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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kauser Mohamoud Yusuf,

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of Homeland Security; Department of Homeland Security; Todd M. Lyons, Acting Director of Immigration and Customs Enforcement; Immigration and Customs Enforcement; John E. Cantú, Director, Pheonix Field Office Immigration and Customs Enforcement & Fred Figueroa, Warden of Eloy Federal Detention Center.

Respondents.

25-cv-03409–PHX–SPL (ASB)

PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER UNDER FRCP 65(b) AND PRELIMINARY INJUNCTION UNDER FRCP 65(a)

EXPEDITED HANDLING REQUESTED

Kauser Mohamoud Yusuf filed a petition seeking a Writ of Habeas Corpus under 28 U.S.C. § 2241. *See* ECF No. 1. Roble is now filing a Motion for Temporary Restraining Order ("TRO") and Preliminary Injunction ("PI"), which this Memorandum supports.

INTRODUCTION

Kauser Mohamoud Yusuf's detention lacks legitimacy because it occurred in violation of law and was intended for punitive and public relations reasons, unrelated to

any legitimate interest in effectuating removal or preventing flight. As such, Ms. Yusuf requires a writ of habeas corpus.

RELEVANT FACTUAL AND PROCEDURAL HISTORY

Yusuf is a citizen of Somalia. ECF No. 7, Ex. A. She was ordered removed from the United States by an immigration judge on November 5, 2018, but was granted deferral of removal to Somalia. *Id.* Neither side appealed. Yusuf then served the remainder of her criminal sentence, before being released on December 16, 2019, when she was transferred to ICE custody. *See* ECF No. 1 ¶ 28. Yusuf remained in ICE custody for March 16, 2020, that is 91 days, before she was released on an order of supervision. *See* ECF No. 1 ¶ 29.

In releasing Yusuf from custody, Respondents necessarily concluded that: (1) "[t]ravel documents for the alien are not available or, in the opinion of the Service, immediate removal, while proper, is otherwise not practicable or not in the public interest;" (2) she was "a non-violent person;" (3) she was "likely to remain nonviolent if released;" (4) she was "not likely to pose a threat to the community following release;" (5) she was "not likely to violate the conditions of release;" and (6) she "does not pose a significant flight risk." *See* 8 C.F.R. § 241.4(e)(1)-(6).

The current administration has made its animus towards noncitizens with unexecuted final orders of removal clear. *See* ECF No. 7, Ex. B ("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.").

Yusuf was stopped at a checkpoint near Yuma, Arizona on August 28, 2025 and detained because "ICE had deemed her deportable." *See* ECF No. 1 ¶¶ 38, 42. No change in circumstances was noted. Six days later, Yusuf was interviewed by ICE officers who indicated that she was being detained because she had a final order of removal. *See* ECF No. 1 ¶ 45. No material changes were identified and the paperwork provided only notes that her "custody status will be reviewed on or about: 11/28/2025" and that she was required to show that she "will not pose a danger to the community and will not be a significant flight risk." ECF No. 2, Ex. A.

[redacted] ECF No. 2, Ex. D. Yusuf provided a packet of evidence illustrating her education, family ties, and residence on September 10, 2025. ECF No. 2, Ex. E; Ex. F. Yusuf remains detained.

ARGUMENT

Yusuf has been detained in violation of the regulatory provisions governing the release and redetention of noncitizens convicted of certain crimes, 8 C.F.R. § 241.13, as well as the due process clause of the Fifth Amendment. She has not been provided notice of release revocation, any justifiable reason for redetention, or any evidence to support it. Instead, Respondents publicly denigrated Yusuf in a clearly punitive action.

I. A Temporary Restraining Order Is Warranted.

The TRO standard is "substantially identical" to the standard for issuing a preliminary injunction. *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832,

839 n.7 (9th Cir. 2001). To obtain injunctive relief, the moving party must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in the absence of preliminary relief; (3) that the balance of equities tips in favor of the moving party; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). Application of these factors requires injunctive relief.

a. Likelihood of Success on the Merits.

