

**UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

ABDUMADZHITKHON ZIIADULLAEV,

Petitioner,

-against-

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE); MARCOS CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; ALEJANDRO N. MAYORKAS, Secretary, U.S. Department of Homeland Security; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAM BONDI, in her official capacity as Attorney General of the United States, and and MARCELLO VILLEGAS - the WARDEN, BLUEBONNET DETENTION FACILITY, in their official capacity as custodian of petitioner, Respondents.

Respondents.

**ORDER TO SHOW CAUSE FOR
TEMPORARY RESTRAINING
ORDER**

Case No.:

PLEASE TAKE NOTICE that upon the annexed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, the accompanying Memorandum of Law of Diana Rubin, Esq., submitted herewith, and all prior pleadings and proceedings in this matter, Petitioner, by and through undersigned counsel, respectfully requests that this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, issue an Order temporarily restraining and enjoining

Respondents, their officers, agents, employees, and all persons acting in concert with them, pending the Court's determination of the Petition for Writ of Habeas Corpus, from:

(i) transferring Petitioner to any detention facility outside this judicial district or outside the United States, including effectuating Petitioner's removal; and

(ii) directing that Petitioner remains in his current place of detention during the pendency of these proceedings;

(iii) granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that this application is made on an expedited/emergency basis due to the imminent risk of transfer or removal of the Petitioner, which would irreparably harm Petitioner and divest this court of jurisdiction.

Dated: December 29, 2025
Port Washington, New York

Respectfully submitted,



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ABILENE DIVISION**

ABDUMADZHITKHON ZIIADULLAEV,

Petitioner,

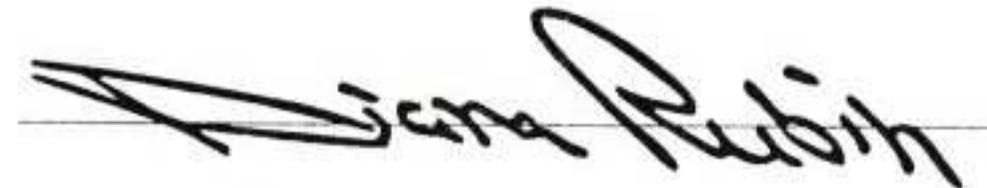
-against-

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement (ICE); MARCOS CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; ALEJANDRO N. MAYORKAS, Secretary, U.S. Department of Homeland Security; KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; and PAM BONDI, in her official capacity as Attorney General of the United States, and and MARCELLO VILLEGAS - the WARDEN, BLUEBONNET DETENTION FACILITY, in their official capacity as custodian of petitioner, Respondents.

Respondents.

Case No.:

**PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF THE ORDER TO SHOW
CAUSE SEEKING TEMPORARY RESTRAINING ORDER**



Diana Rubin, Esq.
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Port Washington, NY 11050
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Petitioner ABDUMADZHITKHON ZIIADULLAEV (“Petitioner”) respectfully submits this Memorandum of Law seeking a temporary restraining order and preliminary injunctive relief pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining all Respondents from transferring Petitioner to any detention facility outside this judicial district or outside the United States, including effectuating his removal, and directing that Petitioner remain in his current place of detention pending this Court’s determination of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.

PRELIMINARY STATEMENT/STATEMENT OF FACTS

Petitioner entered the United States on or about May 25, 2023, applied for asylum, and was subsequently released from DHS’s custody. He has remained in the United States since that time, residing primarily in New York and complying with all conditions of release, without engaging in any criminal or unlawful conduct. On or about June 21, 2025, Petitioner was apprehended by officers of DHS/ICE during a traffic stop in San Angelo, Texas, and subsequently transferred to a detention facility, where he remains in ICE/DHS custody as of the date of this application.

LEGAL STANDARD/ARGUMENT

As a threshold matter, a party seeking a temporary restraining order must establish the following elements: To obtain a temporary restraining order, the moving party must establish that “(1) there is a substantial likelihood that the movant will prevail on the merits; (2) there is a substantial threat that irreparable harm will result if the injunction is not granted; (3) the threatened injury outweighs the threatened harm to the defendant; and (4) the granting of

[injunctive relief] will not disserve the public interest." Clark v. Prichard, 812 F.2d 991, 993 (5th Cir. 1987); see also Anderson v. Jackson, 556 F.3d 351, 360 (5th Cir. 2009).. "Where [*4] the Government is the opposing party, the final two factors in the temporary restraining order analysis - the balance of the equities and the public interest - merge." Hernandez Aguilar v. Decker, 482 F. Supp. 3d 139, 150 (S.D.N.Y. 2020). It is respectfully submitted that each of these factors/prongs weigh decisively in favor of granting temporary injunctive relief, as will be discussed further below.

A. Likelihood of Success on the Merits.

Petitioner has demonstrated a strong likelihood of success on the merits of his habeas corpus petition challenging the lawfulness of his detention under the Fifth Amendment and the INA. As set forth above and in the accompanying habeas corpus petition, Petitioner entered the United States and applied for asylum on or about May 25, 2023. Upon filing his asylum application, Petitioner was released from DHS/ICE custody and thereafter continuously resided in the United States, primarily in New York, living openly, complying with all conditions imposed by immigration authorities, and accruing no criminal history or immigration violations. Despite this record of compliance, on or about June 21, 2025, ICE officers apprehended Petitioner during a traffic stop in San Angelo, Texas, without prior notice, warrant, explanation, or any individualized custody determination. Petitioner was subsequently transferred to a remote detention facility, where he remains in ICE/DHS custody as of today. ICE did not provide notice of the grounds for re-detention, did not conduct an individualized assessment of flight risk or dangerousness, and did not afford Petitioner an opportunity to be heard before a neutral decisionmaker.

