UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ALISHER DURDYYEV,
A-Number [redacted]

Petitioner,

v.

WARDEN, Elizabeth Contract Detention Facility; JOHN TSOUKARIS, Field Office Director, ICE ERO Newark Field Office; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of Homeland Security; and TODD BLANCHE, Acting Attorney General of the United States, each in his or her official capacity,

Respondents.

Civil Action No.:

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

Petitioner Alisher Durdyyev, by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 65(b) and Local Civil Rule 65.1, respectfully moves this Court for an emergency Temporary Restraining Order and Order to Show Cause why a Preliminary Injunction should not issue. In support of this Motion, Petitioner states as follows:

1. Petitioner is a native and citizen of Turkmenistan, lawfully admitted to the United States on August 1, 2016 in F-1 student status. He has resided in the United States for nearly nine years.

2. Petitioner has an affirmative Application for Asylum (Form I-589) pending before the USCIS Newark Asylum Office under Receipt No. [redacted] filed July 25, 2017.

3. On April 14, 2026 — the date and time set by USCIS for Petitioner's rescheduled I-589 interview — ICE arrested Petitioner at the Newark Asylum Office. No Notice to Appear has been served. No Form I-286 has been issued. No removal proceeding has been commenced.

4. Petitioner has been detained at the Elizabeth Contract Detention Facility since April 14, 2026 — one-hundred-twenty (120) hours as of the filing of this Motion.

5. Today, April 19, 2026, ICE notified Petitioner's counsel of record that Petitioner will imminently be transferred to an unspecified facility in the State of Arizona. The transfer, if executed, will place Petitioner approximately 2,400 miles from his counsel of record and from the Newark Asylum Office, and will destroy this Court's jurisdiction under Rumsfeld v. Padilla, 542 U.S. 426 (2004).

6. Petitioner seeks, on an emergency and ex parte basis pending a hearing, a Temporary Restraining Order:

(a) PROHIBITING Respondents from transferring Petitioner outside the District of New Jersey pending resolution of the accompanying Petition for Writ of Habeas Corpus; and

(b) REQUIRING Respondents to provide seventy-two (72) hours' advance written notice to counsel of record and to the Court of any proposed transfer or material change in conditions of confinement; and

(c) ORDERING Respondents to produce Petitioner for any scheduled USCIS asylum proceeding and to make him available for consultation with counsel during the pendency of these proceedings.

7. Petitioner satisfies each of the four Winter factors. Winter v. NRDC, 555 U.S. 7, 20 (2008). The likelihood of success is substantial: detention beyond forty-eight hours without a charging document violates 8 C.F.R. § 287.3(d) and exceeds any statutory detention authority. Irreparable harm is manifest: loss of liberty is per se irreparable, and the imminent transfer to Arizona will eviscerate Petitioner's right to counsel and defeat jurisdiction. The balance of equities tips sharply in Petitioner's favor: the Elizabeth facility has capacity, Petitioner is not a flight risk, and the Government's sole interest is in preserving its own unilateral discretion to relocate the detainee at will. The public interest is served by the orderly administration of justice, the integrity of federal habeas jurisdiction, and the preservation of the statutory right to counsel under 8 U.S.C. § 1362.

8. No security bond should be required under Rule 65(c). Petitioner is indigent, currently detained, and seeks only to preserve the status quo ante through a no-transfer order. Rule 65(c) permits the Court to dispense with or set a nominal security in the interests of justice.

9. A Memorandum of Law in Support of this Motion is filed concurrently.

10. A Proposed Order is filed concurrently.

11. This Motion is filed in accordance with District of New Jersey Amended Standing Order 2026-02 (April 2, 2026), which provides that immigration-related § 2241 petitions seeking

emergent relief must be electronically filed through CM/ECF and simultaneously emailed to emergentimmhabeas@njd.uscourts.gov and usanj-habeascases@usdoj.gov. Counsel has complied with that Standing Order.

WHEREFORE, Petitioner respectfully requests that this Court grant the Emergency Motion for Temporary Restraining Order in the form of the accompanying Proposed Order.

Respectfully submitted,

/s/ Jonathan J. Sobel
JONATHAN J. SOBEL, ESQUIRE
PA Bar No. 76428
Law Offices of Jonathan J. Sobel
1500 Walnut Street, Suite 900
Philadelphia, PA 19102
Phone: (215) 735-7535
Email: mate89@aol.com

Lead Counsel for Petitioner

Dated: April 19, 2026