The lack of notice, justification, and evidence to support Yusuf's redetention demands immediate release. Yusuf's detention is governed by 8 U.S.C. § 1231 and its implementing regulations at 8 C.F.R. pt. 241. Section 1231 mandates detention during the 90 day removal period. 8 U.S.C. §§ 1231(a)(1)(A); (a)(2). Yusuf's removal period began on December 16, 2019, "the date [she was] released from detention or confinement" in her criminal matter, and it ended on March 15, 2020. *See* 8 U.S.C. § 1231(a)(1)(B)(iii); ECF No. 1 ¶¶ 28-29. Yusuf was released the next day. ECF No. 1 ¶ 29. Respondents did so because there was no realistic possibility of removal in the reasonably foreseeable future and "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

Once a noncitizen is released on an order of supervision, they are subject to certain conditions of release. *See* 8 C.F.R. § 241.13(h)(1). Release and redetention are governed by regulation. *See* 8 C.F.R. § 241.13. It is well established that agencies like ICE must follow their own regulations. *See Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Webster v. Doe*, 486 U.S. 592, 602 n.7 (1988). Regulations permit the government to withdraw or otherwise revoke release "in order to effect removal in the reasonably

foreseeable future or where the alien refuses to comply with the conditions of release." *See* 8 C.F.R. § 241.13(h)(4). "Petitioner may **only** be re-detained if he violates a condition of release, or 'changed circumstances' demonstrate a 'significantly likelihood that [he] may be removed in the reasonably foreseeable future.'" *Ashqar v. LaRose*, 2019 WL 1793000, at *11 (N.D. Ohio Mar. 26, 2019) (emphasis added). There are no allegations that Yusuf violated a condition of release or that there are any changed circumstances. *See* ECF No. 1 ¶¶ 47-48; ECF No. 2, Ex. A.

"Upon revocation, the alien will be notified of the reasons for revocation of [their] release." 8 C.F.R. § 241.13(i)(3). Typically, this occurs through service of a Notice of Revocation of Release. The agency must also then provide the detained noncitizen with "an initial informal interview... to afford the alien an opportunity to respond to the reasons for revocation **stated in the notification**." 8 C.F.R. § 241.13(i)(3) (emphasis added). "The revocation custody review **will** include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release." *Id.* (emphasis added). No Notice of Revocation of Release was provided in this case. *See* ECF No. 1 ¶¶ 46-47.

Under *Zadvydas*, 533 U.S. at 701, "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." 533 U.S. at 699. While this evidentiary requirement applied after a "presumptively reasonable period of detention" lasting six months, that six month period was "presumptive" and "once removal is no longer reasonably foreseeable, continued detention is no longer authorized."

Id. Respondents provided no evidence in this case. *See generally* ECF No. 1.

i. Respondents Connot Redetain Yusuf without Notice or Reasons as to Why.

Because Yusuf was released under 8 C.F.R. § 241.4 after the expiration of the removal period, any future determinations as to whether there is a significant likelihood of removing Yusuf in the reasonably foreseeable future are governed by 8 C.F.R. § 241.13(a)-(b). Under the applicable regulations, the Service was required to provide some notice as to why it was revoking Yusuf's order of supervision **before** the Service redetained her. *See* 8 C.F.R. § 241.13(i)(3). Indeed, three Justices from the Supreme Court recently reaffirmed this sequential reading of the plain language, finding that "in order to revoke conditional release, the Government must provide adequate notice **and** 'promptly" arrange an 'initial informal interview.'" *Noem v. Abrego Garcia*, 145 S. Ct. 1017, 1019 (2025) (J. Sotomayor, concurring) (emphasis added). *See also Sarail A. v. Bondi*, 2025 WL 2533673, at *5 (D. Minn. Sept. 3, 2025) ("The purpose of the interview, in other words, is to allow the petitioner to respond to reasons already given"). After all, "[t]he 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 v. Eldridge*, 424 U.S. 319, 348–49 (1976). This is also consistent with how the Supreme Court has treated parole revocations, noting that "the State has no interest in revoking parole without some informal procedural guarantees." *Morrissey v. Brewer*, 408 U.S. 471, 483 (1972).

The Service did not meet even this minimal burden here. No Notice of Revocation of Release has been served on Yusuf whatsoever and the notice of custody redetermination

that was served on Yusuf was provided on September 3, 2025, six days **after** her redetention. ECF No. 2, Ex. A. Nor does this document identify any reason for her redetention at all, save for the fact that she has a removal order, *see* ECF No. 2, Ex. A, but that is irrelevant as her removal period has run, and she was previously released. In her informal interview, Yusuf was similarly told that she was being redetained "because she had a final order of removal." *See* ECF No. 1 ¶ 45. That has been true since at least November 5, 2018, *see* ECF No. 7, Ex. A, well before she was previously released, and her detention period has run, so it is not a reason that can justify redetention.

