

Bhavya Chaudhary, Esq.
Bhavya Chaudhary and Associates LLC
700 Holcomb bridge Road
Norcross, GA 30071
Email: bhavya@bcalawfirm.com
Attorney for the Petitioner

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

Mukeshbhai Lallubhai Patel


Petitioner,


Case No.

GEORGE STERLING, Deputy Managing Director,
Atlanta Field Office, Immigration and Customs Enforcement
And Removal Operations (“ICE/ERO”); **TODD LYONS**,
Acting Director of Immigration and Customs Enforcement
(“ICE”); U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; **KRISTI NOEM**, Secretary of the
Department of Homeland Security (“DHS”); U.S.
DEPARTMENT OF HOMELAND SECURITY; **PAMELA
BONDI**, Attorney General of the United States; **Warden**,
Folkston ICE Processing Center, United States Attorney.

Respondents,

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

I. INTRODUCTION

Petitioner Mukeshbhai Lallubhai Patel (A# , by and through undersigned counsel, respectfully moves this Court for an **Emergency Temporary Restraining Order** to prevent U.S. Immigration and Customs Enforcement (ICE) and related authorities from deporting him on January 25, 2026. Petitioner is currently facing imminent removal despite having a viable pathway to lawful permanent residence through a long-pending Adjustment of Status application (Form I-485) based on his marriage to a U.S. citizen. He has been in the

United States for over 30 years and has no criminal history. His U.S. citizen wife is seriously ill and depends on him for care, meaning his removal would cause **extreme and irreparable hardship**. Petitioner has filed a Habeas Corpus petition (Case No. 5:25-cv-188) and a Mandamus action (Case No. 5:25-cv-178) in this Court to address his **unlawful detention** and **extraordinary delay** in adjudicating his I-485 application. In order to preserve the status quo *lis pendens* – i.e. to maintain the Court’s jurisdiction and prevent mootness while those matters remain pending – Petitioner requests that the Court **enjoin Respondents** (including ICE, the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), and their officials) from executing his removal until his I-485 application is adjudicated or until further order of the Court.

As demonstrated below, Petitioner easily meets the criteria for emergency relief. He is likely to succeed on the merits of his claims given the clear legal violations (an indefinite detention without bond hearing, and an unreasonable seven-year delay on his residency application). He will suffer irreparable harm absent a TRO – not only the permanent separation from his sick U.S. citizen wife, but also the nullification of his pending cases and loss of his opportunity to become a lawful resident. The balance of equities and the public interest strongly favor granting temporary relief, as postponing removal to allow due process will impose minimal burden on the government, whereas deportation now would be *catastrophic* to Petitioner and his family. Petitioner therefore respectfully urges the Court to **grant this Motion and immediately stay his removal** until his legal claims can be fully resolved on their merits.

FACTUAL BACKGROUND

Decades-Old Removal Order & Family Ties: Petitioner is a native of India who entered the United States on or about October 25, 1992, and was inspected and *paroled* into the country. He was placed in exclusion proceedings at entry; due to a missed hearing (of which he asserts he never received proper notice), he was ordered excluded *in absentia* on February 9, 1993. That **decades old removal order** has remained outstanding ever since. Petitioner has **resided in the U.S. for over 30 years** without any criminal history or incident. In 2009, he married Ishita Patel, a United States citizen. They have been in a bona fide marriage for over 16 years. Mrs. Patel became a naturalized U.S. citizen in 2009 and is Petitioner's immigration sponsor. Please see **Exhibit A**, copy of Mrs. Patel's Naturalization Certificate, U.S. Passport, and the couple's Marriage Certificate. On May 7, 2018, relying on his parole entry, Petitioner applied for adjustment of status (Form I-485) to become a lawful permanent resident based on his marriage. Mrs. Patel's I-130 Petition for Alien Relative on his behalf was **approved** on January 23, 2019. Please see **Exhibit B**, I-130 Approval Notice, confirming the validity of their relationship. Along with the I-485, Petitioner also filed a Form I-601 Application for Waiver of Inadmissibility to address a misrepresentation from his 1992 entry (using false documents due to fleeing threats in India). USCIS has **jurisdiction** to adjudicate his adjustment application because he is an "arriving alien" with parole, despite the existing removal order (*Please see* 8 C.F.R. § 1245.2(a)(1)(ii)). **However, USCIS has neither adjudicated nor issued any decision on the I-485 or I-601 in over seven years** – an extraordinarily long delay far beyond any reasonable processing time. To this day, both applications remain pending. Please see **Exhibit C**, I-485 Receipt Notice dated May 7, 2018; and **Exhibit D**, I-601 Receipt Notice. Petitioner has made numerous case inquiries and even congressional requests, but USCIS has kept the case in limbo, seemingly because of the old removal order. Importantly, **Petitioner is prima facie**

