

**UNITED STATES DISTRICT COURT
FOR THE EASTER DISTRICT OF PENNSYLVANIA**

MAHAMADOU DOUCURE

Petitioner,

v.

JL JAMISON, WARDEN.

Federal Detention Center

Respondent.

Civil Action No. _____

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE**

Immigration Habeas Case

INTRODUCTION

Petitioner, by and through undersigned counsel, respectfully moves this Court pursuant to **Fed. R. Civ. P. 65(b)**, **28 U.S.C. § 2241**, and **Local Civil Rule 65.1** for an **Emergency Temporary Restraining Order** to prevent imminent and irreparable harm arising from Petitioner's unlawful detention and/or removal while the accompanying Petition for Writ of Habeas Corpus is pending.

FACTUAL BACKGROUND

1. Petitioner is a citizen and a national of MALI, currently detained at the Philadelphia Federal Detention Center located at 700 Arch Street, within the jurisdiction of this Court.
2. On or about July 8, 1999, Petitioner was granted Voluntary Departure by the Immigration Court, but because he did not leave the U.S. for fear that returning to Mali would expose him to violence and the risk of death, that order became an Order of Removal.
3. On or about 05/06/2021, Petitioner became the beneficiary of an I-730 Refugee Asylee Relative Petition approved by the U.S.C.I.S., which has permitted him to lawfully remain and work in the United States. (Exhibit "A")
4. It is established that a grant of asylum precludes the removal of the person and renders unenforceable a prior order of removal.
5. Petitioner is married to a U.S. citizen who, while a lawful permanent resident, filed a Petition for an alien relative, which is currently pending (Exhibit "B").
6. Petitioner is the father of five (5) minor U.S. citizens. (Exhibit "C").
7. Petitioner has filed a Motion to Reopen Removal Proceedings (Exhibit "D")
8. ICE has apprehended the petitioner and intends to remove despite the existence of all of the foregoing equities in favor of the petitioner and ongoing judicial review.
9. Removal before adjudication of the habeas petition will cause irreparable harm, including separation from family, loss of legal rights, and potential persecution.

LEGAL STANDARD

Under **Fed. R. Civ. P. 65(b)** and **E.D. Pa. Local Civil Rule 65.1**, a TRO may issue without notice to the adverse party if specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury will result before the adverse party can be heard.

The Third Circuit applies the four-factor test:

- (1) likelihood of success on the merits.
- (2) irreparable harm absent relief.
- (3) balance of equities; and
- (4) public interest. *See Kos Pharm., Inc. v. Andrx Corp.*, 369 F.3d 700 (3d Cir. 2004).

ARGUMENT

1. **Likelihood of Success** – Petitioner’s detention/removal violates statutory and constitutional protections, including due process under the Fifth. and the Fourteenth amendments
2. **Irreparable Harm** – Deportation before judicial review would permanently deprive Petitioner of the ability to pursue lawful relief.
3. **Balance of Equities** – The harm to Petitioner outweighs any administrative burden on Respondents.
4. **Public Interest** – Upholding constitutional rights and ensuring lawful process serves the public interest.

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order Enjoining Respondents from removing Petitioner from the United States until final resolution of the Habeas petition.
2. Order Respondents to show cause why a preliminary injunction should not be issued; and
3. Grant such other relief as the Court deems just and proper.

PROPOSED ORDER

AND NOW, this ___ day of _____, 2025, upon consideration of Petitioner's Emergency Motion for Temporary Restraining Order, it is hereby ORDERED that:

1. Respondents, and all persons acting on their behalf, are temporarily restrained from removing Petitioner from the United States pending further order of this Court;
2. Respondents shall appear before this Court on the ___ day of _____, 2025, at : _ m., to show cause why a preliminary injunction should not issue; and
3. This Order shall remain in effect until further order of the Court.

Respectfully submitted,

Joseph M Rollo Esquire
Joseph M Rollo & Associates P.C.
2527 South Broad Street
Phila Pa 19148
team@rollolawoffice.com
Dated :

Department of Homeland Security
U.S. Citizenship and Immigration Service

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE July 01, 2024
CASE TYPE I-130, Petition for Alien Relative		USCIS ALIEN NUMBER A [REDACTED]
RECEIPT NUMBER [REDACTED]	RECEIVED DATE June 26, 2024	PAGE 1 of 1
PRIORITY DATE June 26, 2024	PREFERENCE CLASSIFICATION 203 A2A INA SPOUSE OF LPR	DATE OF BIRTH [REDACTED]

HINDA TRAORE
C/O CHRISTINE M. FLOWERS JOSEPH M. ROLLO AND ASSO
2527 SOUTH BROAD STREET
PHILADELPHIA PA 19148

PAYMENT INFORMATION:

Application/Petition Fee: \$675.00
Total Amount Received: \$675.00
Total Balance Due: \$0.00



APPLICANT/PETITIONER NAME AND MAILING ADDRESS

We have received your form and are currently processing the above case for the following beneficiaries

If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at <https://uscis.dhs.gov/contact-center> to connect with a live USCIS representative in English or Spanish.