This is itself dispositive as the regulations require that "the alien **will** be notified of the reasons for revocation of his or her release" and the subsequent interview "afford the alien an opportunity to respond to the reasons for revocation **stated in the notification**." 8 C.F.R. § 241.13(i)(3). As the Judge Lungstrum, of the District Court in Kansas held, this means Respondents must provide "required written notice upon revocation." *Liu v. Carter*, 2025 WL 1696526, at *2 (D. Kan. June 17, 2025). No "notice" was provided, written or otherwise, prior to or upon Yusuf's redetention, and the regulations make it clear that the informal interview comes subsequent to the provision of notice.[1] Thus, Yusuf was redetained without any notice whatsoever as to why her release was being revoked, let alone adequate notice. This is a direct violation of 8 C.F.R. § 241.13(i)(3) and the

[1] The comments made by the Border Patrol Agent do not constitute "notice" because the Border Patrol is not Immigration and Customs Enforcement, *compare* 6 U.S.C. § 211(a), *with* 6 U.S.C. § 252, and the regulations require that ICE's Enforcement and Removal department make these determinations. *See* 8 C.F.R. § 241.4(c). The First circuit noted ICE's responsibility for this determination explicitly in *Kong v. United States*, 62 F.4th 608, 619 (1st Cir. 2023).

requirement in *Accardi* that Agencies follow their own regulations. 347 U.S. at 268.

Even if notice provided six days after redetention could suffice, and it cannot, any revocation predicated upon "changed circumstances" must relate to "a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(3). Notably, "it is the Service's burden to show a significant likelihood that the alien may be removed." *Escalante v. Noem*, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025). *See also Roble v. Bondi*, 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025).

Nothing in the interview or the notice of custody determination provided any reason, consistent with the regulatory framework, that can justify redetention. The only reason given was that she has a removal order, but that has been true for more than five years and the regulation "still requires a showing of *different* circumstances than existed at the time of his release." *Ashqar*, 2019 WL 1793000, at *11. It cannot justify a change in custody status now as it is not a "changed circumstance."

Respondents' bare assertions do not alter the fact that, in order to be released in the first place, Yusuf necessarily showed, in 2020, that "[t]ravel documents ... are not available or [that] ... immediate removal, while proper, is otherwise not practicable or not in the public interest." 8 C.F.R. § 241.4(d)(1). Respondents have done nothing to shift the needle, so there are no "changed circumstances" and Yusuf must be released.

Compounding the issue is the wholescale lack of evidence presented to justify Yusuf's redetention. It is also important to note that the government, not Yusuf, bears the burden of making an evidentiary showing that satisfies *Zadvydas* by rebutting the showing that there was no significant likelihood of removal in the reasonably foreseeable future on

March 16, 2020. Reading *Zadvydas* in conjunction with 8 C.F.R. § 241.13(i)(2)-(3), it is clear the Service was required to rebut the prior showing that there is no significant likelihood of removal in the reasonably foreseeable future **before** the Service redetained her and that it had to do so **with evidence**. *See Zadvydas*, 533 U.S. at 701. While the *Zadvydas* court established its evidentiary requirement in cases after a "presumptively reasonable" six month detention period, 533 U.S. at 699, that six month period is only "presumptive," meaning that it may be "overcome[ ] with other evidence." *Presumption*, BLACK'S LAW DICTIONARY (12th ed. 2024).

Here, the prior conclusive finding that "[t]ravel documents ... are not available or [that] ... immediate removal, while proper, is otherwise not practicable or not in the public interest," suffices to establish that "removal is no longer reasonably foreseeable." 8 C.F.R. § 241.4(d)(1); *Zadvydas*, 533 U.S. at 699. As such, the prior release effectively conceded that removal was not reasonably foreseeable, thereby rebutting any presumption that sixth months of detention are reasonable in this case. Moreover, here, the government has had more than five years since the start of the removal period, and nearly seven years since the removal order became final, to identify a third country of removal for Yusuf and to obtain travel documents to do so. It cannot arbitrarily detain her now, years later, absent some evidence as to why her removal is now suddenly reasonably foreseeable.

If the Court were to allow the government to arbitrarily reset the removal period nearly five years later and then force Yusuf to make another new showing that removal is not significantly likely to occur in the reasonably foreseeable future under 8 C.F.R. § 241.4, the Court would necessarily render 8 C.F.R. § 241.13(i)(2)-(3) and 8 U.S.C. § 1231(a)(1)

superfluous, while simultaneously negating the Supreme Court's principal holding in *Zadvydas*, which is that "once removal is no longer reasonably foreseeable, continued detention is no longer authorized." 533 U.S. at 699. The Court must disallow the government's implicit attempts to improperly shift the evidentiary burden to Yusuf.