eligible for a green card: he was inspected and paroled into the U.S., is married to a U.S. citizen, and has no disqualifying criminal record or other statutory bars to adjustment. If his I-485 were granted, he could immediately move to reopen or terminate the 1993 exclusion order, and he would become a lawful permanent resident – effectively resolving his immigration status

Motions to Reopen and Government Delay: Given the approved visa petition and compelling new evidence, Petitioner has actively sought to **clear the way for his status to be legalized**. In September 2025, through counsel, he filed a **Motion to Reopen and Terminate** his old exclusion proceedings, based on the approved I-130 and significant hardship evidence, so that he could adjust status to LPR. (Previously, in 2022–2024, he had attempted to obtain DHS’s consent to joint motions to reopen, but those were not acted upon or were denied, necessitating the renewed motion in 2025.) This Motion to Reopen was intended to vacate the 1993 order and re-initiate proceedings, allowing the immigration courts to ultimately **terminate the case in light of his pending adjustment**. That motion presented a strong case for reopening – it was supported by proof of the bona fide marriage and new evidence of his wife’s medical hardships – and no countervailing factors (Petitioner has no criminal record and is not a flight risk). *Nevertheless, on January 12, 2026, the Immigration Judge denied the Motion to Reopen (and associated Motion to Terminate)*. Petitioner’s counsel has not yet received the written decision explaining that denial. Petitioner is now in the process of **filing an appeal to the Board of Immigration Appeals (BIA)**, along with a request for an automatic stay of removal during the BIA appeal. It is our understanding that a timely-filed appeal of this type *should* trigger an automatic temporary stay under immigration regulations; however, out of an abundance of caution and given the imminent removal date, Petitioner seeks this Court’s intervention to ensure he is not deported before the BIA and this Court have a chance to render decisions. Notably, if

the BIA ultimately grants reopening on appeal, Petitioner's removal order could be rescinded or proceedings reopened, which would again allow him to pursue adjustment of status. A short **stay of removal now will allow these legal processes to run their course**, potentially rendering any removal unnecessary if relief is granted.

Despite his compliance and significant equities, ICE chose to **detain Petitioner on November 19, 2025** during a routine check-in, executing the decades-old removal order. Recently, **ICE transferred Petitioner to Port Isabel Service Detention Center in Los Fresnos, Texas**, separating him from his family and Georgia-based counsel. Petitioner was served with a **Notice of Removal** informing him that ICE has scheduled his deportation to India on **January 25, 2026**. This sudden transfer and scheduled removal executed while his federal court petitions and BIA appeal are still pending have severely prejudiced Petitioner.

Petitioner's **U.S. citizen wife, Mrs. Ishita Patel, is medically and psychologically fragile**, and his removal would impose devastating consequences on her. Mrs. Patel suffers from severe mental health conditions, including **Major Depressive Disorder with psychotic features**, and has been hospitalized in the past during mental health crises (in 2011 and 2018). She also has neurological issues that require ongoing care. According to her physicians, she relies on Petitioner as her primary caregiver and source of emotional support to manage her illness. Since Petitioner's detention in November 2025, Mrs. Patel's mental health has **deteriorated markedly** – she has become intensely anxious, depressed, and is barely eating, with reports of her requiring heavy sedation to cope. Family members fear that the **stress and despair of her husband's removal could trigger suicidal ideation or other life-threatening conditions for her**. These assertions are supported by medical documentation and a psychiatrist's evaluation. Please see **Exhibit E**, Medical Records and Doctor's Letter regarding

Ishita Patel's condition. In addition to his marriage, Petitioner has deep ties to the community and an exemplary character record. He has lived in the U.S. continuously since 1992 (over 33 years).

