

Michael C. Urbanowich
Attorney for Petitioner
State Bar No. 24088563
Luis F. Hess, PLLC
PO BOX 7828
Spring, TX 77387
Phone: 281-205-8540
Fax: 832-200-3518

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN TEXAS DISTRICT
HOUSTON DIVISION**

	§	
Kwan Ho Wu AKA Kuanhe Wu	§	
<u>Petitioner</u>	§	
	§	
V.	§	Case No. _____
Ray Thompson , in his official capacity	§	
as Warden of the Joe Corley Processing	§	PETITON FOR WRIT OF HABEAS
Center	§	CORPUS PERSUANT TO
	§	28 U.S.C. § 2241
Bret Bradford , in his official capacity as	§	
Field Director of ICE Enforcement and	§	
Removal Operations at the Houston Field	§	
Office	§	
	§	
Kristi Noem , in her official capacity as	§	
Secretary of Homeland Security	§	
	§	
Pam Bondi , in her official capacity as	§	
Attorney General of the United States.	§	
	§	
	§	
<u>Respondents</u>	§	
	§	

**MOTION FOR TEMPORARY RESTRAINING ORDER AND REQUEST FOR
INJUNCTIVE RELIEF**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

The Petitioner, Kwan Ho Wu (hereinafter “Petitioner”), by and through undersigned Counsel, respectfully moves this Honorable court, pursuant to Federal Rule of Civil Procedure 65, for entry of a temporary restraining order to prevent his removal by Immigration and Customs Enforcement (“ICE”) from the United States during the pendency of his petition for writ of habeas corpus. In support thereof, Petitioner states the following:

I. INTRODUCTION

1. The Petitioner is in ICE Custody since June 24, 2025; currently remains in ICE Custody at the Joe Corley Processing Center; and seeks emergency relief to prevent his unlawful removal to the People’s Republic of China while his petition for Writ of Habeas Corpus is under consideration.
2. Petitioner was paroled into the United States on September 7, 1992. He was concurrently placed in exclusion proceedings. In 1994, an Immigration Judge found that Petitioner had not made the requisite showing to warrant Asylum or Withholding of Deportation and ordered his exclusion. Petitioner filed an appeal with the BIA that was dismissed in 2000. In 2007, Petitioner filed a Motion to Reopen Exclusion Proceedings based on ineffective assistance of counsel. The Board of Immigration Appeals (BIA) denied this motion. In 2010, Petitioner filed a second Motion to Reopen, alleging changed conditions in the People’s Republic of China. The BIA

denied this motion on November 16, 2010, and Petitioner timely filed a petition for review.

3. Petitioner received an Order of Supervision from ICE on February 16, 2011. Since that time, Petitioner regularly attended each of his ICE Check-Ins.
4. Petitioner is eligible for permanent relief as the beneficiary of an approved Form I-130, Petition for Alien Relative (“I-130 Petition”) filed by his U.S. citizen daughter (Receipt # [REDACTED]). Petitioner has also filed Form I-485, Application to Register Permanent Residence or Adjust Status (“Form I-485”) (Receipt # [REDACTED]) which remains pending.
5. Petitioner’s I-485 interview had been scheduled for June 24, 2025, at the United States Citizenship and Immigration Services (USCIS) office in New York City. When Petitioner attended this interview, he was apprehended by ICE agents and placed in detention, where he remains to this day.
6. Petitioner has no criminal history, and has demonstrated no conduct indicating that he is a threat to the community or is a flight risk. His only incident occurred on November 8, 2006, in New York, where he was charged under several provisions of the Vehicle and Traffic Law. Ultimately, he pled guilty to VTL 1192.1 (Driving While Ability Impaired), which is a traffic infraction, not a crime.
7. Petitioner has resided continuously for more than 33 years in the United States. Petitioner is married and is the father to four United States Citizen children and has elderly Lawful Permanent Residents parents, all of whom depend on him emotionally, financially and medically. Petitioner’s parents both suffer from serious

medical conditions that include Diabetes, Hypertension, Heart diseases and Osteoarthritis. They both depend on Petitioner to be able to continue their medical treatments.

