

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Mamadou Macka Sow, A# [REDACTED]

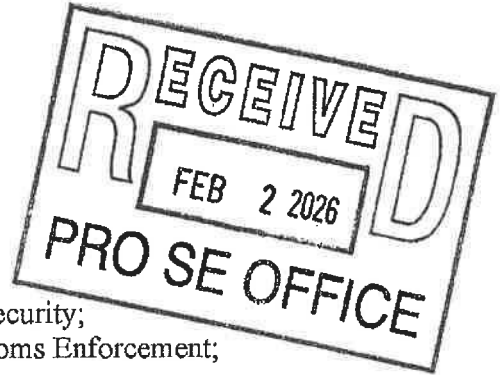
Petitioner,

Pro Se,

v.

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;  
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;  
DIRECTOR, ICE NEW YORK FIELD OFFICE;  
WARDEN, William P. Joyce,

Respondents.



MEMORANDUM OF LAW IN SUPPORT OF  
TEMPORARY RESTRAINING ORDER

Petitioner respectfully seeks a Temporary Restraining Order narrowly enjoining Respondents from transferring him outside the State of New York in the event he is taken into immigration custody, pending adjudication of his habeas petition.

**I. Legal Standard**

A temporary restraining order may issue where the movant demonstrates (1) a likelihood of success on the merits, (2) irreparable harm absent relief, (3) that the balance of equities tips in his favor, and (4) that the public interest supports relief. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). Where the requested relief preserves the status quo, courts in this District routinely grant TROs to protect habeas jurisdiction.

**II. Likelihood of Success on the Merits**

Petitioner is a long-present, paroled noncitizen residing in New York. He is not an arriving noncitizen, and any detention is governed by 8 U.S.C. § 1226(a), not § 1225(b). Attempts to apply § 1225(b) to interior, paroled individuals are inconsistent with the statute's text and structure and have been rejected by courts in this Circuit. See *Velasco Lopez v. Decker*, 978 F.3d 842, 846–47 (2d Cir. 2020); *Hernandez v. Decker*, 2019 WL 1474334, at \*3–5 (S.D.N.Y. Apr. 3, 2019). Petitioner therefore demonstrates a strong likelihood of success on his claim that any detention must be discretionary and individualized.

### **III. Irreparable Harm**

Absent a TRO, Petitioner faces immediate risk of out-of-state transfer, which would sever access to counsel and frustrate this Court's ability to adjudicate the pending habeas petition. Courts in this District recognize that such interference with habeas review constitutes irreparable harm. See *Nwankwo v. Barr*, 479 F. Supp. 3d 122, 131 (S.D.N.Y. 2020). Once transferred, meaningful judicial review may be lost.

### **IV. Balance of Equities and Public Interest**

The equities weigh sharply in Petitioner's favor. Petitioner seeks no release, only preservation of the status quo to allow judicial review. Respondents suffer no prejudice from maintaining Petitioner in New York temporarily. By contrast, transfer would cause irreversible harm. The public interest favors ensuring constitutional and statutory compliance in immigration detention and preserving access to the courts.

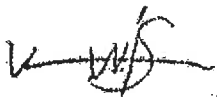
### **V. Narrow Relief Requested**

Petitioner requests only a temporary, transfer-prevention order, tailored to preserve jurisdiction while the Court considers the merits. Such limited relief is routine and appropriate.

### **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court issue a Temporary Restraining Order enjoining Respondents from transferring Petitioner outside the State of New York pending further Order of the Court.

Respectfully submitted,



Mamadou Macka Sow, Pro Se

At 

Dated: January 30, 2026

New York, New York