In summary, at the time of this filing, Petitioner **faces imminent irreparable harm**: ICE intends to remove him on January 25, 2026, which would permanently separate him from his U.S. citizen wife and derail his pursuit of lawful permanent residence. This Court has before it two related cases raising substantial claims: one challenging the legality of his detention and seeking injunctive relief against removal, and another compelling USCIS to finally adjudicate his long-pending adjustment application. There is every reason to believe that if given a short period of additional time, either **USCIS will act on the application** (or be ordered to do so via mandamus) or the **immigration courts will reopen his case**, such that he can become a lawful permanent resident and the removal order will be resolved. Petitioner does not seek to indefinitely forestall enforcement of the law; rather, he seeks a brief and finite reprieve to allow the proper legal processes to conclude. **Removing him now, with these processes at the brink of resolution, would be premature and unjust.** Accordingly, Petitioner requests that the Court maintain the **status quo** and prevent his removal until his I-485 application is adjudicated and his pending legal proceedings are decided.

LEGAL STANDARD FOR TRO

In determining whether to grant a Temporary Restraining Order or preliminary injunctive relief, courts consider four familiar factors: **(1) a substantial likelihood of success on the merits; (2) that the movant will suffer irreparable harm in the absence of relief; (3) that the balance of equities tips in the movant's favor; and (4) that the requested injunction serves**

the public interest. This standard, identical to that for a preliminary injunction, is applied in light of the urgency and prevents irreparable harm before the court can fully adjudicate the case. Petitioner will address each factor in turn. Additionally, because this motion seeks to preserve the Court's jurisdiction and maintain the status quo, it falls well within the Court's equitable powers. The relief sought – a stay of removal – is necessary to avoid rendering the Court's eventual decision moot. Courts have recognized that **enjoining a deportation can be appropriate to preserve the ability to grant effective relief on pending claims**, particularly where the petitioner does not seek review of the removal order itself but raises collateral challenges (such as unlawful detention or agency delay)[6]. Petitioner's claims arise under federal statutes (28 U.S.C. § 2241, 5 U.S.C. § 706, etc.) and the Constitution, giving this Court jurisdiction to consider them. A TRO here would not offend 8 U.S.C. § 1252(g) because Petitioner is *not* asking this Court to “review” or overturn his final removal order at this stage – he simply asks the Court to **temporarily pause execution of that order** to allow resolution of the distinct legal issues properly before it (and before the agency). The Court's intervention is warranted to prevent Respondents from **“evading the jurisdiction of the court by removing the petitioner”** in the midst of his pursuit of relief.

ARGUMENT

1. Substantial Likelihood of Success on the Merits

Petitioner's underlying claims present strong merits and a high likelihood of success. Fundamentally, Petitioner has shown that **Respondents have violated his statutory and constitutional rights**, and that he ultimately **qualifies for the relief** he seeks (lawful permanent

residence in the United States). There are multiple aspects to the merits, each of which Petitioner is likely to prevail on:

