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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

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

Plaintiffs/Petitioners.

v.

**Civ 1:26-CV-00009-MWIS-KIM
Consolidated Case**

**SUPPLEMENTAL PETITION
IN SUPPORT OF AN
EMERGENCY MOTION FOR
TEMPORARY EMERGENCY
MOTION FOR TEMPORARY
RESTRAINING ORDER
AND MOTION FOR PRELIMINARY
INJUNCTION TO PREVENT**


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

UNLAWFUL IMMIGRATION DETENTION (28 U.S.C. §§ 1331, 2241, 1651; Fed. R. Civ. P. 65; 21 D. Haw. Local Rule 65.1)

Defendants/Respondents.

INTRODUCTION

1. We are providing this supplement to enlighten the court on the legal and factual grounds for our request for a temporary restraining order.
2. First, Petitioners seek a temporary restraining order on an emergency ex parte basis pursuant to Rule 65(b)(1) of the Federal Rules of Civil Procedure. This supplemental submission is to provide the Court a clear presentation of Petitioners' posture by providing specific facts in affidavits or verified pleadings to prevent the unlawful execution of removal in violation of a final protection order.
3. Petitioners will address the requirements for a TRO and the specific facts supporting their claims.
 1. **CLEAR LIKELIHOOD OF SUCCESS ON THE MERITS**
4. Petitioners contend that there is a clear likelihood of success on the merits.

5. Petitioners are submitting a sworn affidavit detailing specific, firsthand facts that describe an obviously targeted early-morning ICE operation conducted outside the Petitioners' property located at  HI 96817, which included prolonged surveillance, the interception and questioning of a tenant, and inquiries specifically seeking a family member associated with the household.
6. The affidavit clearly supports Petitioner's claim of arrest and detention by Respondents is not speculative and appears to be imminent.
7. As noted by the initial submitted supporting affirmations of Petitioners that they are lawful permanent residents of the US by virtue of an approved Form I-526 showing that they have made a \$500,000 investment under the Immigration & Nationality Act EB5 program.
8. The Agency seeks to remove petitioners from the United States with the issuance of a Notice to Appear (NTA) based upon a written statement by the "Regional Center" that the EB5 program that the primary Petitioner invested in is not proceeding forward.
9. Petitioners are contesting the Agency's factual allegations and legal position of removal. See Exh. 1 attached written pleadings to the NTA that was submitted in the Immigration Court matter.

10. Petitioners are also seeking an independent hardship relief from removal as provided in the Immigration & Nationality Act (INA) § 237, given their residency in the US for more than 8 years and the business and personal investments that they, as a family, have made in and continuing in the US.
11. The Petitioners also seek to establish an alternative independent relief from removal known as Cancellation of Removal for Lawful Residents Form 42A(a) if the INA, as they have been admitted to the US for more than 7 continuous years and lived in the US for at least 5 years as lawful permanent residents.
12. While these relief matters will be adjudicated by the Immigration Court, the issue at hand is the fact that the Respondent's action to arrest and detain the Petitioners before the Immigration Court completes its congressionally mandated hearing process is clearly a denial of due process and obstructs the orderly adjudicatory process set out in the INA.

II. PETITIONERS WILL SUFFER IRREPARABLE HARM

13. If arrested and detained, Petitioners face a substantial likelihood of transfer to remote and restrictive ICE detention facilities, including facilities in Texas or other distant jurisdictions. Courts and commentators have long recognized that detention in geographically isolated facilities severely impairs access to counsel and meaningful participation in legal proceedings, because attorneys

must travel long distances to meet clients, telephone and video communications are often unreliable or non-confidential, and detainees are frequently transferred without notice. *See Orantes-Hernandez v. Meese*, 541 F. Supp. 351, 370–72 (C.D. Cal. 1982) (holding that government practices interfering with attorney-client communication and access to counsel violate due process); *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (recognizing unconstitutional deprivation of physical liberty constitutes irreparable harm). Empirical studies confirm that immigrants detained in remote facilities are far less likely to obtain or maintain legal representation and are substantially hindered.

14. Arresting and detaining lawful permanent residents while their status is actively under judicial and administrative review, and before the entry of a final removal order, constitutes an extraordinary deprivation of liberty. Absent exigent circumstances—which are not present here—such detention inflicts immediate and irreparable harm on Petitioners’ protected liberty interests, disrupts the orderly adjudication of their claims, and undermines the due-process safeguards guaranteed by the Constitution.
15. Petitioners’ arrest and detention will short-circuit the normal congressional-established adjudicatory process relegated to the Immigration Courts by the INA.

