

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

Chansarath Duong,



Petitioner,

Docket No: 1:26-cv-03189

v.

Raul Maldonado, Jr., in his official capacity as Warden,
Metropolitan Detention Center, Brooklyn;

William P. Joyce, in his official capacity as
Acting Field Office Director, New York Field
Office, U.S. Immigration and Customs
Enforcement;

Todd M. Lyons, in his official capacity as Acting Director,
U.S. Immigration and Customs Enforcement;

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

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

Respondents.

**PETITIONER'S NOTICE OF MOTION FOR EMERGENCY HABEAS CORPUS
RELIEF, A TEMPORARY RESTRAINING ORDER, AND A STAY OF TRANSFER**

PLEASE TAKE NOTICE that, upon the annexed Verified Emergency Petition for a Writ of Habeas Corpus, the accompanying Memorandum of Law in Support of the Petition and Emergency Motion for a Temporary Restraining Order and Stay of Transfer, the Affirmation of Joshua E. Bardavid, Esq., dated May 28, 2026 2026, and the exhibits annexed thereto, and upon

all prior pleadings and proceedings, Petitioner Chansarath Duong will move this Court, before the Honorable _____, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, at a date and time to be set by the Court, pursuant to 28 U.S.C. §§ 2241 and 2243, Federal Rule of Civil Procedure 65, and the All Writs Act, 28 U.S.C. § 1651(a), for an Order:

1. Granting a writ of habeas corpus and directing Petitioner's immediate release from custody on an appropriate order of supervision;
2. Pursuant to Federal Rule of Civil Procedure 65 and the All Writs Act, 28 U.S.C. § 1651(a), issuing a temporary restraining order and preliminary injunction prohibiting Respondents from transferring Petitioner outside the Eastern District of New York, or removing him from the United States, pending the Court's decision, and retaining jurisdiction until Respondents fully comply;
3. Declaring Petitioner's continued detention and re-detention unlawful under 8 U.S.C. § 1231(a)(6), the Fifth Amendment, the Administrative Procedure Act, the *Accardi* doctrine, and 8 C.F.R. §§ 241.4 and 241.13;
4. Staying any removal to a third country and requiring thirty days' advance written notice of any designated third country and a meaningful opportunity to seek withholding of removal and protection under the Convention Against Torture; and
5. Granting costs and fees under 28 U.S.C. § 2412 and such other relief as is just.

Because Petitioner is detained and faces imminent transfer out of this District, Petitioner respectfully requests that the Court hear this motion on an expedited basis.

Dated: New York, New York
May 28, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Bardavid', with a stylized flourish at the end.

Joshua E. Bardavid, Esq.
Bardavid Law, P.C.
Counsel for Petitioner
277 Broadway, Suite 1501
New York, New York 10007
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CERTIFICATE OF SERVICE

I hereby certify that, on May 28, 2026 2026, a true and correct copy of the foregoing Notice of Motion was filed via the Court's ECF system, email and served upon Respondents through USPS first class mail, postage prepaid to the United States Attorney's Office for the Eastern District of New York, 271-A Cadman Plaza East, Brooklyn, New York 11201, and upon the Office of the Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

Dated: New York, New York
May 28, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Bardavid', is written above the printed name.

Joshua E. Bardavid, Esq.
Bardavid Law, P.C.
Counsel for Petitioner
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