- **Unlawful Detention / Due Process Violation:** Petitioner’s habeas corpus claim asserts that his continued civil detention without any opportunity for a bond hearing is unlawful. As an arriving alien with a decades-old final order, Petitioner has been locked in legal limbo – detained indefinitely *solely due to administrative happenstance* (his status as “arriving” denying him bond eligibility). Courts have held that prolonged immigration detention without a chance for individualized review can violate the Due Process Clause. Petitioner has already been detained for over two months, and ICE has indicated intent to remove him rather than release him, effectively meaning **he will never receive a bond hearing or other process to assess his detention**. Given his **lack of danger or flight risk**, strong family and community ties, and pursuit of lawful status, his detention is punitive and arbitrary in violation of the Fifth Amendment. In his habeas petition, Petitioner requested immediate release or, alternatively, a court-ordered bond hearing. The merits of that request are compelling: the facts are largely undisputed (e.g. his status as an arriving alien denied bond by regulation), and legal precedent supports that **due process requires a meaningful opportunity for release** when detention becomes prolonged or is applied to someone with such significant equities. At a minimum, Petitioner has raised “serious questions” going to the merits of his due process claim, which is sufficient especially when the balance of harms tips decidedly in his favor.
- **Unreasonable Delay / APA and Mandamus Claim:** Petitioner’s mandamus action against USCIS is anchored in the claim that a **seven-plus-year delay** in adjudicating his I-485 adjustment application (and accompanying I-601 waiver) is unlawful and

unreasonable. He has a **clear right** to a decision on his application within a reasonable time, and USCIS has a **clear, nondiscretionary duty** to adjudicate applications that are properly filed. The Immigration and Nationality Act and implementing regulations contemplate *prompt* determinations on benefits; the Administrative Procedure Act (APA) explicitly provides that agencies shall conclude matters presented to them “within a reasonable time,” 5 U.S.C. § 555(b), and permits courts to compel agency action unlawfully withheld or unreasonably delayed, 5 U.S.C. § 706(1). Here, the delay is egregious by any measure – family-based adjustment interviews are typically decided within months, or at most a couple of years, absent unusual circumstances. USCIS has offered no explanation for its inaction, and in fact **no additional evidence or steps remain to be taken** on Petitioner’s application; all required documents and fees were submitted, and even an interview was conducted back in January 2019. The primary reason appears to be an informal (and legally baseless) policy of holding adjustment applications in abeyance when a removal order exists, even though **USCIS retains jurisdiction and the ability to approve the case** notwithstanding the order. Petitioner has exhausted all other remedies to prod USCIS into action – he cannot appeal the delay except by turning to this Court. Thus, he has demonstrated the elements for mandamus: (1) a clear right to relief (to a decision on the I-485), (2) a clear duty on the part of USCIS to act, and (3) no other adequate remedy available. The merits of this claim are exceedingly strong, as seven years plainly exceeds any “reasonable” timeline and courts have granted relief in far shorter delay cases. Because this TRO is sought *specifically to ensure the mandamus relief can be effective* (by keeping Petitioner here until USCIS

adjudicates), the Court's recognition of the likely merit of the mandamus claim bolsters Petitioner's case for injunctive relief.

- **Prima Facie Eligibility for Relief:** On a very practical level, Petitioner can show that if the government follows the law, he is likely to ultimately prevail by obtaining the *ultimate relief* he seeks – that is, lawful permanent resident status. All relevant adjudicators (USCIS or the immigration court upon reopening) have before them a **well-documented, approvable case** for Mr. Patel's adjustment of status. He meets all statutory criteria: he was **inspected and paroled** into the U.S. in 1992 (satisfying INA §245(a)); he has an **approved I-130 petition** confirming his marriage to a U.S. citizen; he has **no criminal or inadmissibility issues** apart from the entry fraud, which is fully addressed by a pending I-601 waiver with strong evidence of extreme hardship to his U.S. citizen wife. USCIS's own regulations permit granting adjustment in exactly this scenario (arriving alien with approved petition, notwithstanding a prior order). In fact, **the only obstacle** to Petitioner's path was the outstanding removal order – and even that was being actively dealt with via the Motion to Reopen. If that motion had been granted (or if BIA grants the upcoming appeal), there would be nothing preventing the immigration judge from immediately terminating proceedings to allow USCIS to approve Mr. Patel's residency. Thus, on the **equities and the law**, Petitioner's case is meritorious. This supports a finding that he has a substantial likelihood of success, either in the form of winning his habeas petition (getting released or a bond hearing) and/or prevailing in the mandamus/APA action (forcing USCIS to adjudicate and likely approve the I-485). At the very least, the Court should find that **serious questions** are presented going to the merits of these claims, warranting preservation of the status quo.

