

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TEMURI KUPRASHVILI pro se, by his next friend
NONA TILLEY, ESQ.,

Petitioner,

v.

TODD BLANCHE, in his official capacity as
Attorney General; WILLIAM P. JOYCE, Warden,
MDC Brooklyn, et al.,

Respondents.

CIVIL DOCKET FOR CASE #: 1:26-cv-02581-NRM

**PETITIONER'S OPPOSITION TO RESPONDENTS' LETTER OPPOSING A STAY OF
REMOVAL**

REC'D IN PRO SE OFFICE
MAY 19 '26 AM 9:58



Petitioner Temuri Kuprashvili, by and through his next friend Nona Tilley, Esq., respectfully opposes Respondents' letter dated May 7, 2026, opposing a stay of removal pending resolution of this habeas corpus petition. For the reasons set forth below, a stay is warranted and should be granted.

I. LEGAL STANDARD

A stay of removal pending habeas review is appropriate where the petitioner demonstrates: (1) a likelihood of success on the merits; (2) irreparable harm in the absence of a stay; (3) that the balance of equities favors a stay; and (4) that a stay is in the public interest. *Nken v. Holder*, 556 U.S. 418, 426 (2009). In the immigration context, courts have recognized that the first two factors are the most critical. Where removal is imminent and the legal questions presented are serious, courts have not hesitated to preserve the status quo pending full judicial review.

II. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

Petitioner's case presents compelling and concrete grounds for relief that go well beyond mere legal argument — they are grounded in agency adjudications that have already been decided in his favor.

Critically, Petitioner has a pending Form I-485 (Application to Register Permanent Residence) which is currently on appeal before the Administrative Appeals Office on a Form I-290B. Moreover, Petitioner's underlying Form I-360 petition has been approved. The approval of the I-360 establishes that Petitioner has already been found to meet the substantive eligibility requirements for the immigration benefit he seeks. The pending I-485 and the ongoing I-290B appeal represent active, cognizable pathways to lawful permanent residence that would be permanently and irreparably foreclosed by removal. It would be fundamentally unjust — and

contrary to the orderly administration of immigration law — to remove an individual whose underlying petition has been approved and whose application for permanent residence remains actively pending before the agency. Removal at this juncture would not merely inconvenience Petitioner; it would extinguish a legally vested process that the government itself has already partially adjudicated in his favor.

Additionally, a substantially identical habeas petition filed in the Southern District of New York was dismissed on procedural grounds — not on the merits — and that dismissal is currently on appeal. *See Kuprashvili v. Flanagan et al.*, No. 25-CV-05268 (S.D.N.Y.). The pendency of that appeal, and the unresolved legal questions it presents, further confirm that Petitioner's claims are substantial and far from frivolous. This Court should not permit removal to moot those claims before they are fully adjudicated.

III. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT A STAY

Removal to Georgia would cause Petitioner irreparable harm of the highest order. Once removed, Petitioner cannot participate meaningfully in these proceedings, cannot readily obtain relief from abroad, and faces the permanent destruction of his pending I-485 application and I-290B appeal — proceedings in which he has an approved underlying I-360 petition. Years of legal process, and a benefit already partially granted by the government, would be rendered a nullity.

Removal is the ultimate irreversible act in immigration proceedings. It cannot be undone by a court order after the fact. *Nken*, 556 U.S. at 435. The irreparable destruction of Petitioner's active and meritorious path to lawful permanent residence, standing alone, compels the grant of a stay.

IV. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR A STAY

Respondents suffer no cognizable harm from a brief stay while this Court considers the petition. The government's interest in the orderly administration of removal is not undermined by a temporary pause to allow judicial review of serious legal claims — particularly where, as here, the government has itself approved the underlying I-360 petition and the I-485 remains pending agency review.

By contrast, Petitioner faces the permanent and irreversible loss of his ability to obtain relief if removed before this Court can act. The public interest strongly favors ensuring that federal courts have a meaningful opportunity to review habeas claims before they are rendered moot by executive action, and that individuals with approved immigration petitions are not removed while their applications for permanent residence remain pending before the agency.

V. PETITIONER'S STRONG TIES TO THE UNITED STATES AND GOOD MORAL CHARACTER FURTHER COMPEL A STAY AND RELEASE

Petitioner Temuri Kuprashvili is a young man who has built his entire life in the United States. He is not a flight risk, he is not a danger to the community, and he is not a stranger to this country — he is a member of it in every meaningful sense. His entire immediate family resides in the United States, and his removal would permanently sever those family ties, causing devastating and irreversible harm not only to Petitioner himself but to the family members who depend on him and share their lives with him here.

Throughout his years in the United States, Petitioner has demonstrated good moral character. He has no criminal record. He has engaged constructively and in good faith with the immigration system, filing proper applications, pursuing proper legal channels, and cooperating with

proceedings at every stage. His record reflects exactly the kind of individual that the immigration laws are designed to protect and ultimately welcome — a person who has followed the rules, maintained integrity, and now stands on the threshold of lawful permanent residence by virtue of an already-approved I-360 petition.

To detain and remove this Petitioner now — when his underlying petition has been approved, when his family is here, when his I-485 is pending appeal, and when the courts have not yet had a full opportunity to review his claims — would be not only legally improper but profoundly inequitable. Petitioner respectfully submits that he should be released from detention and permitted to remain in the United States to pursue his lawful immigration path. The government has already recognized his eligibility. The Court should not allow removal to undo what the agency has already begun.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a stay of removal pending final resolution of this habeas corpus petition and the related appeal in the Southern District of New York, *Kuprashvili v. Flanagan et al.*, No. 25-CV-05268.

Respectfully submitted,



Temuri Kuprashvili

Petitioner, Pro Se

 | Case No. 1:26-cv-02581-NRM
MDC Brooklyn, 80 29th Street, Brooklyn, NY 11232
C/O Nona Tilley Esq., 7201 13th Ave, Brooklyn, NY 11228
Phone: 646-740-8866

C/O Nino Veliashvili, [REDACTED]

Tel: [REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2026, I served a copy of the foregoing by U.S. mail upon: Acting Field Office Director, ICE New York Field Office, 26 Federal Plaza, New York, NY 10278.



Temuri Kuprashvili

Petitioner, Pro Se



| Case No. 1:26-cv-02581-NRM

MDC Brooklyn, 80 29th Street, Brooklyn, NY 11232

C/O Nona Tilley Esq., 7201 13th Ave, Brooklyn, NY 11228

Phone: 646-740-8866

C/O Nino Veliashvili, 

Tel: 