

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION**

MAIEMURZHON IMAMOV,

Petitioner,

Case No. 26-cv-2204

v.

WARDEN, FDC PHILADELPHIA, et al.,

Respondents.

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

Petitioner Maiemurzhon Imamov, by and through undersigned counsel, respectfully requests that this Court grant his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65. The grounds for this motion are set forth in the accompanying Memorandum of Law in Support, the exhibits filed in support thereof, the concurrently filed Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, and the applicable law. A proposed order accompanies this motion.

Petitioner is currently detained at Federal Detention Center Philadelphia pursuant to 8 U.S.C. § 1225(b)(2), which Respondents contend authorizes his mandatory detention without any bond hearing. As set forth in the accompanying Memorandum of Law, this classification is unlawful. Mr. Imamov entered the United States on December 30, 2022, was processed through the credible fear system, was paroled on January 27, 2023, and was placed in removal proceedings under INA § 240. He is properly detained under 8 U.S.C. § 1226(a) and is entitled to an individualized bond hearing.

Mr. Imamov respectfully requests that this Court issue a temporary restraining order: (i) enjoining Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2); (ii) enjoining Respondents from removing or transferring Petitioner outside this district; and (iii) ordering Petitioner's immediate release from Respondents' custody, or in the alternative, ordering a bond hearing within fourteen (14) days. Petitioner further requests that no bond be required for issuance of this order.

Respectfully submitted,

/s/ Jonathan J. Sobel

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Counsel for Petitioner

Dated: April 5, 2026

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**MEMORANDUM OF LAW IN SUPPORT OF
PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner Maiemurzhon Imamov moves this Court for an emergency temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65, ordering his immediate release from unlawful detention at Federal Detention Center Philadelphia. Mr. Imamov is a 21-year-old Russian citizen [REDACTED] and sought asylum in the United States. After passing a credible fear interview and being paroled in January 2023, he complied with all conditions of release and filed his asylum application. Respondents have since re-detained Mr. Imamov and reclassified him under 8 U.S.C. § 1225(b)(2), denying him any bond hearing.

Over 300 federal district courts across the country have rejected the Government's position that noncitizens who entered without inspection are subject to mandatory detention under § 1225(b)(2). This Court should follow the overwhelming weight of judicial authority and grant emergency relief.

STATEMENT OF FACTS

Petitioner incorporates by reference the Statement of Facts set forth in the concurrently filed Petition for Writ of Habeas Corpus. *See* Petition ¶¶ 11-23.

In summary, Mr. Imamov entered the United States on December 30, 2022, near Jacumba, California, and turned himself in to Border Patrol. He expressed a fear of returning to Russia, where [REDACTED] On January 17, 2023, a USCIS asylum officer found his fear credible. He was paroled on January 27, 2023. He filed his I-589 asylum application, received by USCIS on December 22, 2023. He was subsequently re-detained, reclassified under § 1225(b)(2), and denied any bond hearing. He is currently held at FDC Philadelphia.

ARGUMENT

A temporary restraining order and preliminary injunction are governed by the four-factor test of *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). The movant must show: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm absent relief; (3) that the balance of equities tips in the movant's favor; and (4) that the injunction is in the public interest. In the Third Circuit, these factors are evaluated on a sliding scale: "the more net harm an injunction can prevent, the weaker the plaintiff's claim on the merits can be while still supporting some form of preliminary relief." *Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017). All four factors favor Mr. Imamov.

I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

As set forth in the Memorandum of Law in Support of the Petition for Writ of Habeas Corpus, Mr. Imamov's detention under § 1225(b)(2) violates the INA, the Due Process Clause, and the APA. Over 300 federal district courts across the country have reached the same conclusion when presented with the Government's position under *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

Mr. Imamov's case for success on the merits is particularly strong. He was processed through the credible fear system, paroled by DHS, and placed in § 240 proceedings. DHS's own 1997 Rule, which has never been rescinded, provides that noncitizens in his situation are detained under § 1226(a). 62 Fed. Reg. 10,312, 10,323 (Mar. 6, 1997). The BIA's decisions in *Q. Li* and *Yajure Hurtado* are not entitled to deference under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 413 (2024).

In this district, courts have consistently granted habeas relief in cases involving the same legal issues. *See, e.g., Demirel v. FDC Philadelphia*, No. 25-5488, 2025 WL 3218243 (E.D. Pa.

Nov. 18, 2025); *Cantu-Cortes v. O'Neill*, No. 25-6338, 2025 WL 317639 (E.D. Pa. Nov. 13, 2025). Petitioner is substantially likely to succeed on the merits.