In short, far from seeking a futile delay, Petitioner is on the cusp of prevailing in his legal battles: the **evidence and law strongly favor his position**. Enjoining removal for a brief period will allow the Court to render a meaningful decision on these weighty issues. If Petitioner were unlikely to succeed – for example, if he had a patently ungrantable application or was clearly removable with no relief – the analysis might differ. But here, **all signs point to Petitioner ultimately being permitted to remain in the U.S. legally**, if the proper procedures are allowed to play out. Thus, this first factor weighs decisively in Petitioner’s favor.

2. Irreparable Harm Absent Relief

The harm to Petitioner **absent a TRO would be immediate, concrete, and irreparable**. If ICE is not restrained, Petitioner will be removed from the United States on January 25, 2026 – just two days from now. Such removal would inflict multiple layers of irreparable injury:

- **Permanent Separation from U.S. Citizen Spouse & Extreme Hardship:** Deportation would separate Petitioner from his ailing U.S. citizen wife, possibly permanently. As detailed above, Mrs. Patel depends on her husband for her mental and physical well-being. The emotional and medical hardship that his removal would cause her is *severe*. Courts recognize that **separation from family constitutes irreparable harm**, especially where, as here, the family member faces serious health crises. Mrs. Patel’s condition could drastically worsen – indeed, there is a risk of self-harm or other irreparable medical events if she loses her primary support. This is not speculative: her doctors have indicated that losing Mr. Patel’s care could be life-threatening for her. Once removed, **Mr. Patel could not be by her side to assist or even to arrange appropriate care**, and any deterioration in her health in his absence would be irretrievable. Moreover, even aside

from the acute medical issues, the loss of consortium and emotional support between a long-married couple is a classic form of irreparable harm that no later court order can undo. *No amount of damages or legal remedy could compensate for the harm of being separated by thousands of miles from one's gravely ill spouse.*

- **Mootness of Legal Claims – Loss of Opportunity for Relief:** If Petitioner is removed, his pending legal claims become effectively moot or futile. The very relief he seeks in the mandamus action – adjudication of the I-485 – would be negated, because USCIS cannot practically adjudicate an adjustment of status for someone who is no longer in the country (an applicant must generally be physically present in the U.S. to be granted adjustment). In all likelihood, USCIS would **administratively close or deny** his application upon notice of his departure, extinguishing his chance at the visa he has waited for since 2018. Thus, removal would rob Petitioner of the principal relief sought in that lawsuit, making it impossible for this Court to grant meaningful relief later. Similarly, his habeas petition challenging detention would become moot if he is deported – the Court cannot release a person who is no longer in custody and no longer even in the country. Thus, absent a TRO, Petitioner will suffer the ultimate irreparable harm in a legal sense: he will be **deprived of his day in court** and the ability to vindicate his claims. This is precisely why courts issue stays of removal in circumstances like this – to **preserve the Court's jurisdiction and ability to decide the case**. Executing the removal now would amount to a **dismissal of Petitioner's claims by fait accompli**, caused by the very party (the Government) that he is challenging. That irreparable harm to the integrity of judicial review is a significant factor weighing in favor of injunctive relief.

- **Loss of Lawful Permanent Residence Eligibility:** Petitioner has spent years navigating the legal immigration process, investing time, money, and effort to become a lawful permanent resident. If he is deported now, not only does he lose the current opportunity, but he may also face **long-term or permanent bars** to returning. Under immigration law, removal (especially after an in absentia order) can trigger lengthy bans on reentry (often 5, 10, or 20 years, or even permanently in some cases). Even if those could eventually be waived, it could take many years of hardship and legal battles to do so. In effect, Petitioner's entire pursuit of legal status – which was on the verge of fruition – would be wiped out, and he'd be back to square one (or worse, entirely barred) despite having a meritorious case. This kind of setback is irreparable; once deported, even if someone later recognizes that his application should have been approved, the logistical and legal hurdles to **reinstate his status or bring him back** are immensely high.
- **Additional Hardships:** Petitioner's removal would also jeopardize his small businesses and the livelihoods of employees and partners associated with those enterprises. While economic harms can sometimes be compensated with money, the disruption here – closing or selling businesses due to the primary operator's expulsion – is not readily quantifiable or reversible. His community stands to lose a contributing member, and his family could lose their income source, compounding the irreparable personal harm with financial distress.

