

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRII PLAKHOTNIUK,)
)
)
 Petitioner,)
 v.)
)
 MICHAEL T. ROSE, Field Office Director)
 of Enforcement and Removal Operations,)
 Philadelphia Field Office, Immigration and)
 Customs Enforcement, KRISTI NOEM,)
 Secretary, U.S. Department of Homeland)
 Security, PAMELA BONDI, U.S. Attorney)
 General, JAMAL L. JAMISON, Warden of)
 Philadelphia Detention Center,)
)
 Respondents.)

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. 26-473

**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 (“TRO”) 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 Ukraine, who was, until this morning, detained at the Philadelphia Federal Detention Center (“FDC”) located at 700 Arch Street, within the jurisdiction of this Court.

2. On January 23, 2026, Petitioner filed a habeas corpus petition while detained at the Philadelphia FDC, which lies within the jurisdiction of the Eastern District of Pennsylvania.

3. Petitioner was paroled into the United States on March, 2023, at JFK Airport pursuant to the Uniting for Ukraine (“U4U”) program created by the Federal government following Russia’s invasion of Ukraine. His initial parole status was valid until February 28, 2025. As he was allowed to do, the Petitioner filed for renewal of his U4U parole status on December 6, 2024. Such application remains pending.

4. On January 16, 2024, the Petitioner filed for Temporary Protected Status (“TPS”) as a citizen of Ukraine, a country designated by the Federal government for such status. He was granted TPS on December 17, 2024, with an initial validity period until April 19, 2025. On February 10, 2025, the Petitioner timely filed to extend his TPS, and while such extension application is pending, he is deemed to remain in valid status. 8 C.F.R. § 244.17.

5. It is established that a grant of TPS precludes the removal of a person absent certain specifically delineated factors; none of which apply to the Petitioner.

6. Petitioner is married with two minor children who are also from Ukraine with similar immigration status.

7. On January 21, 2026, the Petitioner was arrested by U.S. Immigration and Customs Enforcement and issued a Notice to Appear (“NTA”) before an immigration judge, charging him, among other things, as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated. See INA Section 212(a)(6)(A)(i) [8 U.S.C. § 1182(a)(6)(A)(i)]. Although factually incorrect, such charge has the effect of making the Petitioner ineligible for bond.

8. ICE has apprehended the Petitioner and has been detaining him without the possibility of requesting bond despite the existence of all of the foregoing equities in favor of the Petitioner and the factually inaccurate allegation in the NTA.

9. On the morning of January 24, 2026, the Petitioner was transferred from the Philadelphia FDC, apparently to the Moshannon Valley Processing Center in Philipsburg, PA.

9. Continued detention, or transfer outside of the of the Commonwealth of Pennsylvania 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 Temporary Restraining Order 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 - Continued detention or transfer outside of Pennsylvania before judicial review would permanently deprive the Petitioner of the ability to pursue lawful relief.

3. Balance of Equities - The harm to Petitioner outweighs any administrative burden on the 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 moving him outside the Commonwealth of Pennsylvania;
2. Issue a Temporary Restraining Order enjoining Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2);
3. Ordering Petitioner's immediate release from Respondents' custody; and
4. 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 moving him outside the Commonwealth of Pennsylvania,
2. Are temporarily restrained from detaining Petitioner under 8 U.S.C. § 1225(b)(2);
3. Shall immediately release the Petitioner from their custody;

4. Respondents shall appear before this Court on the ___ day of _____, 2025, at ___:___, to show cause why a preliminary injunction should not issue; and

5. This Order shall remain in effect until further order of the Court.

Respectfully submitted,

Date: January 24, 2026

/s/ Francois-Ihor Mazur
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