II. PETITIONER WILL SUFFER IRREPARABLE HARM

ABSENT EMERGENCY RELIEF

"The most elemental of liberty interests" is "the interest in being free from physical detention by one's own government." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Unlawful detention constitutes irreparable harm as a matter of law. *See Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) ("Loss of liberty is perhaps the best example of irreparable harm.").

Mr. Imamov is a 21-year-old man who has been incarcerated without any meaningful opportunity to contest the basis for his detention. He has no criminal record. He complied with all conditions of his prior release on parole. He fled Russia to avoid being forced to fight in a war, and now he is locked in a federal detention center without any recourse. Each day of unlawful detention compounds the irreparable injury to Mr. Imamov's fundamental liberty interest.

Courts in this circuit have recognized that unlawful immigration detention constitutes irreparable harm. *See E.O.H.C. v. Barr*, 434 F. Supp. 3d 321, 340 (E.D. Pa. 2020) ("separation from family members" constitutes irreparable injury); *Arias Gudino v. Lowe*, 785 F. Supp. 3d 27, 46-47 (M.D. Pa. 2025) (unlawful detention sufficient irreparable injury). There is no adequate remedy at law for the ongoing deprivation of Mr. Imamov's physical liberty.

III. THE BALANCE OF EQUITIES AND PUBLIC INTEREST

FAVOR PETITIONER

When the Government is the opposing party, the balance-of-equities and public-interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009); *Osorio-Martinez v. Att'y Gen.*, 893 F.3d 153, 178 (3d Cir. 2018).

The balance of equities tips sharply in Mr. Imamov's favor. He faces continued unlawful detention without any recourse, while the Government bears only the minimal burden of providing a bond hearing. The Government has no legitimate interest in enforcing an unlawful detention policy that over 300 federal courts have rejected.

The public interest favors the granting of injunctive relief. "It is always in the public interest to prevent the violation of a party's constitutional rights." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). *See also Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 332 (3d Cir. 2020) ("[t]he public interest" favors "protection of constitutional rights"); *Nken*, 556 U.S. at 436 (the public has a strong interest in seeing government institutions follow the law).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant his Emergency Motion for a Temporary Restraining Order and Preliminary Injunction, order his immediate release from unlawful detention, and grant such other and further relief as this Court deems just and proper. No bond should be required.

Respectfully submitted,

/s/ Jonathan J. Sobel

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Email: mate89@aol.com

Counsel for Petitioner

Dated: April 5, 2026

CERTIFICATE OF SERVICE

I, Jonathan J. Sobel, Esquire, hereby certify that on this 5th day of April, 2026, I caused a true and correct copy of the foregoing Memorandum of Law in Support of Petitioner's Emergency Motion for Temporary Restraining Order and Preliminary Injunction and all accompanying documents to be served upon the following parties by first-class United States mail, postage prepaid:

Warden, FDC Philadelphia	700 Arch Street Philadelphia, PA 19106
Field Office Director Philadelphia ERO Field Office	900 Market Street, Suite 216 Philadelphia, PA 19107
Todd Lyons, Acting Director U.S. Immigration and Customs Enforcement	500 12th Street SW Washington, DC 20536
Markwayne Mullin, Secretary U.S. Department of Homeland Security	245 Murray Lane SW Washington, DC 20528
Todd Blanche, Acting Attorney General U.S. Department of Justice	950 Pennsylvania Avenue NW Washington, DC 20530
United States Attorney Eastern District of Pennsylvania	615 Chestnut Street, Suite 1250 Philadelphia, PA 19106

/s/ Jonathan J. Sobel
Jonathan J. Sobel, Esquire

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ORDER

AND NOW, this ____ day of _____, 202__, upon consideration of Petitioner's Emergency Motion for a Temporary Restraining Order and Preliminary Injunction, the accompanying Memorandum of Law, and good cause appearing, it is hereby ORDERED as follows:

1. Respondents are ENJOINED from removing or transferring Petitioner Maiemurzhon Imamov from the Eastern District of Pennsylvania pending further order of this Court.
2. Respondents are ENJOINED from detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2).
3. Respondents shall IMMEDIATELY RELEASE Petitioner from custody, subject to any appropriate conditions of supervision deemed necessary and lawful.
4. In the alternative, Respondents shall provide Petitioner with an individualized bond hearing before an Immigration Judge within fourteen (14) days of this Order, at which the Government shall bear the burden of justifying continued detention by clear and convincing evidence.
5. No bond is required of Petitioner for issuance of this Order.
6. Respondents shall file any opposition to the request for preliminary injunctive relief on or before _____, 202__.
7. This Order shall remain in effect until further Order of this Court.

SO ORDERED.

United States District Judge