out of the jurisdiction. *See Ex parte Endo*, 323 U.S. 283, 306 (1944) (affirming that district court retained jurisdiction over habeas corpus petition despite Petitioner’s transfer to different site). Nor, for the purposes of the limited relief sought herein, does the Court need to address that question (or the merits of the underlying habeas petition). Nevertheless, Respondents routinely attempt to interfere with the jurisdiction of courts presiding over habeas proceedings, and have threatened to do so in this case—necessitating intervention to preserve the status quo and prevent Mr. Samadov’s removal from the country.

In the current environment, “courts have recently invoked the All Writs Act to preserve their jurisdiction over constitutional challenges to lightning-fast deportations.” *Abrego Garcia v. Noem*, 2025 WL 2062203, at *6 (D. Md. July 23, 2025); *accord A.A.R.P. v. Trump*, 145 S. Ct.

1364, 1369 (2025) (“[W]e had the power to issue injunctive relief to prevent irreparable harm to the applicants and to preserve our jurisdiction over the matter”) (citing 28 U.S.C. § 1651(a)); *see also Ozturk v. Hyde*, 136 F.4th 382, 394 (2d Cir. 2025) (affirming district court’s transfer order pursuant to “‘equitable and flexible nature of habeas relief’ and its authority under the All Writs Act.”). In the face of ICE’s headlong transfers either between detention facilities or out of the country without notice to counsel or any stated purpose, Courts across the country have invoked their equitable powers and the All Writs Act to maintain jurisdiction. *Perez Parra*, 765 F. Supp. 3d at 1244 (D.N.M. 2025) (“Considering the uncertainty surrounding jurisdiction, the Court determines it is necessary to enjoin the transfer of Petitioners to Guantanamo Bay. At this time, the Court cannot say that without this injunction it would not be jurisdictionally deprived to preside over the original writ of habeas corpus should petitioners be transferred. Thus, an injunction is necessary to achieve the ends of justice entrusted to this Court.”); *D.B.U. v. Trump et al*, Case No. 1:25-cv-01163-CNS, ECF No. 10 (Apr. 14, 2025) (Sweeney, J.) (granting TRO for class of noncitizen individuals and enjoining removal from United States or District of Colorado pursuant to AWA); *Khalil v. Joyce*, No. 2:25-cv-01963, ECF No. 9 (D.N.J. Mar 19, 2025) (directing as part of its initial scheduling order that “to preserve the Court’s jurisdiction pending a ruling on the petition, Petitioner shall not be removed from the United States unless and until the Court orders otherwise.”); *see Rivera Zumba v. Bondi*, No. 25-CV-14626 (KSH), 2025 WL 2476524, at *8 (D.N.J. Aug. 28, 2025) (“In this matter, ICE surreptitiously moved petitioner far away from her immigration proceedings and her attorney, across multiple states, and may remove her on an expedited basis pursuant to a new and unprecedented policy prior to this Court’s ruling on her constitutional challenge. Petitioner’s unlawful deportation would plainly amount to irreparable harm. To prevent this, the Court’s prior orders [enjoining transfer or removal] remain in effect.”).

Several Courts have granted TROs where, as here, the Petitioner has a final order of removal, cannot be removed to their native country under CAT or based on withholding of removal, and is now facing removal by the government to a third country without notice or process. *Arostegui-Maldonado v. Baltazar*, No. 25-CV-2205-WJM-STV, 2025 WL 2051751, at *2 (D. Colo. July 21, 2025) (Martinez, J.) (granting *ex parte* TRO to enjoin removal of petitioner with CAT protection from the United States or District of Colorado); *Batooie v. Ceja*, 2025 WL 1836695, at *2 (D. Colo. July 3, 2025) (Gallagher, J.) (same, but petitioner with mandatory withholding of removal). An injunction preventing removal from the United States pending adjudication of the petitioner’s habeas petition was recently granted in this district. *See Suri v. Trump*, No. 1:25-CV-480 (PTG/WBP), 2025 WL 914757 (E.D. Va. Mar. 20, 2025).

A TRO is particularly appropriate here as Mr. Samadov faces substantial risks if returned to a third country. The Third Circuit, BIA and IJs all agreed that Mr. Samadov is “likely to be tortured if removed.” *Yusupov*, 650 F.3d at 978. The threat is not just that Mr. Samadov would be persecuted in Uzbekistan for his religious and political beliefs, but that through its fabricated criminal charges and Interpol warrant, the government has aggressively Mr. Samadov. Though unlawful deportation constitutes a grave and irreparable harm to anyone, *see Rivera Zumba*, 2025 WL 2476524, at *8, removal to a third country, which could then extradite Mr. Samadov to Uzbekistan in a process that would be virtually impossible to challenge, is a unique and substantial risk for Mr. Samadov. An injunction is thus necessary both to ensure the Court’s continued practical jurisdiction to hear this case and to protect Mr. Samadov from persecution. Finally, there are no countervailing interests—Mr. Samadov is already in government custody and there would be no prejudice to Respondents by an order directing he not be transferred absent court order.

CONCLUSION

Under 28 U.S.C. § 2241, federal district courts are granted broad authority, “within their respective jurisdictions,” 28 U.S.C. § 2241(a), to hear applications for writs of habeas corpus filed by persons claiming to be held “in custody in violation of the Constitution or laws or treaties of the United States.” *Timms v. Johns*, 627 F. 3d 525 (4th Cir. 2010). The All Writs Act and the Court’s inherent equitable powers ensure that the Court may act to ensure its ability to hear habeas cases and provide a meaningful remedy. The Court should grant the modest relief sought herein: to maintain the status quo *ex ante*, and preserve the Court’s unfettered ability to exercise its jurisdiction over Mr. Samadov’s pending habeas petition and order any relief it ultimately deems appropriate.

Dated: September 1, 2025

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