

1 BISHARA LAW
2 Sherif Bishara (NY STATE BAR# 4979100)
3 836 Broadway, A
4 Bayonne, NJ 07002
5 Telephone: 646-203-3992
6 Attorney for Respondent
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8 *Attorney for Petitioner*

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

George Emad Wadie Habib,
Petitioner,

v.

Case No.:

RAUL MALDONADO JR, *in his official
capacity as Warden, Metropolitan Detention
Center Brooklyn;*

Todd Lyons, *in his official capacity as Acting
Director, Immigration and Customs
Enforcement;*

JUDITH ALMODOVAR, *in her official
capacity as Acting Field Office Director, ICE
Enforcement and Removal Operations New
York City Field Office*

Markwayne Mullin, *in his official capacity as
Secretary of the U.S. Department of Homeland
Security; and*

Todd Blanche, *in his official capacity as
Acting Attorney General of the United States.*

Respondents.

**EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER**

1 Petitioner George Emad Wadie Habib by and through his undersigned counsel, hereby
2 moves for a temporary restraining order enjoining Respondents from violating Petitioner's due
3 process rights and circumventing this Court's jurisdiction by unlawfully removing him from this
4 judicial district and/or this state without a meaningful opportunity to be heard on a potential
5 claim for relief. This motion is based upon Federal Rule of Civil Procedure 65, Local Rule 65,
6 the incorporated memorandum of points and authorities, and the simultaneously filed Petition for
7 Writ of Habeas Corpus and Exhibits, including counsel's declaration, as well as any further
8 information presented to the Court in connection with this application.
9

10 Respectfully submitted,

11 Date: April 6, 2026

12 /s/ Sherif Bishara

13 Sherif Bishara
BISHARA LAW

14 Sherif Bishara (NY STATE BAR# 4979100)
15 836 Broadway, A
16 Bayonne, NJ 07002
17 Telephone: 646-203-3992
sbishara@bisharafirm.com

18 *Attorney for Petitioner*
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TABLE OF AUTHORITIES

		Page(s)
1		
2	Cases	
3		
4	<i>Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.</i> ,	
5	598 F.3d 30 (2d Cir. 2010)	1, 2
6	<i>Doctor’s Assocs., Inc. v. Stuart</i> , 85 F.3d 975 (2d Cir. 1996)	8
7	<i>Elrod v. Burns</i> , 427 U.S. 347 (1976)	5
8	<i>Hechavarria v. Sessions</i> , 891 F.3d 49 (2d Cir. 2018)	4
9	<i>Jennings v. Rodriguez</i> , 583 U.S. 281 (2018)	3, 4
10	<i>Jolly v. Coughlin</i> , 76 F.3d 468 (2d Cir. 1996)	5
11	<i>Mastrovincenzo v. City of New York</i> , 435 F.3d 78 (2d Cir. 2006)	8
12	<i>Velasco Lopez v. Decker</i> , 978 F.3d 842 (2d Cir. 2020)	3, 4, 7
13	<i>Winter v. Natural Resources Defense Council, Inc.</i> , 555 U.S. 7 (2008)	2
14	<i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001)	3
15		
16	Statutes	
17		
18	28 U.S.C. § 2241	1
19	8 U.S.C. § 1226(a)	3
20	28 U.S.C. § 2242	10
21		
22		
23	Other Authorities	
24		
25	Fed. R. Civ. P. 65	1, 7
26		
27		
28		

TABLE OF CONTENTS

INTRODUCTION	1
STATEMENT OF FACTS	1
LEGAL STANDARD	3
ARGUMENT	4
A. Petitioner Is Likely to Succeed on the Merits	4
B. Without Immediate Relief, Petitioner will Suffer Irreparable Harm.....	5-6
C. The Public Interest and Equities Favor Granting Relief	6-7
D. If Necessary, an <i>Ex Parte</i> TRO Is Appropriate	7-8
E. No Security Is Appropriate for an Indigent Petitioner.....	8
CONCLUSION.....	9