In sum, **the absence of a TRO will irreparably harm Petitioner in ways that far outweigh any conceivable harm to the Government** (discussed below). Courts routinely find irreparable harm in immigration cases where a petitioner faces removal before their claims are heard, due to the profound human consequences and the legal mootness problem. Here, both are

present in spades. There is no question that this factor – irreparable injury – is satisfied. Petitioner’s situation is a textbook case for emergency relief: the threatened injury is imminent (a specific removal date is set), substantial (life-altering consequences for him and his wife), and **beyond remediation** if it occurs.

3. Balance of Equities (Hardships to the Parties)

The balance of equities tips heavily in favor of Petitioner. On Petitioner’s side of the scale, as described, the harm is grave and multi-faceted: separation from a gravely ill spouse, loss of a chance to obtain legal status, and nullification of pending legal rights. On the Government’s side of the scale, the harm (if any) from a delay in removal is minimal.

If a TRO is granted, **what is the effect on Respondents?** Primarily, ICE will have to briefly postpone Petitioner’s removal. Petitioner would likely remain in custody (or could be released under supervision at the Court’s discretion), and ICE would simply **hold off on executing the deportation order** until the Court can reach the merits or until USCIS adjudicates the I-485. *This imposes little to no cognizable harm on the Government.* Petitioner poses no danger to public safety – he has never been convicted of a crime and has been a peaceful resident for decades. Keeping him here for a bit longer does not endanger the community. Nor is Petitioner a flight risk – the record shows he has complied with all check-ins and legal processes, and given his deep roots and the prospect of obtaining a green card, he has every incentive to continue complying. The Government retains full ability to monitor or detain him during the stay, ensuring he will be available for removal later if it ultimately becomes necessary. Thus, **the only “harm” to the Government is a delay in carrying out an old removal order.** But delay alone is not a significant prejudice, especially when weighed against the permanent harm to

Petitioner from hasty removal. Indeed, it must be noted that the **Government itself significantly contributed to the situation by delaying adjudication of the I-485 for years**[8]. In equity, the Government should not be heard to complain about a short injunction preventing removal when that removal is only an issue now because of the Government's failure to act on the pending application in a timely manner. Granting the TRO in effect **preserves the status that has existed for years**: Petitioner living without status but under ICE's monitoring, awaiting a decision by USCIS. Maintaining that state for a little longer is hardly burdensome on the Government.

Moreover, DHS's **own policies** favor exercising prosecutorial discretion in cases with facts like Petitioner's (long-term residence, U.S. family, no criminal record, pending path to legal status). By those standards, granting a stay or deferring action is deemed to be in the public interest. So the balance of equities, even from the Government's perspective, favors leniency here. If ICE were to remove Mr. Patel now, it would arguably undermine the spirit of their humanitarian guidelines. Conversely, **granting the TRO aligns with equitable principles of fairness and mercy**.

On Petitioner's side, the equities are compelling. He has done everything right: complied with the law, attended his immigration appointments, cared for his U.S. citizen wife, and sought relief through proper legal channels. To remove him now – when he stands to imminently gain legal status – would be a harsh and inequitable result, essentially punishing him for government delay. The **hardship to Petitioner and his family vastly outweighs any administrative inconvenience to Respondents**. Indeed, Respondents have no legitimate interest in carrying out a removal that is likely to become unnecessary (or unlawful) if adjudication is completed in Petitioner's favor[9]. There is also an equitable interest in **not making judicial review or relief**

impossible; if the Government were allowed to deport first and let the courts sort it out later, Petitioner's rights would be a nullity. The courts have equitable power specifically to prevent such outcomes.

In balancing equities, courts also consider whether the moving party seeks to maintain the status quo versus alter it. Here, Petitioner seeks to *preserve* the status quo (his presence in the U.S.) for a short time until a legal determination can be made. The Government's attempt to remove him would drastically alter the status quo and moot pending matters. Thus, equity favors preservation.

