

DOCUMENT 2 — EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Fouad Saeed Abdulkadir, Petitioner, v. [Respondents], Respondents.
Civil Action No. _____

FILED
HARRISBURG, PA
DEC 05 2025
DEPUTY CLERK

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY
INJUNCTION

(1) Petitioner moves for a temporary restraining order and/or preliminary injunction ordering his immediate release under supervision, or, in the alternative, a prompt bond hearing with constitutionally adequate procedures, as described in the accompanying Petition, to prevent irreparable harm and constitutional violation.

(2) To obtain preliminary equitable relief, Petitioner must show: (i) likelihood of success on the merits; (ii) that irreparable harm will result absent relief; (iii) that the balance of equities tips in Petitioner's favor; and (iv) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Nken v. Holder*, 556 U.S. 418, 434 (2009).

(3) Likelihood of success: Petitioner's ongoing detention is punitive and excessive under *Bell v. Wolfish*, 441 U.S. at 535–40; violates professional-judgment standards for civil detainees per *Youngberg v. Romeo*, 457 U.S. at 321–23; is contrary to *Zadvydas* and *Jennings* given IJ administrative closure and non-final conviction status (*Orabi*); and fails constitutional and statutory requirements.

(4) Irreparable harm: Each day of detention exacerbates severe physical suffering, mobility impairments, PTSD, depression, and anxiety that cannot be remedied after the fact. Constitutional harm recognized in *Helling v. McKinney*, *Estelle v. Gamble*, *Brown v. Plata*.

(5) Balance of equities: Government's interests in appearance supervision and public safety are adequately served by less-restrictive alternatives such as recognizance, bond, ATD/GPS, with conditions. Petitioner consents to any necessary supervision. Public interest demands protection of constitutional rights and humane treatment of disabled persons.

(6) Public interest: Preventing unconstitutional detention, protecting rights of persons with disabilities, and ensuring humane standards.

(7) Requested relief: (a) immediate release under reasonable conditions of supervision; or (b) individualized bond hearing within seven (7) days with Government's burden at clear-and-convincing standard, consideration of less-restrictive alternatives, and a

contemporaneous written decision; and (c) enjoin any transfer out of this District during pendency.

Date: 12/01/25
Respectfully submitted,

Signature: Fouad Saeed Abdulkadir
Fouad Saeed Abdulkadir, A-~~XXXXXXXXXX~~
Moshannon Valley Processing Center
555 GEO Drive, Philipsburg, PA 16866

DOCUMENT 3 — PROPOSED ORDER

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Fouad Saeed Abdulkadir, Petitioner, v. [Respondents], Respondents.
Civil Action No. _____

[PROPOSED] ORDER

Upon consideration of Petitioner's Petition for Writ of Habeas Corpus and Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction:

(1) The Petition is GRANTED. Respondents shall RELEASE Petitioner Fouad Saeed Abdulkadir (A-~~XXXXXXXXXX~~) forthwith under reasonable conditions of supervision (recognizance, reasonable bond, or ATD).

OR

(2) In the alternative, Respondents shall provide Petitioner an individualized bond hearing before a neutral decisionmaker within seven (7) days of this Order. At that hearing, the government must prove by clear-and-convincing evidence that continued detention is necessary and that no less-restrictive alternative will suffice. The decisionmaker shall consider less-restrictive alternatives and issue a contemporaneous written decision.

(3) Respondents are ENJOINED from transferring Petitioner outside this District absent prior Court approval during the pendency of this action.

SO ORDERED.

Dated: 12/01/2025

UNITED STATES DISTRICT JUDGE

DOCUMENT 4 — CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

(1) I certify that on _____, I served true and correct copies of the Petition, Emergency Motion, Proposed Order, and all exhibits on the following:

- Civil Process Clerk, United States Attorney's Office for the Middle District of Pennsylvania, 700 Arch Street, Room 2106, Harrisburg, PA 17101.
- Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530-0001
- Warden, Moshannon Valley Processing Center, 555 GEO Drive, Philipsburg, PA 16866
- Field Office Director, ICE ERO Philadelphia Field Office, 114 N. 8th Street, Philadelphia, PA 19107

(2) Mail, email, or notices as required by local rules and facility policy.

Date: 12/01/2025
Signature: Fouad Saeed Abdulkadir
Fouad Saeed Abdulkadir, Petitioner Pro Se

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