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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TORNIKE AMBROLADZE,

Petitioner,

Civil Action No. 1:26-cv-00474-ENV

v.

RAUL MALDONADO , the Brooklyn Metropolitan Detention Center, WILLIAM JOYCE, the Acting ICE Field Office Director, KRISTI NOEM, the Secretary of the Department of Homeland Security, TODD M. LYONS, the Acting Director of U.S. Immigration and Customs Enforcement (ICE), PAMELA BONDI, the Attorney General of the United States

A# [redacted]

Defendants

PETITIONER'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Petitioner Tornike Ambroladze, through counsel, respectfully moves this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and the All Writs Act, 28 U.S.C. § 1651, for a Temporary Restraining Order ("TRO") and Preliminary Injunction enjoining Respondents from transferring Petitioner in a manner that divests this Court of jurisdiction pending final adjudication of his Petition for Writ of Habeas Corpus.

I. INTRODUCTION

1. On January 22, 2026, Petitioner was arrested near 111 Jericho Tpke, Syosset, NY, by ICE officers following a car accident caused by the fault of another party. He was taken into custody without a warrant, without prior notice, without explanation, and without any individualized assessment of risk.
2. While routine transfers for purposes of housing detainees may be permissible, a post-filing transfer cannot defeat jurisdiction that has already vested in this Court.
3. Any transfer that has the effect or purpose of shifting jurisdiction based solely on Petitioner's place of confinement materially interferes with Petitioner's access to counsel, severs his established ties to his community, and constitutes a transparent attempt to divest this Court of jurisdiction after habeas proceedings were initiated. Such a transfer undermines meaningful judicial review and cannot be permitted to defeat this Court's authority over a properly filed habeas petition.

II. LEGAL STANDARD

A party seeking a TRO must demonstrate: (1) irreparable harm; and (2) either (a) a likelihood of success on the merits, or (b) sufficiently serious questions going to the merits and a balance of hardships tipping decidedly in the movant's favor. *Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30, 35 (2d Cir. 2010).

III. ARGUMENT

A. Petitioner Will Suffer Irreparable Harm Absent a TRO

If Respondents are permitted to transfer Petitioner in a manner that strips this Court of jurisdiction, Petitioner will be deprived of his chosen and proper forum for constitutional redress. Loss of habeas jurisdiction and interference with access to counsel constitute per se irreparable harm.

While the Supreme Court has recognized the "immediate custodian" rule in habeas proceedings, it has also made clear that jurisdiction attaches at the time of filing and cannot be defeated by subsequent custodial transfers. *See Rumsfeld v. Padilla*, 542 U.S. 426 (2004). Allowing Respondents to manipulate custody after filing would permit the Executive Branch to nullify habeas review through unilateral administrative action.

B. Petitioner is Likely to Succeed on the Merits

As detailed in the Petition for a Writ of Habeas Corpus, Petitioner is likely to succeed on the merits because his detention is unlawful. Respondents have detained Petitioner under 8 U.S.C. § 1225(b)(2), a provision that does not apply to noncitizens who previously entered the United States, were released from custody, and resided in the country before being re-apprehended. Detention in this posture is governed by 8 U.S.C. § 1226(a), which requires an individualized custody determination. By applying an inapplicable detention statute, Respondents are acting without statutory authority, in violation of the Immigration and Nationality Act and the Administrative Procedure Act.

This detention also violates the Due Process Clause of the Fifth Amendment and the Fourth Amendment, as Petitioner has been denied any individualized finding of flight risk or dangerousness and subjected to continued detention without lawful justification.

C. The Balance of Equities and Public Interest Favor Petitioner

Maintaining jurisdiction in the Eastern District of New York preserves the status quo and imposes no meaningful burden on the Government. By contrast, permitting jurisdiction-stripping transfers would invite abuse of administrative authority and erode judicial oversight.

The public interest is served by ensuring that habeas review remains effective and that constitutional claims are not evaded through post-filing custodial manipulation.

IV. CONCLUSION

For thelforegoing reasons, Petitioner has demonstrated a likelihood of success on the merits, irreparable harm absent emergency relief, that the balance of equities weighs in his favor, and that a temporary restraining order is in the public interest.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Order that Petitioner shall not be removed from the United States without an order by this Court allowing such removal and transferred, except to a facility within the Eastern District of New York, absent further order of this Court;
b. Set a hearing on a Preliminary Injunction; and
c. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

Date: January 28, 2026

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