

UNITED STATES DISTRICT COURT  
DISTRICT OF EASTERN DISTRICT OF PENNSYLVANIA

LEMUS-CALDERON, DANIEL,

Petitioner,

v.

File No. \_\_\_\_\_ CV \_\_ (     )

**JOHN TSOUKARIS**, in his official capacity as Field Office Director of Enforcement and Removal Operations Newark Field Office; **MARCOS CHARLES**, in his official capacity Acting Executive Associate Director, Enforcement and Removal Operations; **TODD LYONS** in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement; **BRIAN MCSHANE**, in his Official capacity as acting Philadelphia Field Office Director for U.S. Immigration and Customs Enforcement, **KRISTI NOEM** in her official capacity as Secretary of the Department of Homeland Security; **PAMELA BONDI** in her official capacity as United States Attorney General, **LEONARD ODDO**, in his official capacity as the Facility Administrator of the Moshannon Valley Processing Center;

ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION AND  
TEMPORARY RESTRAINING ORDER

Respondents.

\_\_\_\_\_ /

NOTICE OF FILING EXHIBITS TO HABEAS PETITION

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Respondents.

\_\_\_\_\_ /

Upon the affidavit of Petitioner, sworn to the \_\_\_\_\_ day of DECEMBER, 2025, and upon the copy of Habeas Petition/complaint hereto annexed, it is ORDERED, that the above named Respondent(s) show cause before this Court, at 601 Market Street Philadelphia, PA 19106, United States Court House, on \_\_\_\_\_, 2025 at \_\_\_\_\_ o'clock in the \_\_\_\_\_ (AM/PM), so Respondents and its counsel may be heard, why an order should not be issued pursuant to Rule 65 FRCP enjoining the Respondent(s) during the pendency of this action from

1. Grant a writ of habeas corpus ordering Respondents to release Petitioner, DANIEL LEMUS-CALDERON on his own recognizance or under parole, a low bond or reasonable conditions of supervision not including an ATD device;
2. Order the Immediate Release of Petitioner, DANIEL LEMUS-CALDERON;

3. Direct Respondent's to adjudication Petitioner's N-600 for Derivative Citizenship granted as A matter of law;
4. Issue an order restraining Respondent's and the Immigration Court from proceeding with the Expedited removal proceedings on Tuesday, December 16, 2025 and Stay proceedings until Petitioner's release is ordered;
5. Award Petitioner reasonable costs and attorney's fees; and,
6. Grant any other relief which this Court deems just and proper.

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\_\_\_\_\_ ; and it is further

ORDERED, that sufficient reason having been shown, therefore, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65 FRCP the defendant(s) are temporarily restrained and enjoined from:

1. Order the Petitioner Released from Custody of Respodnents;
2. Entering a Final removal order or proceeding on the December 16, 2025 be stayed or stopped;
3. Require the government to enter an order to stop expedited removal proceedings
4. Enter adjudication on Respondent's main relief that he is a Derivative Citizen on form N600;

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\_\_\_\_\_ and is further ORDERED, that security in the amount of \$ 0.00 \_\_\_\_\_ be

posted by the Petitioner,(s);

and it is further ORDERED, that personal service of a copy of this order and annexed affidavit upon the Respondent(s) or its counsel on or before \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, through December 16, 2025 shall be deemed good and sufficient service thereof.

DATED:  
Philadelphia, Pennsylvania

\_\_\_\_\_  
United States District Judge

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AFFIDAVIT OR AFFIRMATION  
IN SUPPORT OF ORDER TO  
SHOW CAUSE FOR AND  
PRELIMINARY INJUNCTION  
TEMPORARY RESTRAINING ORDER

Respondents.

I DANIEL LEMUS-CALDERON being duly sworn deposes and says and makes the following affirmation under the penalties of perjury:

I DANIEL LEMUS-CALDERON, as Petitioner in the above-entitled action, respectfully move this court to order Respondents to show cause why they should not be enjoined from Releasing Me from Custody, ruling on my N600 derivative Citizenship application and cancelling the December 16, 2025 Individual hearing in order to forgo expedited removal. Also provide immediately provide me with a bond hearing that respects due process rights are vindicated although Petitioner's release in the above-entitled action is warranted after 6 months of detention.

Unless this order is issued, I, Petitioner will suffer immediate and irreparable injury, loss and damage in that on December 16, 2025 will have a removal order, I have claim to being a US citizen that is being ignored, my due process rights are being violated with the denial of bond and expedited removal hearing in detained court NJ. As can be seen from the foregoing, Petitioner will; have no adequate remedy at law.

At approximately 9:40 p.m., Friday December 12, 2025, Petitioner instructed his immigration and other counsels to contact and emailed the Respondents a copy of this complaint by email and will also deliver this by process server/courier to Respondents address physically once stamped. On December 15, 2025, Petitioner will make another Motion to continue the December 16, 2025, Individual Hearing to avoid the TRO however the Respondents can also

request a cancellation over the judge, such as jointly. This TRO is to avoid the respondent's proceeding to attempt to enter a unilateral removal order and remove Respondent while violating his rights on December 16, 2025. Petitioner emailed and communicated with Respondents and advised even the Immigration Court that an application would be made by Petitioner of a temporary restraining order and an order directing them to show cause why they should not be preliminarily enjoined. Rule 65(b) of the Federal Rules of Civil Procedure – No temporary restraining order will be granted unless the party states the attempt, if any, made to notify the adversary of the restraining order. I will make all attempts and have since the bond requests.

Since the time frame of the request is occurring one day before the final hearing and days after Respondent's denied the 12/8/25 bond hearing, the application to the Immigration court to continue their hearing in anticipation of this petition. Local Rule 6.1(d) – No *ex parte* order, or order to show cause to bring on a motion, will be granted except upon a clear and specific showing by affidavit of good and sufficient reasons why a procedure other than by notice of motion is necessary, and stating whether a previous application for similar relief has been made.

WHEREFORE, I respectfully request that the Court grant the within relief as well as such other and further relief that may be just and proper.

***I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.***

Dated 12/15/2025



Sworn to before me this 15 day of Dec 2025

  
Notary Public