Ultimately, there can be no showing that Yusuf's detention is "reasonably related" to a legitimate purpose such as effectuating removal or mitigating flight. Yusuf cannot be removed to Somalia because of her DCAT grant. *See* ECF No. 7, Ex. A. Yusuf cannot be removed to an allegedly safe third country until the government obtains a travel document for her. The government has been unable to obtain a travel document that would permit Yusuf's removal to any country since at least November 5, 2018, a period of nearly seven years. If Respondents have even applied for a travel document, which is unclear at this point, Yusuf was taken into custody prior to the government applying for any such travel document. *See* ECF No. 1 ¶¶ 49-50. Moreover, Respondents still do not have a travel document for Yusuf even though, as of the time of this filing, 22 days have elapsed since Yusuf was redetained. *Id.*, ¶ 38. In fact, to date, ICE has not even identified any third country it hopes to remove Yusuf to. *Id.* ¶ 49.

Zadvydas requires the government to have sufficient evidence to rebut the previously established showing that Yusuf's removal is not significantly likely to occur in the reasonably foreseeable future. Because Yusuf was already confined beyond the statutorily defined removal period, the government had to have already had a valid travel document for Yusuf, or at least immediate access to one, prior to detaining her under 8 C.F.R. § 241.13(i)(2)-(3). At absolute minimum, the government would have needed to

have already applied for said travel document *and* been given some sort of positive affirmation from the relevant third-country government that a travel document for Yusuf would be received by a specific date in the very near future. It has none of these things, so Yusuf's detention is wholly unlawful.

ii. The Government's Evidence of Removability Does Not Satisfy *Zadvydas* or 8 C.F.R. § 241.13(i)(2)-(3).

The government has not produced any evidence that would justify Yususf's redetention. The only documents it has provided her are instructions regarding assistance in obtaining travel documents, notice of the penalties for failing to depart, and a Notice of Custody Redetermination, which improperly states that she bears the burden of show she "will not pose a danger to the community and will not be a significant flight risk." ECF No. 2, Ex. A; Ex. B; Ex. C. This is not evidence, nor is it even a reason.

The only "evidence" that Respondents have presented is the existence of the removal order itself, and that is a generous interpretation given that this occurred in an informal interview where Yusuf was told she was detained because "she had a final order of removal." ECF No. 1 ¶ 45. However, this order designates Somalia as the country of removal and then withholds removal to Somalia under the Convention Against Torture. ECF No. 7, Ex. A. Removal to Somalia is not foreseeable as it would be wholly illegal. 8 C.F.R. § 1208.17(a). Any possible insinuation that ICE is in the process of obtaining a travel document is impeached by the Verified Petition for Habeas Corpus, in which Yusuf alleges under penalty of perjury that as of September 8, 2025, she had "no information that Respondents have secured a travel document to any third country," or any "proof of

any third country is willing to receive Petitioner and grant her any legal status upon her arrival," nor had Respondents "notif[ied] Petitioner that it designated an alternative country of removal ... and secured the necessary travel authorization for removal to a third country." ECF No. 1 ¶¶ 49-50, 80. Notably, the failure to seek a travel document before Yusuf was detained undercuts any suggestion that petitioner's release was in fact revoked in [September] because the likelihood of obtaining that documentation had increased to any material degree." *Liu*, 2025 WL 1696526, at *3.

In short, there is no basis to believe that Yusuf will be removed from the United States in the reasonably foreseeable future, nor is there any evidence to support such a contention. To find otherwise, the Court would have to presume, without evidence, that (1) ICE has identified an a safe third country for removal that will accept Yusuf despite her criminal history in the United States and (2) the allegedly safe third-country will issue a travel document in the reasonably foreseeable future. Such presumptions would be arbitrary, capricious, unlawful, unconstitutional and grounded on nothing more than conclusory opinions and beliefs rather than on fact and experience. Even if Respondents have sought a travel document, such "intent to eventually complete a travel document request for Petitioner does not constitute a changed circumstance." *Hoac v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025). The absence of evidence requires release.

iii. The Absence of Any Notice Violates the Fifth Amendment's Due Process Clause

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. 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 v. Eldridge*, 424 U.S. 319, 348–49 (1976). In considering the adequacy of administrative action, courts consider "(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional procedural safeguards; and (3) the Government's interest ... that the additional or substitute procedures would entail." *Id.* at 321.