8. Petitioner is the proud owner of multiple business ventures that give jobs to more than 250 people across the United States.
9. Petitioner is already facing irreparable harm through the loss of his freedom, despite the previous grant of the Order of Supervision, which Petitioner has always complied with.
10. ICE's arbitrary and unlawful detention of Petitioner, without a pre-deprivation hearing, is also causing irreparable psychological damage to his LPR parents, who rely on him for emotional and financial support, including paying for their medical care.
11. Furthermore, Petitioner's removal will deprive USCIS of the ability to exercise its authority to adjudicate his pending I-485 Application as well as depriving this Court of jurisdiction to adjudicate his constitutional claims.
12. Immediate injunctive relief will prevent further harm, both to Petitioner and to his family. Petitioner's father has faced declining health issues since Petitioner's detention including congestive heart failure and chronic atrial fibrillation.

II. FACTUAL BACKGROUND

13. Petitioner is a 53-year-old citizen of the People's Republic of China whose first and only entry to the United States of America was September 07, 1992, when he was inspected and paroled into the country.
14. Petitioner's eldest daughter filed an I-130 Petition for Alien Relative on his behalf, which was approved on May 15, 2019. On December 13, 2023, Petitioner applied for a Form I-485, Application to Register Permanent Residence or Adjust Status and for a Form I-601, Application for Waiver of Grounds of Inadmissibility. Petitioner was attempting to complete his immigration process and obtain legal permanent resident status when he attended his Form I-485 interview on June 24, 2025. On that day, when he was complying with USCIS instructions to come to their office in New York City, Petitioner was arrested by ICE.
15. Petitioner has been detained for 5.5 months, despite good faith attempts to comply with ICE instructions to obtain a passport or other travel documents. ICE initially indicated that it would decide whether to release Respondent in September, after he obtained, or attempted to obtain, these travel documents. No decision has been communicated to Petitioner or undersigned counsel.
16. Petitioner has offered to pay a \$500,000 bond as part of a surety to ensure that he complies with any future Order of Supervision or any other reasonable constraints. No decision has been communicated to Petition or undersigned counsel.
17. On Friday, December 5, 2025, Petitioner and multiple other Chinese detainees, that do not have passports or travel documents, were gathered together to have their

photos taken. They were told that these photos will be used to obtain or finalize travel documents.

18. ICE and DHS have not demonstrated that Petitioner is a Danger to the Community or a Flight Risk. ICE and DHS should be required to demonstrate those facts to a neutral observer prior to depriving Petitioner of his liberty. Petitioner has been a consistent taxpayer and lawfully resided in the United States of America for over 3 decades. He is a respected entrepreneur who owns multiple business that provide employment for more than 250 individuals across the United States.

19. Petitioner's longstanding residence, deep family and community ties, substantial economic investment and willingness to comply with Government Authorities supports the determination that Petitioner is not a flight risk and should not continue in prolonged detention that his clearly becoming Unreasonable and Unconstitutional.

III. LEGAL STANDARD

20. Under Fifth Circuit precedent, the standard for issuing a temporary restraining order requires consideration of: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury; (3) whether the threatened injury outweighs any harm to the defendant; and (4) whether the injunction would not be adverse to the public interest. *Mississippi Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985).

IV. ARGUMENT

A. Petitioner Is Suffering Immediate and Irreparable Harm While He Is Detained And Will Suffer Immediate and Irreparable Harm if He is Removed by DHS

21. Petitioner alleges and incorporates by reference paragraphs 1 through 40 of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 filed concurrently with the present motion, as well as all supporting exhibits attached therein.
22. Petitioner was granted an Order of Supervision in 2011 and has complied with the requirements of DHS since that time. His arrest and ongoing detention, without a hearing, represent ongoing and irreparable harm to him and to his family.
23. While Petitioner continues to remain in detention, he faces imminent removal to his native country of People's Republic of China.
24. Petitioner has submitted a Petition for a Writ of Habeas corpus, filed concurrently to this Court with the present Motion for Temporary Order, to compel his release from detention.
25. Removal while Petitioner's Writ of Habeas Corpus is pending before this court would constitute irreparable harm that cannot be remedied by monetary damages.
26. The threat of Petitioner's removal is immediate and cannot await a hearing on the merits.