16. Detention severely undermines Petitioners' ability consult, plan, and prepare with their legal counsel in order to fully contest the Agencies' allegations against Petitioners and/or establish relief from removal.
17. The loss of physical liberty and the coercive consequences of detention cannot be remedied after the fact, which strongly supports the grant of emergency injunctive relief.
18. Further, Petitioners reasonably fear that arrest and detention will be used as a coercive tool to deter them from pursuing their legal challenges, drain their financial and personal resources, pressure them to abandon lawful claims, and force their departure from the United States, while denying them meaningful judicial review. In this context, arrest and detention would function not merely as an enforcement mechanism, but as leverage that effectively chills Petitioners' access to the courts.
19. Further, the Respondents may seek to remove the Petitioners, asserting they are removable notwithstanding the pending Immigration Court proceedings.
20. Clearly, in such a scenario, irreparable harm exists where removal would moot judicial review and constitutional or statutory protections would be irretrievably lost. Federal courts uniformly hold that wrongful removal itself constitutes irreparable harm as no monetary remedy can cure such an injury.

iii. BALANCE OF EQUITIES TIPS SHARPLY IN MOVANT'S FAVOR

21. The Respondents will not suffer any cognizable harm by letting the Petitioners proceed with their defenses before the Immigration Court.
22. Petitioners have consistently appeared at every required court proceeding, have fully complied with all immigration requirements, and have actively participated in the adjudicatory process in good faith. Despite this complete compliance, the government has initiated efforts to locate and detain Petitioners, while a vigorously contested adjudication remains pending regarding the government's attempted termination of Petitioners' lawful permanent resident status following the denial of the Form I-829.
23. Petitioners' next immigration court hearing is scheduled for May 22, 2026, and no final order has been entered.
24. Permitting arrest and detention at this critical juncture would fundamentally disrupt the orderly adjudication process, deprive Petitioners of a fair opportunity to litigate their claims, collect evidence, and undermine the Court's ability to conduct meaningful judicial review. Arrest and detention would also risk mooted Petitioners' claims by imposing irreversible consequences—such as detention, transfer to remote facilities, and coercive pressure to abandon pending claims—before the merits can be adjudicated. Equity and due process require preservation of the *status quo* so that Petitioners' claims may be resolved through the orderly operation of the

judicial and administrative process, rather than through premature and coercive enforcement.

IV. INJUNCTION IS IN THE PUBLIC INTEREST

25. The public interest is served by compliance with federal statutes and by permitting the parties to complete the pending immigration proceedings provided in the INA. Petitioners seek the ability to be free from detention in order to be fully able to participate in the Immigration Court proceedings and be able to fully contest the Respondent's allegations of removal. It is also in the public interest to allow the orderly adjudicatory process to continue unhindered by the Respondents' actions in arresting and detaining the Petitioners before the Immigration Court has finished its congressionally mandated process of adjudicating the allegations of the Respondents and determining the Petitioners' claim to relief from removal.
26. It is important to note that the Petitioners have never been arrested, convicted, or charged with any criminal misconduct and are incentivized to engage in the defense of the Respondents' allegations of removal.

V. NEED FOR EX PARTE INJUNCTIVE RELIEF AND FUTILITY OF AN AFFIDAVIT TO SUPPORT THE REQUEST FOR TRO

27. The Petitioners believe that they will be taken into custody by Respondents should advance notice of the Petitioners' request for preliminary injunction relief be provided before the matter can be heard by the Court.
28. Providing notice to the Respondents, in particular ICE, at this stage would create a substantial and imminent risk of preemptive enforcement, including arrest and detention, before this Court has any meaningful opportunity to adjudicate Petitioners' request for preliminary injunctive relief. ICE has already undertaken a targeted effort to locate and detain Petitioners, demonstrating both intent and operational readiness.
29. Under these circumstances, advance notice would likely trigger immediate enforcement action designed to accomplish through arrest what the government cannot yet justify through adjudication.

CONCLUSION


30. For the reasons set forth above, Petitioners have satisfied the standard for preliminary injunctive relief. Petitioners have demonstrated, at minimum, serious questions going to the merits of their claims, including substantial due-process concerns arising from the government's efforts to detain lawful permanent residents while their status is actively under judicial and administrative review. Petitioners have further established that they face immediate and irreparable harm absent injunctive relief, including the loss of

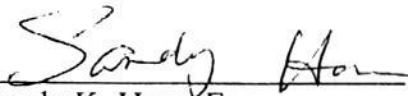
liberty, coercive detention, impaired access to counsel, and disruption of ongoing proceedings—harms that cannot be remedied after the fact.

31. The balance of equities tips sharply in Petitioners' favor. Petitioners seek only to preserve the status quo pending adjudication of their claims, while the government will suffer no comparable harm from a temporary restraint on enforcement actions. Also, the public interest is served by ensuring orderly adjudication, meaningful judicial review, and adherence to fundamental principles of due process.
32. Finally, the Petitioners have stated that attempting to communicate with the Respondent in advance, as required under Rule 65, will also prompt immediate action by ICE to arrest and detain Petitioners before the parties can be heard on the preliminary injunction claim.
33. Accordingly, because the merits of the case, the balance of equities, and the threat of irreparable harm all weigh decisively in Petitioners' favor, and the public interest is best served by allowing the orderly adjudication process, the Court should grant the requested TRO and preliminary injunctive relief.

Date: January 16, 2026

Respectfully submitted,


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/s/ 
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