INTRODUCTION

Petitioner George Emad Wadie Habib respectfully moves this Court for an emergency temporary restraining order prohibiting Respondents from transferring him outside the Eastern District of New York while this Court adjudicates his habeas petition challenging the legality of his continued civil immigration detention. Petitioner is currently detained at the Metropolitan Detention Center in Brooklyn, New York, within this Court's jurisdiction, and Respondents retain unilateral authority to transfer him at any time. Such a transfer presents an imminent risk of frustrating this Court's jurisdiction and impairing Petitioner's ability to obtain meaningful judicial review.

Emergency relief is necessary to preserve the status quo and protect this Court's jurisdiction.

Courts in the Second Circuit apply the familiar four-factor test governing preliminary injunctive relief to temporary restraining orders, including likelihood of success and irreparable harm. See *Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*, 598 F.3d 30, 35 (2d Cir. 2010). As set forth in the accompanying petition, Petitioner's continued detention is based on a constitutionally defective custody determination that resulted in an arbitrary finding of dangerousness.

Absent immediate relief, Respondents may transfer Petitioner without notice, undermining this Court's ability to grant effective habeas relief. Accordingly, Petitioner respectfully requests that this Court enter a temporary restraining order and set an expedited schedule for further proceedings.

STATEMENT OF FACTS

Petitioner George Emad Wadie Habib is a noncitizen currently detained by United States Immigration and Customs Enforcement at the Metropolitan Detention Center in Brooklyn, New

1 York, which lies within the territorial jurisdiction of this Court. Respondents exercise immediate
2 and direct custody over Petitioner and control all decisions concerning his detention and transfer.
3 Petitioner is a native and citizen of Egypt who was lawfully admitted to the United States on or
4 about December 11, 2023, as a nonimmigrant visitor and is presently in ongoing removal
5 proceedings based solely on an overstay charge. On or about March 19, 2026, Petitioner was
6 arrested by ICE and placed into civil immigration detention, where he remains confined.
7 Petitioner disputes the legality of his continued detention and has filed a petition for a writ of
8 habeas corpus challenging the statutory and constitutional basis for his confinement, including
9 Respondents' reliance on a constitutionally defective custody determination. That habeas petition
10 is currently pending before this Court.

11 Petitioner sought release through a custody redetermination hearing before an Immigration
12 Judge. Despite presenting substantial evidence demonstrating that he is neither a danger to the
13 community nor a flight risk—including his employment with a New York City agency, his
14 professional background as an engineer, and his strong community ties—the Immigration Judge
15 denied bond based on a conclusory finding of dangerousness arising from a non-violent, traffic-
16 related offense. Petitioner remains detained pursuant to that legally deficient determination.
17 Respondents retain unilateral authority to transfer Petitioner to another detention facility at any
18 time while his removal proceedings and habeas petition remain pending. Petitioner has not
19 received advance notice sufficient to protect his ability to seek judicial review prior to any such
20 transfer. Based on the current posture of his case, including his ongoing detention and pending
21 habeas petition, the risk of transfer outside this Court's jurisdiction is real and immediate. If
22 Petitioner is transferred beyond the territorial jurisdiction of this Court before his claims are
23 adjudicated, his access to counsel will be substantially impaired and this Court's ability to
24 exercise effective jurisdiction will be undermined. Transfer would interfere with Petitioner's
25 ability to communicate with counsel, assist in the preparation of his case, and obtain meaningful
26 judicial review of the legality of his detention.

27 Once Petitioner is transferred outside this District, no subsequent court order can fully restore the
28 status quo or remedy the disruption to these proceedings. Petitioner therefore seeks emergency

1 relief solely to preserve existing conditions while this Court considers the legality of his
2 detention. The requested temporary restraining order will prevent irreparable harm, preserve
3 Petitioner's access to counsel and the courts, and ensure that this Court retains meaningful
4 jurisdiction pending adjudication on the merits.