B. Petitioner Has a Substantial Likelihood of Success on the Merits

27. Petitioner has demonstrated a substantial likelihood of success on the merits of his habeas corpus claim via his Petition for Writ of Habeas corpus, filed concurrently with the present motion.
28. Petitioner's current detention and imminent removal is unlawful under the 5th Amendment Right to Due Process, as he has a liberty and property interest in his

continued freedom from detention and ICE did not provide any due process prior to arresting and detaining him on June 24, 2025.

29. Therefore, Petitioner merits immediate release because this detention should not have occurred without a pre-deprivation hearing, or other adequate safeguards of due process and the government has not articulated any meaningful reason why he should continue to remain in detention or legal authority justifying the arrest and detention in June.
30. The Supreme Court has recognized that procedural due process imposes constraints on governmental decisions which deprive individuals of “liberty” or “property interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).
31. The Supreme Court has also recognized, in a criminal context, that a parolee’s liberty involves significant values within the protection of the Due Process Clause of the Fourteenth Amendment, and termination of that liberty requires an informal hearing. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).
32. Additionally, Petitioner’s continued detention without an individualized determination violates substantive due process under *Zadvydas v. Davis*, 533 U.S. 678 (2001).
33. Petitioner was arrested and detained on June 24, 2025 without any notice, hearing, or other safeguards of his due process right to his continued liberty under the Order of Supervision.
34. Petitioner has remained in detention since that date without any individualized assessment of flight risk or danger to the community.

35. Petitioner poses no flight risk, as evidenced by his more than thirty years residing in the United States, his establishment of a home and successful business, and his affirmative attempts to correct his status through the I-130 and I-485 process before USCIS.
36. Petitioner poses no danger to the community, as evidence by his lack of criminal record or any other conduct that could pose a danger to the United States.
37. Petitioner's detention and imminent threat of removal are arbitrary in nature, lacking in either statutory or judicial authority, and are inconsistent with constitutional protections.
38. Furthermore, Petitioner has not undergone an individualized assessment of hardship posed by his continued detention.
39. Petitioner's ongoing detention is aggravating the suffering he experiences and that his LPR parents are suffering from his absence.
40. Both the initial arrest in June and the continued detention are cruel and arbitrary.
41. The facts above demonstrate that Petitioner has substantial likelihood of success on the merits of his Writ of Habeas Corpus, now pending before this Court. Therefore, Petitioner should be immediately released from custody.

C. The Balance of Harms Favors Petitioner

42. The harm to Petitioner, from continued detention or removal, far outweighs any administrative inconvenience to the DHS.
43. Petitioner has no criminal history or history of violence and poses no danger to the community if released from detention and protected from additional arrests in accordance with this Habeas Corpus petition and requested TRO. Allowing USCIS

to complete the processing of Petitioner's Form I-485 and completion of the I-485 interview serves judicial economy and prevents further constitutional violations.

D. The Public Interest Supports the Relief Sought

44. The public interest is served by ensuring that Orders of Supervision, as all liberty interests, are protected by procedural and substantive due process prior to being taken away.
45. Protecting constitutional rights and preventing unlawful government action serves the broader public interest.
46. The injunction would preserve the integrity of the USCIS' immigration process, as well as this Court's jurisdiction.

V. Notice and Security

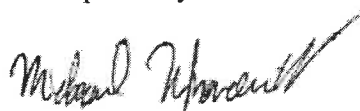
47. Notice: Notice should be dispensed with due to the danger of imminent removal, which could occur before the government can respond. Any delay could render this motion, and the concurrent habeas petition, moot.
48. Security: Petitioner respectfully requests that the Court set a reasonable security requirement under Fed. R. Civ. P. 65(c). Petitioner has previously informed undersigned counsel that he can afford to pay up to \$500,000.

VI. PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court IMMEDIATELY issue a temporary restraining order:

- Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
- Directing Respondent to take all necessary steps to halt any removal preparations;
- Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
- Requiring Respondent to release Petitioner from custody immediately;
- Directing Respondent to set a bond hearing before an immigration judge with the burden on the government to establish by clear and convincing evidence that Petitioner is a flight risk or a danger to the community, before taking actions to re-arrest or re-detain Petitioner.
- Set an expedited hearing on Petitioner's motion for preliminary injunction;
- After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
- Set security at a reasonable amount; and
- Grant such other relief as this Court deems just and proper.

Respectfully Submitted.



