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UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAI'I

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WANG, Jianqiang, et al.,

Civ 1:26- cv-00009-MWJS-KJM  
Consolidated Case

Plaintiffs/Petitioners,

v.

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY, et al.,

Defendants/Respondents.

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**SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF EMERGENCY  
MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION**

Plaintiffs/Petitioners respectfully submit this Supplemental Memorandum of Law to address jurisdiction, likelihood of success on the merits, irreparable harm, and to respond to anticipated arguments by Respondents that the request for injunctive relief is premature because Petitioners are “not yet in custody.”

This memorandum is intended to assist the Court in advance of the scheduled judicial conference.

**I. This Court Has Jurisdiction To Preserve The Status Quo And Is Not Barred By INA § 242**

Respondents are expected to argue that this Court lacks jurisdiction under 8 U.S.C. § 1252 to enjoin Petitioners' arrest or detention. That argument misstates Ninth Circuit law.

Petitioners do not seek review of a removal order, nor do they challenge the merits of their removal proceedings. Rather, they seek narrowly tailored injunctive relief to prevent executive action that would irreparably interfere with ongoing Immigration Court adjudications.

The Ninth Circuit has consistently held that INA § 242 does not bar district court jurisdiction over challenges to immigration detention or arrest authority that is collateral to the merits of removal. *See Singh v. Holder*, 638 F.3d 1196, 1201–02 (9th Cir. 2011) (district courts retain habeas jurisdiction over custody-related claims independent of removal proceedings); *Arce v. United States*, 899 F.3d 796, 801–03 (9th Cir. 2018) (Section 1252 does not bar claims challenging unlawful detention and executive conduct collateral to removal).

In the case at bar, Petitioners are lawful permanent residents with no final order of removal and with cancellation of removal applications under INA § 240A(a) pending before the Immigration Court, and a merits hearing already scheduled. Arresting and detaining Petitioners at this juncture would not execute a removal order; it would disrupt and potentially moot an ongoing adjudicatory process. Federal courts retain jurisdiction to prevent such interference.

**II. The All Writs Act Authorizes this Court to Enjoin Arrests that Would Frustrate Ongoing Adjudications**

Independent of habeas jurisdiction, this Court possesses authority under the All Writs Act, 28 U.S.C. § 1651(a), to issue orders necessary to preserve its jurisdiction and the integrity of related adjudicative proceedings. Courts may act where executive conduct threatens to render future relief ineffectual. *United States v. New York Tel. Co.*, 434 U.S. 159, 172–74 (1977).

The Ninth Circuit has recognized that injunctive relief is appropriate where government action would undermine a court's ability to ensure meaningful adjudication. *Ibrahim v. DHS*, 538 F.3d 1250, 1258–59 (9th Cir. 2008). Arresting Petitioners while their cancellation applications are actively pending would substantially impair their ability to consult with counsel, marshal

documentary evidence, and present witnesses at a scheduled merits hearing, thereby frustrating the adjudicatory process Congress created.

### **III. Petitioners Demonstrate a Strong Likelihood of Success On The Merits**

To obtain injunctive relief, Petitioners need not prevail on the ultimate immigration relief sought in Immigration Court. The relevant merits inquiry is whether this Court may act to preserve the *status quo* and prevent irreparable harm pending adjudication. Under Ninth Circuit law, Petitioners have at minimum raised serious questions going to the merits, which—combined with sharply tipping equities—satisfies the standard for preliminary relief. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131–35 (9th Cir. 2011).

Federal courts retain authority to prevent unlawful or premature immigration detention that exceeds statutory or constitutional limits. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1075–76 (9th Cir. 2006). Petitioners’ detention in the midst of pending cancellation proceedings, absent any final order of removal or demonstrated flight risk, would constitute precisely the type of executive overreach subject to judicial intervention.

### **IV. Irreparable Harm Is Established as a Matter of Law**

The Ninth Circuit has repeatedly held that loss of physical liberty constitutes irreparable harm per se. *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017); *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Once Petitioners are arrested and detained, no subsequent ruling can restore the liberty lost or undo the disruption to their family unity and legal preparation.

Irreparable harm is not speculative here. ICE officers have already appeared at Petitioners’ residence seeking to take the Petitioners into custody, establishing an imminent and credible threat of enforcement action. Courts in this Circuit routinely hold that injunctive relief is appropriate where plaintiffs face a realistic and imminent threat of future injury. *Aleman Gonzalez v. Barr*, 955 F.3d 762, 781–82 (9th Cir. 2020); *Thomas v. Anchorage Equal Rights Comm’n*, 220 F.3d 1134, 1139–40 (9th Cir. 2000) (en banc).

Moreover, detention would independently and irreparably interfere with Petitioners’ ability to litigate their pending cancellation applications by limiting access to counsel, documents, and witnesses. Due process requires a meaningful opportunity to be heard, which includes the practical ability to prepare and present a case. *Lopez v. INS*, 184 F.3d 1097, 1100 (9th Cir. 1999).

### **V. The Balance of Equities Sharply Favors Petitioners**

The balance of hardships weighs decisively in Petitioners' favor. Petitioners seek only temporary preservation of the status quo while the Immigration Court adjudicates their applications for relief. The government suffers no cognizable prejudice from delaying arrest or detention of lawful permanent residents who have appeared at all hearings, complied with all court orders, and present no danger to the community.

By contrast, Petitioners face immediate detention, family separation at being held in different detention facilities, severe impairment of their statutory right to seek cancellation of removal. Administrative inconvenience cannot outweigh fundamental liberty interests. *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013), rev'd on other grounds.

### **VI. The Public Interest Supports Injunctive Relief**

The public interest is always served by ensuring constitutional compliance and orderly adjudication of legal claims. *Padilla v. Immigration & Customs Enforcement*, 953 F.3d 1134, 1147–48 (9th Cir. 2020). Preventing executive interference with pending judicial proceedings promotes respect for the rule of law and preserves the integrity of the immigration adjudication system.

### **VII. Respondents' "Prematurity" Argument Fails as a Matter Of Law**

Respondents are expected to argue that injunctive relief is premature because Petitioners are not yet in custody. That argument misunderstands the purpose of Rule 65 relief. Temporary restraining orders exist precisely to prevent irreparable harm before it occurs.

The Ninth Circuit has repeatedly upheld injunctive relief where plaintiffs face a credible and imminent threat of enforcement action. *Melendres*, 695 F.3d at 1001–02; *Orantes-Hernandez*, 919 F.2d at 558.

Requiring Petitioners to submit to arrest before seeking judicial protection would defeat the purpose of equitable relief and risk mooted this Court's ability to act. The law does not require such an absurd result.

**CONCLUSION**

For the foregoing reasons, and for those set forth in Petitioners' Emergency Motion, the Court should issue a Temporary Restraining Order prohibiting Respondents from arresting or detaining Petitioners, set an expedited hearing on a Preliminary Injunction, and grant such further relief as the Court deems just and proper.

Dated: January 26, 2026  
New York, New York

Respectfully submitted,

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*Pro Hac Vice Granted*

CERTIFICATE OF SERVICE

I, Wei Zhang, Esq., hereby certify that on January 27, 2026, I served a copy of the Respondent's Supplemental Memorandum of Law In Support Of Emergency Motion For Temporary Restraining Order and Preliminary Injunction, upon the following recipient(s) at the following addresses:

Joe McGinley, US Attorney's Office, District of Hawaii, 300 Ala Moana Blvd Rm. 6-100, Honolulu, HI 96850

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Date: Wei Zhang  
Signature: 01/27/2026