5 6 LEGAL STANDARD

7 A temporary restraining order is an extraordinary remedy that may be granted where the movant
8 establishes (1) a likelihood of success on the merits or sufficiently serious questions going to the
9 merits and a balance of hardships tipping decidedly in the movant's favor, (2) irreparable harm in
10 the absence of relief, (3) that the balance of equities favors relief, and (4) that the public interest
11 supports injunctive intervention. See *Winter v. Natural Resources Defense Council, Inc.*, 555
12 U.S. 7, 20 (2008); *Citigroup Glob. Mkts., Inc. v. VCG Special Opportunities Master Fund Ltd.*,
13 598 F.3d 30, 35 (2d Cir. 2010).

14 Courts in the Second Circuit apply the same standard governing preliminary injunctions to
15 motions for temporary restraining orders. See *Citigroup*, 598 F.3d at 35. Likelihood of success
16 on the merits and irreparable harm are the most critical factors. See *id.* at 37. Where these
17 requirements are satisfied, courts must consider the remaining factors and determine whether,
18 taken together, they warrant injunctive relief.

19 The purpose of a temporary restraining order is to preserve the status quo and ensure that the
20 Court retains the ability to render meaningful relief on the merits. See *Winter*, 555 U.S. at 24.
21 Irreparable harm exists where legal remedies are inadequate and where the injury cannot be
22 undone through later judicial relief. See *id.* at 22.

23 Courts possess inherent equitable authority to issue temporary restraining orders where necessary
24 to prevent conduct that would frustrate judicial review or impair the Court's jurisdiction. In the
25 immigration detention context, temporary restraining orders are appropriate where transfer
26 would interfere with pending habeas proceedings, impair access to counsel, or render judicial
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1 review ineffective. The purpose of such relief is to maintain existing conditions and preserve the
2 Court's jurisdiction while the legality of detention is adjudicated on the merits.

3 4 **ARGUMENT**

5 **A. Petitioner is Likely to Succeed on the Merits**

6
7 Petitioner is likely to succeed on the merits of his habeas petition because his continued
8 detention rests on a constitutionally defective custody determination and exceeds the
9 statutory limits of 8 U.S.C. § 1226(a). The Fifth Amendment prohibits the federal
10 government from depriving any person of liberty without due process of law, and noncitizens
11 in removal proceedings are entitled to a meaningful opportunity to challenge their detention.
12 See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because immigration detention is civil in
13 nature, it must bear a reasonable relationship to its legitimate regulatory purposes and may
14 not be arbitrary or excessive. See *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

15 The Second Circuit has emphasized that due process requires adequate procedural safeguards
16 to ensure that continued detention is justified. See *Velasco Lopez v. Decker*, 978 F.3d 842,
17 849–50 (2d Cir. 2020). A custody determination under § 1226(a) must therefore provide a
18 meaningful opportunity to be heard before a neutral decision-maker and must result in an
19 individualized assessment based on the record. A decision that fails to consider relevant
20 evidence or rests on conclusory reasoning does not satisfy due process and cannot justify
21 continued detention. See *id.* at 853.

22 Here, although Petitioner was afforded a bond hearing, that proceeding was constitutionally
23 deficient. The Immigration Judge denied release based on a conclusory determination that
24 Petitioner failed to demonstrate that he does not pose a danger to the community. The
25 decision did not meaningfully engage with the substantial evidence presented, including
26 Petitioner's employment with a New York City agency, his professional background as an
27 engineer, his pursuit of licensure, and his strong community ties. Instead, the Immigration
28 Judge relied on a non-violent, traffic-related offense to support a finding of dangerousness

1 without articulating a reasoned basis for concluding that Petitioner poses a present risk. Such
2 a determination is not supported by substantial evidence and does not constitute the
3 individualized assessment required by law.