Michael Urbanowich
Attorney for Petitioner
State Bar No. 24088563
Luis F. Hess, PLLC
PO BOX 7828
Spring, TX 77387
Phone: 281-205-8540
murbanowichhess@gmail.com

Certificate of Emergency

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render his pending USCIS application and habeas corpus petition moot and cause irreparable constitutional harm.



Michael Urbanowich
Attorney for Petitioner
Kwan Ho Wu

Date: December 09, 2025.

Certificate of Emergency

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render his pending USCIS application and habeas corpus petition moot and cause irreparable constitutional harm.



Michael Urbanowich
Attorney for Petitioner
Kwan Ho Wu

Date: December 09, 2025.

Certificate of Conference

I hereby certify that due to the emergency nature of this motion and the imminent threat of removal, I have been unable to confer with opposing counsel regarding this motion.



Michael Urbanowich
Attorney for Petitioner

12/09/2025

Date

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Ray Thompson, in his official capacity as Warden of the Joe Corley Processing Center**, at (1) Office of the Warden, 500 Hilbig Rd, Conroe, TX 77301, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300 Houston, TX 77002.

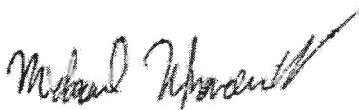


Michael Urbanowich
Attorney for Petitioner

12/09/2025

Date

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his official capacity as Field Office Director, of ICE Enforcement and Removal Operations at the Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston Texas, 77002.



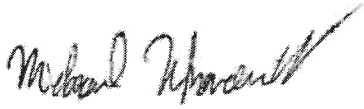
Michael Urbanowich
Attorney for Petitioner

12/09/2025

Date

CERTIFICATE OF SERVICE

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her official capacity as Secretary of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.



Michael Urbanowich
Attorney for Petitioner

12/09/2025

Date

On December 09, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at (1) U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; and (2) to the Assistant Attorney General for Administration, U.S. Department of Justice, Justice Management Division, 950 Pennsylvania Avenue, NW, Room 1111, Washington, D.C. 20530; and (3) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.



Michael Urbanowich
Attorney for Petitioner

12/09/2025

Date

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN TEXAS DISTRICT
HOUSTON DIVISION**

	§	
Kwan Ho Wu AKA Kuanhe Wu	§	Case No. _____
<u>Petitioner</u>	§	PETITION FOR WRIT OF HABEAS
V.	§	CORPUS PERSUANT TO
Ray Thompson, in his official capacity	§	28 U.S.C. § 2241
as Warden of the Joe Corley Processing	§	
Center	§	
Et. al.	§	
<u>Respondents</u>	§	
	§	

**PROPOSED ORDER GRANTING TEMPORARY RESTRAINING ORDER AND
REQUEST FOR INJUNCTIVE RELIEF**

Having considered Petitioner’s Motion for Temporary Restraining Order, and good cause appearing, IT IS HEREBY ORDERED that:

1. Respondent, their agents, employees, and successors are restrained and enjoined from removing Petitioner from the United States;
2. Respondent is directed to take all necessary steps to halt any removal preparations;
3. Respondent is required to notify all relevant personnel that Petitioner shall not be removed;
4. Respondent is required to release Petitioner from custody immediately;
5. Respondent is directed to set a bond hearing before an immigration judge, with the burden on the government to establish by clear and convincing evidence that

Petitioner is a flight risk or a danger to the community, before taking actions to re-arrest or re-detain Petitioner;

6. This Temporary Restraining Order shall remain in effect until December 23, 2025 at 5:00 PM, unless extended further by order of this Court;
7. A hearing on Petitioner's motion for preliminary injunction is set for _____;
8. Security is set at \$ _____;
9. This order may be served by facsimile, email, or other means reasonably calculated to provide immediate notice.

SIGNED this _____ day of _____, 2025.

Petitioner is a flight risk or a danger to the community, before taking actions to re-arrest or re-detain Petitioner;

6. This Temporary Restraining Order shall remain in effect until December 23, 2025 at 5:00 PM, unless extended further by order of this Court;
7. A hearing on Petitioner's motion for preliminary injunction is set for _____;
8. Security is set at \$ _____;
9. This order may be served by facsimile, email, or other means reasonably calculated to provide immediate notice.

SIGNED this _____ day of _____, 2025.
