

**CARMEN DI AMORE-SIAH, HI 5035**

Law Office of Carmen Di Amore-Siah  
820 S. Beretania Street, Suite 200  
Honolulu, HI 96813

Email:  
[carmen@immigrateus.com](mailto:carmen@immigrateus.com)

Tel: 808-531-2277

*LOCAL COUNSEL FOR PLAINTIFF*

**SANDY K. HOM (NY 1510874)**

Wei Law PLLC  
112 West 34<sup>th</sup> Street, 17<sup>th</sup>  
Floor New York, NY 10120

Email:  
[sandy.hom@weilawpllc.com](mailto:sandy.hom@weilawpllc.com)






Tel: 917-582-2584

*PRO HAC VICE APPLICATION FORTHCOMING*

Attorney for Plaintiffs/Petitioners

**UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII**

-----

WANG, Jianqiang,  
 (Principle),  
ZHENG, Meikun,  
A  (Derivative spouse),  
WANG,  
A  (Derivative-son),  
WANG,  
A  (Derivative-son),  
WANG,  
A  (Derivative-son),

Plaintiffs/Petitioners.

**Civil Case No.  
Consolidated Case**

**EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND MOTION FOR  
PRELIMINARY INJUNCTION  
TO PREVENT UNLAWFUL  
IMMIGRATION DETENTION  
(28 U.S.C. §§ 1331, 2241, 1651;**

v.

**Fed. R. Civ. P. 65; 21 D. Haw.  
Local Rule 65.1)**

United States Department of Homeland  
Security; U.S. Immigration and Customs  
Enforcement; Field Office Director,  
ICE Enforcement and Removal  
Operations, Honolulu,  
HI in official capacity

Defendants/Respondents.  
-----

### **INTRODUCTION**

1. Petitioner respectfully moves this Court, on an emergency basis, for the issuance of a Temporary Restraining Order and Preliminary Injunction prohibiting Respondents from arresting or detaining him and his family members while their applications for cancellation of removal under section 240A(a) of the Immigration and Nationality Act remain pending before the Immigration Court in Honolulu, Hawai'i.
2. Petitioners are lawful permanent residents with no final order of removal. Their removal proceedings are ongoing, and a merits hearing on their cancellation applications has been scheduled for May 22, 2026, before an Immigration Judge.
3. Despite the pendency of those proceedings, officers of Immigration and Customs Enforcement recently appeared at Petitioner's residence seeking to

take him into custody.

4. Absent immediate judicial intervention, Petitioners face imminent loss of liberty and irreparable prejudice to their ability to litigate their statutory applications for relief.
5. This motion does not seek review of removal proceedings or any removal order. It seeks narrowly tailored injunctive relief to preserve the status quo and to prevent executive interference with an ongoing adjudication.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction pursuant to 28 U.S.C. sections 1331 and 2241, and authority under the All Writs Act, 28 U.S.C. section 1651(a).
7. Jurisdiction is not barred by section 242 of the Immigration and Nationality Act because Petitioner does not challenge the merits of removal or any final order, but instead challenges imminent pre-adjudicatory detention that interferes with pending proceedings.
8. The venue lies in the District of Hawai‘i because Petitioners reside in Hawai‘i and Respondents’ enforcement actions occurred within this District.

#### **STATEMENT OF FACTS**

9. Petitioners are lawful permanent residents of the United States who obtained such status through the EB-5 immigrant investor program.

10. Following the filing of the Form I-829 lifting the Petitioners conditional permanent resident status and subsequent failure of the Regional Center project, the Department of Homeland Security initiated removal proceedings against them, asserting they have failed to meet the requirements for approval of the Form I-829, *to wit*:

(1) Establishing that the \$500,000 US was invested and at risk;

(2) That the proposed project failed to create 10 jobs for US citizens or lawful permanent residents per investor.

11. Petitioners have contested the Agency's allegations of removal and have appeared before the Immigration Court in Honolulu in response to a Notice to Appear denying the allegations of the Agency.