4 Petitioner's continued detention is also unlawful because it exceeds the authority conferred
5 by § 1226(a). While that provision permits discretionary detention, it does not authorize
6 arbitrary confinement. See *Jennings*, 583 U.S. at 289. The Second Circuit has recognized that
7 detention must be supported by a lawful exercise of discretion consistent with the statute's
8 purposes. See *Velasco Lopez*, 978 F.3d at 850–51. Where detention is based on a legally
9 deficient custody determination, it exceeds statutory authority. See *Hechavarria v. Sessions*,
10 891 F.3d 49, 54–56 (2d Cir. 2018).

11 Because the Immigration Judge's decision is unsupported by the record and fails to reflect a
12 proper application of the governing legal standards, it cannot justify Petitioner's continued
13 confinement. Petitioner's detention is therefore arbitrary, unlawful, and in violation of both
14 the Constitution and the governing statute. Accordingly, Petitioner has demonstrated a clear
15 likelihood of success on the merits of his habeas claims.

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18 **B. Without Immediate Relief, Petitioner will Suffer Irreparable Harm**

19 Petitioner will suffer immediate and irreparable harm in the absence of a temporary
20 restraining order because Respondents retain unilateral authority to transfer him outside
21 this Court's jurisdiction at any time while his habeas petition remains pending. The loss
22 of physical liberty alone constitutes irreparable harm. See *Elrod v. Burns*, 427 U.S. 347,
23 373 (1976); *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996). Petitioner remains
24 detained based on a constitutionally defective custody determination and is therefore
25 subject to an ongoing deprivation of liberty that cannot be remedied after the fact.

26 In addition, the risk of transfer presents a distinct and imminent harm that warrants
27 emergency relief. Courts have recognized that the transfer of a detainee during the
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1 pendency of habeas proceedings can frustrate judicial review and impair a petitioner's
2 ability to litigate his claims. If Petitioner is transferred outside the Eastern District of
3 New York, his access to counsel will be significantly disrupted, his ability to assist in the
4 preparation of his case will be impaired, and this Court's ability to exercise effective
5 jurisdiction over his habeas petition will be undermined.

6 This harm is not speculative. Respondents routinely transfer detainees without advance
7 notice, and Petitioner has no mechanism to prevent or challenge such a transfer before it
8 occurs. Once transferred, Petitioner may be moved to a distant facility, creating
9 substantial barriers to communication with counsel and delaying or complicating these
10 proceedings. No subsequent court order can fully restore the status quo or undo the
11 disruption caused by a transfer outside this District.

12 Because Petitioner faces an ongoing deprivation of liberty and a real and immediate risk
13 that his transfer will frustrate meaningful judicial review, he has satisfied the irreparable
14 harm requirement for temporary injunctive relief.
15
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17 **C. The Public Interest and Equities Favor Granting Relief**

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19 The balance of equities tips decisively in Petitioner's favor. Petitioner faces the ongoing
20 deprivation of his liberty and the imminent risk of transfer outside this Court's jurisdiction,
21 which would impair his ability to pursue his habeas claims and meaningfully participate in
22 these proceedings. Petitioner is a project manager with the New York City Department of
23 Environmental Protection and has established substantial ties to the New York community.
24 He is also actively studying for his professional engineering license, reflecting his
25 commitment to continued professional advancement and stability. Transfer would disrupt his
26 employment, sever his community connections, and significantly impair his ability to
27 coordinate with counsel and assist in the preparation of his case.
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1 By contrast, the relief requested imposes minimal burden on Respondents. Petitioner does not
2 seek immediate release through this motion, but only an order preserving the status quo by
3 preventing his transfer while this Court adjudicates his petition. Maintaining Petitioner within
4 this District during the pendency of this action does not interfere with Respondents'
5 legitimate interests in administering the immigration system.

