UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

R.G.M., by his next friend Claudia Marin Chavez,

Petitioner,

v.

ROBERT F. KENNEDY, JR. in his official capacity as Secretary of Health and Human Services; ANGIE SALAZAR, in her official capacity as Acting Director of the Office for Refugee Resettlement; DAWN SAFFAYEH in her official capacity as President and Chief Executive Officer of HeartShare St. Vincent's Services (HSVS); Markwayne MULLIN, in his official capacity as Secretary of the Department of Homeland Security.

Respondents.

Case No. 1:26-cv-3322 (EK)

NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65, Petitioner hereby moves this Court to issue a Temporary Restraining Order enjoining Respondents from continuing to detain him pending further proceedings before this Court. Petitioner seeks his immediate release. In support of this motion, Petitioner respectfully submits a Memorandum of Law and Exhibits.

As detailed in the accompanying Memorandum of Law and supporting materials, as well as his First Amended Petition for Writ of Habeas Corpus filed earlier today, Petitioner is a nine-year-old boy who acquired U.S. citizenship a birth by operation of law. Yet Respondents have held him in unlawful immigration custody since November 2025, without taking any apparent steps to investigate his claim to U.S. citizenship and without acknowledging the probative evidence of his acquisition of U.S. citizenship.

Petitioner's counsel informed the U.S. Attorney's Office on Friday, June 5, of his intention to move for a temporary restraining order. The parties conferred today, June 8, 2026. Respondents' have requested until noon on Thursday, June 11, 2026 to respond to the instant motion. Petitioner's request that the Court set an expeditious schedule in light of the urgent nature of the instant motion and order a response from Respondents as soon as possible but no later than Respondents' proposed deadline of noon on Thursday, June 11, 2026. Petitioner requests 24 hours to reply after whatever deadline is set for Respondents.

ECF-stamped copies of this filing, including the notice of motion, memorandum of law, declaration and exhibits and proposed order will be provided to Respondents' counsel via email immediately after filing.

Dated: June 8, 2026

Respectfully submitted,

/s/ Paige Austin
Paige Austin, Esq.
Rachel Levenson, Esq.
Make the Road New York
301 Grove St.
Brooklyn, NY 11237
(718) 565-8500 ext. 4139
Paige.austin@maketheroadny.org
Rachel.levenson@maketheroadny.org

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on June 8, 2026, I electronically filed the attached the foregoing Notice of Motion and accompanying Proposed Order and Memorandum of Law with the Clerk of the Court for the United States District Court for the Eastern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

/s/ Paige Austin
Paige Austin
Make the Road New York
301 Grove St.
Brooklyn, NY
Tel.: (718) 565-8500 ext. 4139
Fax: (866) 420-9169
Email: paige.austin@maketheroadny.org

Attorney for Petitioner