Finally, if the Court deems it necessary, Petitioner is willing to accept reasonable conditions during the pendency of a TRO or preliminary injunction to mitigate any conceivable harm to the Government. This could include Petitioner's continued detention (though he would prefer release on appropriate conditions), regular check-ins, or other supervisory measures. Petitioner is even amenable to posting a bond if required, and his family has expressed willingness to support him and ensure compliance. These measures further tilt the balance of equities in Petitioner's favor because they virtually eliminate any risk or burden the Government might claim.

In sum, **the equities strongly favor granting the TRO**. The harm to Petitioner absent relief is great, while the harm to the Government with relief is minimal or non-existent. Justice and fairness dictate that Mr. Patel's life not be upended and his sick wife not be left alone, when a temporary pause can avert those outcomes without materially harming the Government's interests.

4. Public Interest

The public interest prong overlaps considerably with the balance of equities in cases involving the Government, because the Government's harm and the public interest are often intertwined. Here, the **public interest** will be served by granting a TRO and would be disserved by Petitioner's precipitous removal.

There is a robust public interest in **ensuring that laws are fairly and humanely applied**. By granting a TRO, the Court would be upholding the principle that **administrative agencies should not thwart judicial review or legal processes through rushed enforcement**. The public has an interest in courts being able to decide cases on the merits without irreparable interference. Enjoining Petitioner's removal to allow resolution of his claims affirms the integrity of the legal system, showing that *no person will be removed without having their day in court when substantial claims are at stake*. This promotes public confidence in the justice system.

The public interest also lies in **not wrongfully removing individuals who are likely entitled to remain in the country**. Petitioner's case is, by all indications, one where the ultimate outcome (if procedures are followed) is that he will be granted lawful status. It is against the public interest to deport someone today, only to later recognize that he should have been allowed to stay (for example, if his I-485 is approved or his case reopened). That scenario would not only cause human suffering but also potentially require additional resources to rectify (if at all possible). **Preventing needless removals** conserves government resources and aligns with humanitarian values – both aspects of the public interest.

Furthermore, the public interest favors **family unity and the protection of vulnerable individuals**. Congress has written immigration laws (such as immediate relative visas and hardship waivers) with the intent to keep families together and to show leniency in cases of

extreme hardship to U.S. citizens. Enforcing the removal of Mr. Patel in the face of his wife's severe illness runs contrary to that spirit. Granting a temporary stay, on the other hand, is consistent with the societal value placed on **not separating families, especially when a U.S. citizen's welfare is at risk**. The community in which the Patels live also has an interest in seeing one of its longtime members treated justly and not torn away arbitrarily. Letters from community members (previously submitted) echo that sentiment – that it would be a public loss to remove Mr. Patel given his contributions and his wife's reliance on him.

Public interest is additionally served by **prompt and efficient administration of the immigration system** – which in this case means resolving Petitioner's status in the proper way (through adjudication of the pending application) rather than bypassing that process via removal. A TRO here nudges the situation toward a resolution on the merits (since USCIS may be compelled to act), whereas removal would leave the merits unresolved. The community benefits when individuals who qualify for legal status are able to obtain it and continue contributing openly, rather than living in an unresolved state or being removed due to bureaucratic delays.

Finally, **there is no public interest in the unjust or premature deportation** of an individual. The Government may argue a general interest in enforcing immigration laws, but that interest is not absolute; it is tempered by prioritization and by the laws Congress enacted allowing relief and statuses for people like Petitioner. Here, enforcing the removal order *immediately* serves no pressing public need – Mr. Patel is not a criminal, not a threat, and has been present for decades peacefully. Delaying enforcement to allow lawful processes to conclude does not subvert the immigration laws – if anything, it upholds the **core purpose** of those laws: to remove those who have no avenues to stay, and to **allow those who do have legal avenues (like a citizen-spouse visa) to pursue them**. The public interest is thus aligned with allowing

Mr. Patel to stay long enough to secure the status to which he is entitled, rather than expelling him and thereby inflicting needless harm on a U.S. citizen and the community.

