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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

Songji Liang

Petitioner,

v.

Donald TRUMP,

President of United States of America

Kristen SULLIVA,

Acting Field Office Director for the Atlanta

ERO Field Office

Todd M. LYONS, Acting Director,

Immigration and Customs Enforcement,

U. S. Department of Homeland Security;

Kristi NOEM, in her Official Capacity,

Secretary, U.S. Department of Homeland

Security; and

Pam BONDI, in her Official Capacity,

Attorney General of the United States.

Respondents

NO.

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

I. INTRODUCTION AND RELIEF REQUESTED

Petitioner Songji Liang, a noncitizen detained by U.S. Immigration and Customs Enforcement (ICE) at the "D-Day" ICE Processing Center in Folkston, Georgia, respectfully moves this Court for a Temporary Restraining Order ("TRO") pursuant to Fed. R. Civ. P. 65(b) and 28 U.S.C. § 2241, ordering his immediate release from custody, or in the alternative, release subject to reasonable conditions of supervision.

Petitioner has been continuously detained since October 18, 2023—now over two years and three months—without any meaningful individualized determination of flight risk or danger, despite the absence of a final order of removal and despite a Board of Immigration Appeals ("BIA") remand requiring further proceedings.

This prolonged civil detention violates the Due Process Clause of the Fifth Amendment. Absent immediate injunctive relief, Petitioner will continue to suffer irreparable constitutional injury for which no later remedy is adequate.

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. §§ 1331 and 2241, and the Fifth Amendment. Venue is proper in this District and Division because Petitioner is confined at the D-Day ICE Processing Center in Folkston, Georgia, within the Waycross Division.

III. FACTUAL BACKGROUND (SUMMARY)

Petitioner is a citizen of China detained by ICE since October 18, 2023.

An Immigration Judge initially vacated DHS's negative credible fear determination, finding Petitioner established a significant possibility of eligibility for asylum or CAT protection (Exhibit 1).

Although the Immigration Judge later denied asylum, the BIA granted Petitioner's appeal and remanded the case on November 28, 2025, requiring further proceedings and a new decision.

1 No new hearing has been scheduled, and no new decision has been issued, yet Petitioner
2 remains detained indefinitely .

3 Under binding BIA precedent (*Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025)),
4 the Immigration Judge is deemed without authority to conduct a bond hearing, leaving Petitioner
5 without any neutral forum to assess the legality of continued detention .
6

7 IV. LEGAL STANDARD FOR TRO

8 A TRO is warranted where the movant shows: Likelihood of success on the merits;
9 Irreparable harm absent relief; Balance of equities favors relief

10 TRO is in the public interest. See *Winter v. NRDC*, 555 U.S. 7, 20 (2008).
11

12 V. ARGUMENT

13 A. Petitioner Is Likely to Succeed on the Merits

14 Prolonged immigration detention without an individualized hearing violates due process.
15 The Supreme Court has repeatedly emphasized that civil detention must bear a reasonable
16 relation to its purpose and cannot become indefinite. *Zadvydas v. Davis*, 533 U.S. 678, 690
17 (2001).
18

19 Here in this case, detention exceeds two years, far beyond the “brief” period contemplated
20 in *Demore v. Kim*, 538 U.S. 510 (2003).

21 Petitioner’s removal proceedings are ongoing, and the BIA has already rejected the
22 Immigration Judge’s prior decision . No bond hearing is available, and no end to detention is
23 foreseeable.

24 Under these circumstances, continued detention is arbitrary and unconstitutional.
25

26 B. Petitioner Suffers Irreparable Harm Every Day

27 Unlawful physical detention is a paradigmatic irreparable injury. Each additional day of
28 confinement inflicts ongoing harm that cannot be remedied retroactively. Courts consistently
recognize that loss of liberty alone satisfies irreparable harm.

C. The Balance of Equities Favors Release

Petitioner seeks only release, not termination of proceedings. The government retains full authority to: Monitor Petitioner; Impose conditions of supervision; Continue removal proceedings.

By contrast, the harm to Petitioner is severe, concrete, and ongoing.

D. The Public Interest Favors Constitutional Compliance

The public interest is always served by ensuring that the government acts within constitutional limits, particularly in civil detention contexts.

VI. RULE 65(b) CERTIFICATION

Petitioner certifies that immediate relief is necessary because continued detention causes ongoing irreparable constitutional harm, and no administrative mechanism exists to obtain timely relief.

VII. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

- a) Issue a Temporary Restraining Order directing Respondents to immediately release Petitioner from ICE custody;
- b) Alternatively, order release subject to reasonable conditions of supervision;
- c) Schedule a prompt hearing on further injunctive relief if necessary; and
- d) Grant any other relief the Court deems just and proper.

Respectfully submitted this February 7, 2026.

By:

Liang Songji

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

Songji Liang
Petitioner,
v.
Donald TRUMP, et al,
Respondents

NO.

**RULE 65(b) CERTIFICATION
REGARDING EX PARTE TEMPORARY
RESTRAINING ORDER**

RULE 65(b) CERTIFICATION

Pursuant to Federal Rule of Civil Procedure 65(b)(1)(B), Petitioner Songji Liang hereby certifies as follows:

Immediate and irreparable injury will occur before Respondents can be heard.

Petitioner has been continuously detained by U.S. Immigration and Customs Enforcement since October 18, 2023, now exceeding two years, without any individualized determination of flight risk or danger. Each additional day of confinement constitutes an ongoing violation of the Fifth Amendment Due Process Clause and results in irreparable loss of liberty that cannot be remedied after the fact.

No adequate administrative remedy exists to prevent the harm.

Due to binding Board of Immigration Appeals precedent, Immigration Judges are deemed without authority to conduct bond hearings for individuals charged under 8 U.S.C. § 1225(b). As

1 a result, Petitioner has no available forum within the immigration system to seek release or bond,
2 rendering judicial intervention the only effective means to prevent continued constitutional injury.

3 Notice was not provided because delay would defeat the purpose of emergency relief.

4 Providing advance notice would necessarily prolong Petitioner's unconstitutional
5 detention during the notice period. The harm at issue—ongoing physical confinement without
6 due process—is occurring now and compounds daily. Immediate relief is therefore required to
7 preserve Petitioner's constitutional rights.

8 Petitioner will promptly provide notice and service.

9 Petitioner will serve Respondents, through the United States Attorney and appropriate
10 government counsel, with the TRO motion, exhibits, and any order issued by the Court
11 immediately upon filing or as soon as practicable.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is
13 true and correct.

14 Date: February 7, 2026.

15 By:

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