12. Additionally, the Petitioners are also seeking the relief of Cancellation of Removal for Permanent Residents pursuant to Immigration and Nationality Act, Section 240A(a).

13. The Petitioners were accorded time to file the applications and supporting evidence, as well as pay the filing fees.

14. The Immigration Judge has scheduled a full merits hearing for May 22, 2026.

15. The Petitioners have complied with all court appearances and procedural requirements. And they are not subject to a final order of removal. They have retained the services of an immigration attorney and are fully invested in contesting the Agency's actions.
16. The Petitioners have not absconded, and neither do they present a flight risk or danger to the community.
17. On or about December 20, 2025, officers of Immigration and Customs Enforcement came to Petitioner's residence seeking to take him into custody. The officers did not present a judicial warrant and did not assert that removal was imminent. Their actions threaten to deprive the Petitioners of their liberty and to substantially interfere with their ability to consult with counsel, gather evidence, and present witnesses in support of their pending cancellation applications.

### **LEGAL STANDARD**

18. Under Federal Rule of Civil Procedure 65, a temporary restraining order and preliminary injunction are warranted where the moving party demonstrates likelihood of success on the merits, irreparable harm absent relief, that the balance of equities tips in their favor, and that an injunction is in the public interest.

19. Loss of physical liberty constitutes irreparable harm. The Ninth Circuit has recognized that detention pending immigration proceedings inflict immediate and non-compensable injury. *Rodriguez v. Robbins*, 15 F.3d 1127, 1144 (9th Cir. 2013), *rev'd on other grounds sub nom. Jennings v. Rodriguez*, 583 U.S. 131 (2018).

### ARGUMENT

20. Petitioners are likely to succeed on the merits because federal courts retain habeas jurisdiction to prevent executive action that interferes with ongoing adjudications and renders statutory relief meaningless. The Supreme Court has confirmed that courts may act under the All Writs Act to preserve the integrity of adjudicative proceedings. *Clinton v. Goldsmith*, 526 U.S. 529, 536 (1999).
21. Petitioners face immediate and irreparable harm should they or the primary Petitioner be taken into custody. Detention would substantially impair their ability to prepare for their merits hearing, access documents and witnesses, and consult meaningfully with counsel. Such harm cannot be remedied after the fact.
22. The balance of equities favors Petitioner. He seeks only to preserve the status quo while the Immigration Court adjudicates their applications for

relief from removal. Respondents suffer no prejudice by delaying custody actions until that adjudication is complete and final.

23. The public interest favors adherence to due process, respect for judicial proceedings, and orderly adjudication of statutory immigration relief within the forum designed to adjudicate such applications.

**EMERGENCY EX PARTE REQUEST AND LOCAL RULE 65.1  
CERTIFICATION**

24. Pursuant to Local Rule 65.1(b) of the District of Hawai‘i, Petitioners certify that notice should not be required because immediate and irreparable injury will occur before Respondents can be heard in opposition. Local Rule 65.1(b) requires a certification describing the efforts made to give notice and the reasons why notice should not be required.
25. Advance notice would likely prompt immediate detention, thereby mooting this Court’s ability to preserve the status quo.

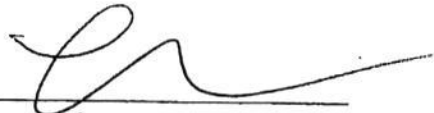
**REQUEST FOR RELIEF**

26. Petitioner respectfully request that the Court issue an immediate Temporary Restraining Order prohibiting Respondents from arresting or detaining Petitioner, set an expedited hearing on a Preliminary Injunction, waive any bond requirement pursuant to 5 Federal Rule of Civil Procedure 65(c), and

grant such further relief as the Court deems just and proper.

Dated: January 12, 2026  
Honolulu, HI

Respectfully submitted,



---

Carmen Di Amore-Siah, HI 5035  
Law Office of Carmen Di Amore-Siah  
*Local Counsel for Plaintiffs/Petitioners*



---

Sandy K. Hom, NY 1510874  
Wei Law PLLC  
*Pro Hac Vice Application Forthcoming*