In conclusion, granting the TRO *advances* the public interest by ensuring that the **Court's review is effective, family unity is respected, and justice is done in accordance with the law**. There is no countervailing public interest served by denying relief – on the contrary, denial would undermine these values. Therefore, the public interest factor strongly favors issuance of the requested injunction.

CONCLUSION

All four factors governing temporary restraining orders weigh decisively in Petitioner's favor. He has demonstrated a substantial likelihood of success on the merits of his claims that his detention is unlawful and that the Government has unreasonably delayed adjudication of his adjustment application. He has shown that without relief he and his U.S. citizen wife will suffer irreparable harm that cannot later be remedied, including the possible loss of his path to lawful residency and severe health consequences for his spouse. The balance of equities is sharply in his favor, as the hardship to him and his family far outweighs any minor inconvenience to Respondents of holding off on removal. Finally, the public interest supports preventing an unjust deportation and upholding the rule of law in the face of agency delay.

Accordingly, Petitioner **respectfully requests that this Court issue an immediate Temporary Restraining Order** barring Respondents (including ICE, DHS, USCIS, and all those acting on their behalf) from removing or deporting Petitioner, **Mukeshbhai Lallubhai Patel, from the United States**. Petitioner asks that such TRO remain in effect until his Form I-485 Application for Adjustment of Status (and accompanying Form I-601 waiver) is finally

adjudicated by USCIS, or until further order of this Court. In the alternative, Petitioner requests at least a stay of removal for a sufficient period to allow the Court to hold a hearing on a Preliminary Injunction and for the BIA and USCIS to make progress on the related proceedings. Petitioner further requests that Respondents be ordered to **maintain the status quo** concerning Petitioner's custody and location – i.e., not to transfer him outside the Court's jurisdiction or take any action to frustrate the Court's injunction.

Petitioner is prepared to comply with any conditions the Court may deem appropriate in granting this relief. Because of the extremely tight timeframe (with removal scheduled for January 25, 2026), Petitioner also requests that the Court **waive any security bond** under Federal Rule of Civil Procedure 65(c) or set a nominal bond, as this is a case involving significant public interest and no financial harm to the Government.

Time is of the essence. Petitioner thanks the Court for its urgent consideration of this matter. For the foregoing reasons, Petitioner prays that the Court grant the Emergency TRO to **prevent his deportation and preserve the Court's ability to render justice in this case**. Such relief will ensure that the Court's eventual decision – and the potential granting of lawful status to Petitioner – is not rendered meaningless by an irreparable act of removal. Petitioner also seeks any further relief at law or in equity that the Court deems just and proper.

Respectfully submitted on January 23, 2026.

/s/ Bhavya Chaudhary

Bhavya Chaudhary, Esq.
Bhavya Chaudhary and Associates LLC
700 Holcomb bridge Road
Norcross, GA 30071
Email: bhavya@bcalawfirm.com

CERTIFICATE OF SERVICE

I, Bhavya Chaudhary, Esq. hereby certify that a copy of the foregoing was mailed First class postage prepaid to the office of the Attorney General at the below mentioned address:

George Sterling
Atlanta ICE Deputy Managing Director
180 Ted Turner Dr. SW, Ste 522, Atlanta, GA 30303

Pamela Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530-0001

Kristi Noem
Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485

Todd Lyons
Acting Director of U.S. Immigration and Customs Enforcement
c/o Office of the Principal Legal Advisor (OPLA)
500 12th Street SW, Mail Stop 5900 Washington, D.C. 20536-5900

Warden, Folkston ICE Processing Centre
3026 GA-252 E, Folkston, GA 31537

United States Attorney – Civil Process Clerk
Southern District of Georgia
22 Barnard Street, Suite 300
Savannah, Georgia 31401

/s/ Bhavya Chaudhary

Bhavya Chaudhary, Esq.
Bhavya Chaudhary and Associates LLC
700 Holcomb bridge Road
Norcross, GA 30071
Email: bhavya@bcalawfirm.com

Attorney for the Petitioner