The *Mathews* test illustrates a due process violation where, as here, no notice, justification, or evidence supports Respondents' actions. Yusuf's private interest is substantial. "Freedom from imprisonment lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas*, 533 U.S. at 679. The risk of erroneous deprivation of that interest is especially high where, as here, the government detains an individual who has previously been thought to be unremovable in the absence of any notice, justification, or newly acquired proof that the individual can now be removed. The procedures used in Yusuf's case are especially concerning, considering Yusuf has already been incarcerated for 22 days in 2025, yet the government still has not gotten around to applying for a travel document or even identifying a country from which to seek a travel document. ECF No. 1, ¶¶ 49-50. Yusuf's substantial liberty interests and the risk of erroneous deprivation of said interests far outweigh the government's interest in executing a five-year-old removal order relating to an individual who was previously determined to not constitute a flight risk or ongoing danger to the community. *See* 8 C.F.R. § 241.4(e)(2)-(6). This is

particularly salient given that, if Respondents identify a third country to which they seek to remove Yusuf, they can simply take her back into custody to effectuate that removal.

iv. The Government's Detention of Yusuf Is Improperly Punitive in Violation of the Fifth Amendment.

Zadvydas held that civil detention must remain "nonpunitive in purpose and effect." 533 U.S. at 690. The government's redetention of Yusuf is punitive. First, detained Yusuf without any notice as to why it was revoking her release, and it did so despite an awareness that she had been granted DCAT and previously released. ECF No. 1 ¶ 43; ECF No. 7, Ex. A. Second, they did so without first obtaining a travel document, which necessarily requires increasing the detention period. Third, and most obviously, the government published a photograph of Yusuf on its public facing available social media sites shortly after her apprehension, along with her name and messaging labelling her as a "convicted felon" and "illegal alien." ECF No. 2, Ex. D. This conduct bears no relationship to the execution of her removal order, and in fact likely makes finding a safe third country more difficult given the tone and tenor of the message, castigating Yusuf as a "predatory offender." ECF No. 2, Ex. D. The only purpose that this conduct can be reasonably construed as serving is punitive, to Yusuf and others with removal orders more generally.

The present administration has expressed and vocalized an intent to use civil detention punitively against noncitizens explicitly, stating that "[t]he 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). ECF No. 7, Ex. B. These posts, including of Yusuf, are a punishment and threat bearing no relationship to the lawfully permissible purposes for detention under 8 U.S.C. § 1231.

v. Applicable Precedent Supports Yusuf's Position.

On nearly identical facts, courts in California, Texas, Minnesota, Massachusetts, and Kansas ordered similarly situated petitioners released. *See Hoac v. Becerra*, 2025 WL 1993771 (E.D. Cal. July 16, 2025); *Escalante v. Noem*, 2025 WL 2206113 (E.D. Tex. Aug. 2, 2025); *Roble v. Bondi*, 2025 WL 2443453 (D. Minn. Aug. 25, 2025); *Sarail A. v. Bondi*, 2025 WL 2533673 (D. Minn. Sept. 3, 2025); *Nguyen v. Hyde*, 2025 WL 1725791 (D. Mass. June 20, 2025); *Liu v. Carter*, 2025 WL 1696526 (D. Kan. June 17, 2025).

b. Irreparable Harm

"[I]rreparable harms [are] imposed on anyone subject to immigration detention." *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Moreover, "[i]t is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Since Yusuf's release from ICE custody in March of 2020, she has reconnected with family, obtained a bachelor's degree and a commercial driver's license, and begun a career. ECF Doc. 2, Ex. F. She stand to lose all of this based on an ongoing constitutional violation. This factor weighs in favor of granting Yusuf's injunctive relief.

c. Balance of Equities and Public Interest

The balance of the equities and public interest analyses merge when the government is the opposing party. *See Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073,

1092 (9th Cir. 2014) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). "[T]he public has a strong interest in upholding procedural protections against unlawful detention." *Vargas v. Jennings*, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020). Yusuf has demonstrated that she is likely unlawfully detained in violation of her due process rights and is suffering the harms of immigration detention, while the government has suffered no injury in the five years since she was previously released. If tht were not enough, "[t]he costs to the public of immigration detention are 'staggering,'" and that "[s]upervised release programs cost much less by comparison." *Hernandez*, 872 F.3d at 996. Government expenditure in this case is not in the public interest in light of Yusuf's compliance with her OSUP, stable employment, and family ties. *See Vargas*, 2020 WL 5074312, at *4. Therefore, this factor weighs in favor of injunctive relief.

CONCLUSION

Due process prohibits detaining an individual without notice, reason, or evidence. The Court must grant Petitioner's emergency motion for a temporary restraining order and order Petitioner's immediate release from custody.

DATED: September 22, 2025

Respectfully submitted,

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