

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

1. Petitioner, Mr. Singh or "Petitioner" is Indian national who fled his country on account of persecution suffered due to [REDACTED] He has resided in the United States continuously since December of 2002.
2. Mr. Singh was detained by ICE on May 25, 2008, following a youthful offender delinquency finding and his release from state custody. He was then immediately transferred to ORR custody as he was under eighteen at the time of his ICE detention. He was released from government custody without conditions on September 1, 2008 to his biological father, Kashmir Singh.
3. A Notice to Appear dated May 22, 2008 was filed in Immigration Court pursuant to his initial ICE detention. Upon information and belief, Mr. Singh filed for asylum before the Immigration Court on or about April 1, 2009. This application is currently pending before the Immigration Court. Mr. Singh's removal proceedings were Administratively Closed on May 3, 2013. His case remains Administratively Closed.
4. Mr. Singh has also been granted relief under Deferred Action for Childhood Arrivals (DACA) from approximately December 2012 until July 2023. He is also the beneficiary of an approve Visa Petition (I-130) filed by his United States Citizen spouse.
3. Mr. Singh was taken into custody by Customs and Border Protection (CBP) incident to an Immigration and Customs (ICE) detained on or about March 4, 2025 upon information and belief in Rutland, Vermont at Maple Valley Detention Center. His arrest and detention by CBP and ICE occurred without any material change in circumstances that might otherwise justify such a loss of personal liberty. He is now being held in the custody of ICE or CBP in the District of Vermont. The arbitrary and unlawful nature of Petitioner's

arrest in September 2025 and subsequent detention, tips the balance of equities in his favor.

4. This Court and many others in the Second Circuit have ruled that the detention of a noncitizen, situated similarly to Petitioner, can only be pursuant to § 1226(a), thereby entitling him to the relief that he now seeks before this court. *Lopez v. Trump*, 2025 U.S. Dist. LEXIS 233128, 2025 WL 3264151, at *10-12; *Lopez v. Trump*, 2025 U.S. Dist. LEXIS 233128, 2025 WL 3264151, at *4-8 (D. Vt. Nov. 17, 2025) (“Taken together, the phrase seeking admission refers to the present attempt to lawfully go in to the United States. Someone like Ms. Gonzales Lopez who has already entered the United States and resided here for more than three years cannot reasonably be said to be both an applicant for admission (which she is) as well as a person still seeking admission (which she is not)”) (internal quotations omitted); *see also Piedrahita-Sanchez v. Turek*, 2:25-cv-875-wks (D. Vt. Nov. 14, 2025); *Luis v. Trump*, 2025 U.S. Dist. LEXIS 267391, 2025 WL 3763397 (D. Vt. Dec. 30, 2025); *Benitez v. Francis*, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *21 (S.D.N.Y. Aug. 13, 2025). Petitioner is therefore likely to succeed on the merits of his petition for writ of habeas corpus.
5. “Infringement of a constitutional right is per se irreparable harm.” *Escobar v. Bondi*, No. 1:26-cv-00139-KG-KRS, 2026 U.S. Dist. LEXIS 19307, at *5 (D.N.M. Jan. 30, 2026).

6. Petitioner's transfer outside the District of Vermont would enable the very harm he now seeks redress from by dissolving the status quo and stripping this Court with the jurisdiction to grant him relief. Petitioner's due process rights would only be further violated, contrary to the public's interest in ensuring the protections afforded by the U.S. Constitution apply to all here within our borders, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
7. Because the Government has demonstrated a pattern and practice of removing detainees from Vermont, Petitioner moves for an immediate Temporary Restraining Order ("TRO") ordering that the Government not move Petitioner out of this District pending further order of the Court.
8. Even if the Court does not believe such an order is necessary on the grounds of preserving jurisdiction, Petitioner still moves for an immediate TRO ordering that the Government not move him out of this District based on the inherent equitable powers of this Court, and the breadth of the All-Writs Act. 28 U.S.C. § 1651.
9. Petitioner being kept in this District will assist him in consulting with his attorney and allow him to appear in Court on his petition for writ of habeas corpus being filed concurrently with this motion in the United States District Court for the District of Vermont. The requested TRO is consistent with both principles of judicial efficiency and the principles of any court entertaining a petition for writ of habeas corpus. 28 U.S. Code § 2243 ("Unless the application for the writ and the return present only issues of law the person to whom the writ is directed **shall be required to produce at the hearing the body of the person detained...**" (emphasis added)).

10. If Petitioner is transferred out of the District, it is likely to cause delays in the proceedings due to lack of access to counsel as well as increase costs and time constraints at any necessary hearings. Petitioner cannot be ensured a meaningful opportunity to have his claims heard, have meaningful access to counsel, or be provided with meaningful relief if he is transferred out of this District. As such, a TRO is necessary to preserve the Court's jurisdictional authority to hear Petitioner's claim and consider the relief sought before this Court. Without a TRO, Habeas will be rendered ineffective as it leaves open the door for the Government to enact the very harm the petition seeks to avoid.
11. Accordingly, Petitioner moves that this Court, to preserve its jurisdiction over the attached Petition pursuant to the equitable powers of the Court and the All-Writs Act, 28 U.S.C. § 1651 (*see F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), immediately order that Mr. Singh not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.
12. As set forth in the Petition, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgement), the All-Writs Act, 28 U.S.C. § 1651. It is appropriate for the Court to preserve such jurisdiction by ordering that the Petitioner remain in this district pending further action by the Court.

Respectfully submitted this 5th day of March, 2026.
By his attorneys,

/s/ Stephanie Greenlees

Stephanie Greenlees
Kaplan and Kaplan
95 St. Paul Street
Suite 405
Burlington, VT 05401
Phone: (802) 651-0013
Fax: (802) 448-3478
sgreenlees@kaplanlawvt.com
Counsel for Petitioner

Kerry E. Doyle, Esq. *
MA Bar No. 565648
Green & Spiegel, LLC
1524 Delancey Street, Floor 4
Philadelphia, PA 19102
Phone: (617) 216-1248
(215) 395-8959
Fax: (215) 330-5311
kdoyle@gands-us.com
Counsel for Petitioner
**Pro hac vice motion forthcoming*

CERTIFICATE OF SERVICE

I, Stephanie Greenlees, certify that, on March 5, 2026, this EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER was filed with the Court's CM/ECF filing system, which will send an electronic notification and service of the brief to all parties in the case.

/s/ Stephanie Greenlees

Stephanie Greenlees
Kaplan & Kaplan