6 The public interest likewise supports injunctive relief. There is a strong public interest in
7 ensuring that the government complies with the Constitution and that individuals are not
8 deprived of liberty without adequate procedural protections. See *Velasco Lopez v. Decker*,
9 978 F.3d 842, 855 (2d Cir. 2020). The public also has a significant interest in the
10 preservation of meaningful judicial review. Preventing Petitioner's transfer ensures that this
11 Court retains effective jurisdiction over his habeas petition and can adjudicate his claims
12 without interference.

13 Because the requested relief preserves the status quo, protects Petitioner's access to the
14 courts, and imposes no undue burden on Respondents, the balance of equities and the public
15 interest strongly favor the issuance of a temporary restraining order.

16
17 **D. If Necessary, an *Ex Parte* TRO is Appropriate**
18

19 If the Court determines that immediate relief is required prior to notice to Respondents, an ex
20 parte temporary restraining order is appropriate under Federal Rule of Civil Procedure
21 65(b). Rule 65(b) permits the issuance of a temporary restraining order without notice
22 where specific facts clearly show that immediate and irreparable injury will result before
23 the adverse party can be heard. See Fed. R. Civ. P. 65(b)(1).

24 That standard is satisfied here. As set forth above, Respondents retain unilateral authority to
25 transfer Petitioner at any time without advance notice. The risk of transfer is immediate
26 and ongoing, and once effectuated, would undermine this Court's jurisdiction and impair
27 Petitioner's ability to obtain meaningful judicial review. Because such a transfer could
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1 occur before Respondents can be heard in opposition, the injury is precisely the type of
2 irreparable harm that warrants ex parte relief.

3 Courts have recognized that ex parte temporary restraining orders are appropriate where
4 necessary to preserve the status quo and prevent actions that would frustrate judicial
5 review. Here, limited ex parte relief maintaining Petitioner within this District is
6 necessary to ensure that this Court retains the ability to adjudicate the pending habeas
7 petition.

8 Petitioner respectfully submits that notice should be provided to Respondents where
9 practicable. However, to the extent that notice cannot be given or would itself risk
10 precipitating the very harm Petitioner seeks to prevent, the Court should issue a
11 temporary restraining order on an ex parte basis and set an expedited schedule for further
12 proceedings.

13
14 **E. No Security is Necessary for an Indigent Petitioner**

15
16 Federal Rule of Civil Procedure 65(c) provides that a court may require the movant to
17 give security before issuing a temporary restraining order. However, the amount of
18 security is within the Court's discretion, and courts may waive the bond requirement
19 where appropriate. See Fed. R. Civ. P. 65(c); *Doctor's Assocs., Inc. v. Stuart*, 85 F.3d
20 975, 985 (2d Cir. 1996).

21 Courts within the Second Circuit routinely waive the bond requirement where the movant
22 is indigent or where the requested relief serves the public interest and imposes minimal
23 risk of monetary harm on the opposing party. See *Mastrovincenzo v. City of New York*,
24 435 F.3d 78, 90 (2d Cir. 2006).

25 Here, no security is necessary. Petitioner is detained and lacks the financial resources to
26 post a bond. Moreover, the relief requested is narrowly tailored to preserve the status quo
27 by preventing Petitioner's transfer outside this District while this Court adjudicates his
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1 habeas petition. Such relief does not expose Respondents to any risk of monetary
2 damages or cognizable financial harm.

3 Because Petitioner is indigent and the requested relief imposes no financial risk on
4 Respondents, the Court should exercise its discretion to waive any bond requirement.
5

6
7 **CONCLUSION**
8

9 For the foregoing reasons, Petitioner respectfully requests that this Court grant his
10 Emergency Motion for a Temporary Restraining Order and enjoin Respondents, and all persons
11 acting in concert with them, from transferring Petitioner outside the territorial jurisdiction of the
12 United States District Court for the Eastern District of New York while this Court adjudicates his
13 pending petition for a writ of habeas corpus. Petitioner further requests that the Court enter such
14 additional relief as may be necessary to preserve the status quo and ensure that this Court retains
15 meaningful jurisdiction over this action