USCIS Office Address:
USCIS
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111

USCIS Contact Center Number:

(800)375-5283
ATTORNEY COPY



Detained

Christine M. Flowers, Esquire
Joseph M. Rollo and Associates, PC
2527 South Broad Street
Philadelphia PA 19148
(215) 271-5550

RECEIVED
DEC 22 2025

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA**

PHILADELPHIA
IMMIGRATION COURT

IN THE MATTER OF MAHAMADOU
DOUCOURE

File No. A-

Respondent

In Removal Proceedings

Immigration Judge: Not Currently Scheduled Next Hearing: Not Currently Scheduled

MOTION TO REOPEN REMOVAL PROCEEDINGS

EXHIBIT C-11

TABLE OF CONTENTS

<u>DOCUMENT</u>	<u>PAGE</u>
1. Motion to Reopen Removal Proceedings	1
2. Exhibit "A"	5
3. Exhibit "B"	7
4. Exhibit "C"	13
5. Exhibit "D"	15
6. Exhibit "E"	16
7. Proposed Order	17
8. Certification of Service	20

Detained

Christine M. Flowers, Esquire
Joseph M. Rollo and Associates, PC
2527 South Broad Street
Philadelphia PA 19148
(215) 271-5550

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
PHILADELPHIA, PENNSYLVANIA**

IN THE MATTER OF MAHAMADOU
DOUCOURE

Respondent

In Removal Proceedings

File No. A-



RECEIVED
DEC 22 2025
PHILADELPHIA
IMMIGRATION COURT

Immigration Judge: Not Currently Scheduled Next Hearing: Not Currently Scheduled

MOTION TO REOPEN REMOVAL PROCEEDINGS

RESPONDENT, MAHAMADOU DOUCOURE, through undersigned counsel,
files the Instant Motion to Reopen Removal Proceedings and avers as follows:

1. Respondent is a native and citizen of Mali, who was granted voluntary departure by this Honorable Court on July 8, 1999;
2. The Respondent did not leave within the time period required, and therefore his grant of voluntary departure automatically converted into an order of removal;
3. Subsequent to that removal order, the Respondent married a woman who was ultimately granted asylum, and he himself was granted withholding under the Convention Against Torture given his removal order;

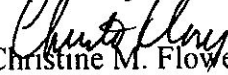
4. Thereafter, the Respondent's spouse became a citizen, and has filed an I-130 Petition on his behalf. A true and correct copy of the Receipt Notice is attached herewith and marked as **Exhibit 'A';**
5. Respondent is also the father of 5 minor US citizens, proof of which is attached as Exhibit "B,"
6. The Respondent is herewith seeking to reopen his removal proceedings based upon changed circumstances;
7. A motion to reopen must state the new facts that will be proven at a reopened hearing if the motion is granted, and the motion must be supported by affidavits or other evidentiary material. 8 C.F.R. § 1003.23(b)(3).
8. A motion to reopen is not granted unless it appears to the immigration judge that the evidence offered is material and was not available and could not have been discovered or presented at an earlier stage in the proceedings. See 8 C.F.R. § 1003.23(b)(3).
9. A motion to reopen based on an application for relief will not be granted if it appears the respondent's right to apply for that relief was fully explained and the respondent had an opportunity to apply for that relief at an earlier stage in the proceedings (unless the relief is sought on the basis of circumstances that have arisen subsequent to that stage of the proceedings). 8 C.F.R. § 1003.23(b)(3).
10. The Respondent met with the Law Office of Joseph M. Rollo and Associates in July of 2024, and he and his wife filed the Petition for relief, attached herewith;

11. While this Motion is being filed over 27 (twenty-seven) years after the order of voluntary departure was granted, the Respondent has only recently become available for relief since criminal grounds which were pending against him were expunged, and he would therefore not be inadmissible. Attached as Exhibit "C" is proof of the Expungment;
12. Furthermore, his spouse only became a citizen on August 7, 2025. Proof of her citizenship is attached herewith and marked as Exhibit "D"
13. Additionally, Respondent is the beneficiary of an approved refugee asylee petition in AS 2 class, proof of which is attached herewith as Exhibit "E"
14. As he entered the US on a visitor's visa, he would also be eligible to adjust status in the US if this matter were reopened;
15. Respondent has reached out to the government for its position on this motion and they have indicated that they are opposed
16. Finally, this is the Respondent's first Motion, and he is therefore not numerically barred from presenting this;

WHEREFORE, the Respondent respectfully requests that his Motion to Reopen Removal Proceedings be granted.

December 20, 2025

Respectfully submitted,


Christine M. Flowers

Attorney for the Respondent