Petitioner is detained pursuant to 8 U.S.C. § 1226, which authorizes discretionary detention or release pending removal proceedings and requires an individualized custody determination based on evidence of danger or flight risk. The applicable regulations further mandate such individualized findings. Courts have repeatedly held that when a previously released noncitizen is re-detained under § 1226, due process requires notice of the grounds for re-detention, an individualized custody determination, and a meaningful opportunity to contest detention. See, e.g., Valdez v. Joyce, 2025 WL 1707737, *5 (S.D.N.Y. June 18, 2025), at *4; Lopez v. Sessions, No. 18-CV-4189, 2018 WL 2932726 (S.D.N.Y. June 12, 2018), at *12. The Fifth Amendment forbids precisely this type of arbitrary deprivation of physical liberty. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Noncitizens, regardless of their immigration status, are entitled to due process protections, including notice and a meaningful opportunity to be heard. See Velasco Lopez v. Decker, 978 F.3d 842, 850 (2d Cir. 2020). Here, Petitioner's sudden, warrantless arrest more than two years after his release, followed by transfer to detention without explanation or procedural safeguards, constitutes a textbook violation of procedural due process. Moreover, the undisputed facts demonstrate that Petitioner poses neither a flight risk nor a danger to the community. He has no criminal history, resided at a fixed address in New York for an extended period, complied with all conditions of release, and lived openly while pursuing his asylum application. Where, as here, detention occurs without individualized procedures and without evidence justifying continued confinement, courts routinely grant habeas relief or order bond hearings. See, e.g., Hernandez-Fernandez v. Lyons, 2025 U.S. Dist. LEXIS 206751, at *25–26 (W.D. Tex. Oct. 21, 2025); Coulibaly v. Thompson, 2025 U.S. Dist. LEXIS 250958, at *16 (W.D. Tex. Nov. 25, 2025); Ramos v. Noem, 2025 U.S. Dist. LEXIS 262450 (W.D. Pa. Dec. 19,

2025); M.P.L. v. Arteta, 2025 U.S. Dist. LEXIS 204541; Montoya v. Bondi, 2025 U.S. Dist. LEXIS 265314. Given ICE's failure to conduct any individualized custody determination, its denial of notice and a hearing, and the absence of any evidence that Petitioner poses a danger or flight risk, Petitioner has established a strong likelihood of success on the merits of his habeas corpus claims.

B. Petitioner Will Suffer Irreparable Harm Absent Immediate Injunctive Relief.

Next, it is respectfully submitted that Petitioner will suffer irreparable harm absent immediate injunctive relief. He remains in ICE's custody and is subject to transfer or removal at any time. Transfer to a facility outside this judicial district, or removal from the United States, would substantially impair Petitioner's ability to consult with counsel, participate meaningfully in these habeas corpus proceedings, and pursue his habeas corpus claims. Such actions would also risk mooted the habeas corpus petition by divesting this Court of jurisdiction. Where, as here, a petitioner alleges ongoing violations of constitutional rights, irreparable harm is presumed. See Jolly v. Coughlin, 76 F.3d 468, 482 (2d Cir. 1996); Conn. Dep't of Env't Prot. v. O.S.H.A., 356 F.3d 226, 231 (2d Cir. 2004). Courts have repeatedly recognized that "[t]he deprivation of an alien's liberty is, in and of itself, irreparable harm." Candida Ramirez Lopez, 25-CV-04826 (JAV), 2025 WL 3274224, at *8. Petitioner seeks only to preserve the status quo pending adjudication of his habeas corpus petition. Because the threatened harms of transfer or removal cannot be remedied after the fact, the irreparable-harm prong is clearly satisfied.

C. Public Interest and Balance of Equities.

Finally, the balance of equities and the public interest strongly favor Petitioner. Issuance of a temporary restraining order would not significantly burden Respondents or impede

immigration enforcement. The requested relief is temporary and narrowly tailored: it would merely preserve the status quo by preventing Petitioner's transfer or removal until this Court has an opportunity to determine whether his detention is lawful. Absent a TRO, Petitioner faces the risk of transfer or removal before this Court can adjudicate his habeas corpus claims, effectively depriving him of meaningful judicial review. By contrast, Respondents face no cognizable harm from maintaining Petitioner's current custodial location for the limited period necessary for judicial consideration of the habeas corpus claims. The requested relief does not require Petitioner's immediate release, does not halt/suspend removal proceedings, and does not preclude ICE from enforcing the immigration laws; it simply ensures that enforcement occurs in a manner consistent with constitutional requirements. Finally, it is well established that "the public interest is best served by ensuring the constitutional rights of persons within the United States are upheld." Coronel v. Decker, 449 F. Supp. 3d 274, 287 (S.D.N.Y. 2020); see also Leqaa Kordia v. Noem, 2025 U.S. Dist. LEXIS 136346, at *18–19 (N.D. Tex. June 27, 2025). Accordingly, both the balance of equities and the public interest weigh decisively in Petitioner's favor.

CONCLUSION

Because Petitioner has demonstrated a likelihood of success on the merits, irreparable harm absent relief, that the balance of equities favors injunctive relief, and that a temporary restraining order serves the public interest, the Court should grant Petitioner's instant application for a temporary restraining order, preserving the status quo pending adjudication of the Petition for Writ of Habeas Corpus by this Court, and grant Petitioner such other and further relief as the Court deems just and proper.

Dated: December 29, 2025
Port Washington, New York

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Diana Rubin", written over a horizontal line.

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