16 Respectfully submitted,

17 Date: April 6, 2026

/s/ Sherif Bishara

Sherif Bishara
BISHARA LAW

19 Sherif Bishara (NY STATE BAR# 4979100)
20 836 Broadway, A
21 Bayonne, NJ 07002
22 Telephone: 646-203-3992
23 sbishara@bisharafirm.com

Attorney for Petitioner
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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am his attorney. As
Petitioner's attorney, I hereby verify that the statements made in the attached Motion for
Temporary Restraining Order are true and correct to the best of my knowledge.

Signed on April 6, 2026 at Newark, New Jersey.

Date: April 6, 2026

/s/ Sherif Bishara
Sherif Bishara

BISHARA LAW

Sherif Bishara (NY STATE BAR# 4979100)
836 Broadway, A
Bayonne, NJ 07002
Telephone: 646-203-3992
sbishara@bisharafirm.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to Rule 65(b)(1)(B) of the Federal Rules of Civil Procedure and L.R. 65-1, I hereby certify that on April 6, 2026 this was filed in the Eastern District of New York which effectuates service on the U.S. Attorney's Office.

Date: April 6, 2026

/s/ Sherif Bishara

Sherif Bishara

Attorney for Petitioner

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

George Emad Wadie Habib,
Petitioner,

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RAUL MALDONADO JR, *in his official
capacity as Warden*, Metropolitan Detention
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JUDITH ALMODOVAR, *in her official
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Markwayne Mullin, *in his official capacity as
Secretary of the U.S. Department of Homeland
Security*; and

Todd Blanche, *in his official capacity as
Acting Attorney General of the United States.*

Respondents.

Case No.:

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER**

[PROPOSED] ORDER GRANTING TEMPORARY RESTRAINING ORDER

Upon consideration of Petitioner George Emad Wadie Habib's Emergency Motion for
Temporary Restraining Order, the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §
2241, the supporting memorandum of law, the record in this matter, and for good cause shown,
the Court finds that Petitioner has satisfied the requirements for issuance of temporary injunctive
relief under Federal Rule of Civil Procedure 65 and governing Second Circuit precedent.

Specifically, the Court finds that Petitioner has demonstrated:

- 1 1. A likelihood of success on the merits of his claims challenging the legality of his
2 continued detention, including the deprivation of constitutionally adequate procedural
3 protections;
- 4 2. That he will suffer immediate and irreparable harm absent injunctive relief, including the
5 risk of transfer outside this District that would impair his access to counsel and this Court
6 and frustrate meaningful judicial review;
- 7 3. That the balance of equities weighs in Petitioner's favor, as the requested relief preserves
8 the status quo while imposing minimal burden on Respondents; and
9
- 10 4. That the public interest favors preserving judicial review and ensuring that executive
11 detention complies with statutory and constitutional requirements.

12 Accordingly, it is hereby ORDERED:

- 13 1. Respondents, and all persons acting in concert with them, including officers, agents,
14 employees, and representatives of the Department of Homeland Security and U.S.
15 Immigration and Customs Enforcement, are TEMPORARILY RESTRAINED AND
16 ENJOINED from transferring Petitioner George Emad Wadie Habib outside the
17 territorial jurisdiction of the United States District Court for the Eastern District of New
18 York without prior authorization from this Court;
- 19 2. This Temporary Restraining Order shall take effect immediately upon entry;
- 20 3. This Temporary Restraining Order shall remain in effect for fourteen (14) days pursuant
21 to Federal Rule of Civil Procedure 65(b), unless extended by further order of the Court;
- 22 4. Respondents shall show cause on or before _____ why a preliminary injunction
23 should not issue;
- 24 5. The Court finds that no security is required pursuant to Federal Rule of Civil Procedure
25 65(c).

26 IT IS SO ORDERED.
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