

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GOKHAN POLAT,

Petitioner,

v.

LUIS SOTO, et al.,

Respondents.

2:25-cv-16893

Honorable Jamel K. Semper,
U.S.D.J.

MOTION FOR TEMPORARY RESTRAINING ORDER

Now comes the Petitioner, Gokhan Polat, by and through his undersigned counsel, and hereby moves for a Temporary Restraining Order enjoining the Respondents from moving the Petitioner outside of the State of New Jersey during the pendency of these proceedings. In support of this motion, the Petitioner avers the following:

The Petitioner has informed his wife that an attempt to move him to Arizona was made on October 30, 2025, but due to weather conditions, he was returned to Delaney Hall in Newark, NJ. The Petitioner was informed that he would be moved out to Arizona again today. The Petitioner's wife notified counsel early morning on October 30, 2025, of this attempted movement. Undersigned counsel emailed US Attorneys Bajeda and Basiak, as well as ERO Officials in Newark, to request that

the Petitioner not be moved in light of the spirit of this Honorable Court's October 24, 2025, Order. See Exhibit G. We received no response.

This Honorable Court issued an Order on October 24, 2025, ordering the Respondents to Show Cause, no later than October 31, 2025, as to why the Petition for habeas corpus relief should not be granted. This Honorable Court issued this Order after having determined that expedited briefing was necessary to ensure a prompt and fair disposition of the Petitioner's request and that good cause had been shown. This Honorable Court noted that the Petitioner's application for habeas corpus relief included a request for preliminary relief enjoining Respondents from transferring Petitioner outside of the State of New Jersey during the pendency of this proceeding.

While this Order did not explicitly state the Respondents should not move the Petitioner outside of New Jersey during the pendency of this proceeding, the spirit of the Order was just that. It is undersigned counsel's experience that the Petitioner will likely be moved to a staging area in Arizona and then funneled to a detention center in such places as Mississippi, Colorado, Texas, or beyond. This movement disrupts the attorney/client working relationship and places even more undue stress on his US citizen wife. Further, the Petitioner's US citizen wife currently has an I-130 visa petition pending, based on their marriage, that will require an interview of the couple by USCIS. *See* Exhibit C. Petitioner being detained far afield in the United States, far away from his wife, will cause

irreparable harm to their ability to have a fair adjudication of their visa petition. The adjudication of the Petitioner's visa petition is necessary for him to move forward with his application for lawful permanent residency. *See* Exhibit C submitted with the Petition.

We respectfully request that this Honorable Court issue a Temporary Restraining Order enjoining the Respondents from moving the Petitioner outside of the State of New Jersey during the pendency of this proceeding.

Based on these signed documents and under the Federal Rules of Civil Procedure 65 and the Local Rules of Civil Procedure 65.1, the Petitioner respectfully requests a Temporary Restraining Order in support of his Petition for Writ of Habeas Corpus.

Respectfully submitted this 31st Day of October, 2025.

Dated: October 31, 2025

/s/Matthew J. Archambeault
Matthew J. Archambeault
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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record. I also certify that I served the following via email:

US Attorney Frances Bajada at frances.bajada@usdoj.gov

US Attorney John Basiak at John.Basiak@usdoj.gov

/s/Matthew J. Archambeault

Matthew J. Archambeault, Esq.

Attorney for Petitioner