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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

AJET ARUCI,

Petitioner,

v.

WANDA WILSON, *et al*

Respondents.

Case No. 1:26-cv-05132-JLT-EGC

**EMERGENCY EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
TO STAY REMOVAL; MEMORANDUM IN SUPPORT**

IMMEDIATE RELIEF REQUESTED - PETITIONER IN TRANSIT FOR REMOVAL

EMERGENCY NATURE OF MOTION

This motion is filed on an emergency ex parte basis under Federal Rule of Civil Procedure 65(b) because Petitioner Ajet Aruci is, at this moment, being physically transported by U.S. Immigration and Customs Enforcement toward removal from the United States to Albania. As of the time of

1 this filing, on July 13, 2026, Petitioner has been taken from the Golden State Annex to the Fresno
2 airport, and Respondents intend to move him from Fresno to San Francisco International Airport,
3 then to John F. Kennedy International Airport in New York, and then to Albania. Once Petitioner
4 is removed from the United States, this Court's jurisdiction over his person, and its ability to grant
5 meaningful relief on his pending habeas petition, will be extinguished. Petitioner asks the Court to
6 enter an immediate order staying his removal and directing that he not be transported outside the
7 jurisdiction of this Court pending resolution of his habeas petition. Given the imminence of
8 removal, Petitioner requests a ruling today.

9 **RELEVANT BACKGROUND**

10 On July 3, 2026, Petitioner, through counsel, filed a petition for writ of habeas corpus challenging
11 his detention and threatened removal. On July 8, 2026, the Court ordered Respondents to show
12 cause, within twenty-one days, why the petition should not be granted. That order to show cause
13 remains pending; Respondents' response is not yet due, and the Court has neither granted nor
14 denied the petition. Notwithstanding that a federal court has taken jurisdiction of Petitioner's case
15 and ordered briefing on the merits, Respondents have now initiated Petitioner's physical removal
16 while the matter is *sub judice*.

17 Petitioner is the husband of a United States citizen. An I-130 was filed and is still pending before
18 USCIS, and Petitioner was taken into custody while about to board an airplane *on his way* to his
19 USCIS interview which was supposed to happen on June 30, 2026. Petitioner has retained counsel
20 and is actively litigating his right to remain. His removal now - before the Court has ruled, before
21 Respondents have even answered - would moot his petition by government action and deprive him
22 of the merits determination this Court has already set in motion.

23 **ARGUMENT**

24 A court may issue a temporary restraining order to preserve the status quo and prevent
25 irreparable harm pending resolution of a case. Fed. R. Civ. P. 65(b). The standard mirrors that for
26 a preliminary injunction: likelihood of success on the merits, irreparable harm, the balance of
27 equities, and the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). In this
28 Circuit, a movant who raises serious questions going to the merits and shows that the balance of
29 hardships tips sharply in his favor is entitled to relief. *All. for the Wild Rockies v. Cottrell*, 632
30 F.3d 1127, 1134-35 (9th Cir. 2011). Every factor is satisfied, and the first is not seriously

1 contestable given the posture: the Court has already found the petition sufficient to require
2 Respondents to show cause.

3 **A. Irreparable harm is immediate and, in the most literal sense, jurisdictional.** Petitioner is
4 in transit. If Respondents place him on an aircraft, he will be removed to Albania and this Court
5 will lose the ability to afford him any remedy. Courts recognize that removal in the face of a
6 pending habeas petition constitutes irreparable harm precisely because it defeats the court's
7 jurisdiction and moots the petitioner's claims. The harm here is not speculative or future; it is
8 unfolding in real time. No harm is more irreparable than the extinguishment of the Court's own
9 capacity to grant relief.

10 **B. The equities and the public interest tip decisively.** Where the government is the opposing
11 party, the balance of equities and the public interest merge. *Nken v. Holder*, 556 U.S. 418, 435
12 (2009). A brief stay costs Respondents nothing but a short delay in a removal they have chosen to
13 execute while the matter is pending before this Court. Against that, Petitioner loses everything: his
14 presence in the United States, his marriage to a United States citizen, and the merits adjudication
15 this Court ordered on July 8. The public interest lies in permitting courts to decide the cases
16 properly before them, and in ensuring that the Executive does not moot federal habeas jurisdiction
17 by removing a petitioner while his petition is sub judice. There is a strong public interest against
18 allowing the government to defeat judicial review through the speed of its own enforcement.

19 **C. Serious questions going to the merits.** The Court's July 8 order to show cause reflects that the
20 petition raises questions warranting a response. Petitioner incorporates the grounds stated in his
21 habeas petition. For purposes of this emergency motion, the controlling point is that the merits are
22 already before the Court on a briefing schedule of the Court's own making; Respondents should
23 not be permitted to render that schedule meaningless by removing Petitioner before it runs.

24 **D. No bond should be required.** Under Rule 65(c), the Court may dispense with security. No
25 monetary bond is appropriate where the relief sought is simply the preservation of the Court's
26 jurisdiction over a habeas petitioner, and where the harm to be prevented is the loss of the right to
27 be heard.

28 **RELIEF REQUESTED**

29 Petitioner respectfully requests that the Court immediately:

- 1 1. Enter a temporary restraining order prohibiting Respondents, and all persons acting in
2 concert with them, from removing Petitioner Ajet Aruci from the United States pending
3 further order of this Court;
- 4 2. Order that Respondents not transport Petitioner outside the territorial jurisdiction of the
5 United States District Court for the Eastern District of California, and that they return him
6 to a detention facility within this District, pending resolution of the habeas petition;
- 7 3. Order Respondents to provide counsel immediate notice of Petitioner's location and
8 custodial status;
- 9 4. Waive any bond requirement under Rule 65(c); and
- 10 5. Set an expedited hearing on Petitioner's request for a preliminary injunction.

11 Because Petitioner is in active transit for removal, undersigned counsel requests that the Court
12 consider this motion immediately and, given the extraordinary urgency, before Respondents'
13 removal of Petitioner can be completed. Counsel has emailed Respondents' counsel of this filing
14 as set forth in the accompanying certification under Rule 65(b)(1).

15 July 13, 2026

Respectfully submitted,

16 /s/Hassan Ahmad

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CERTIFICATION OF COUNSEL UNDER FED. R. CIV. P. 65(b)(1)

Pursuant to Federal Rule of Civil Procedure 65(b)(1)(B), undersigned counsel certifies the following regarding efforts to give notice and the reasons why notice should not be required:

1. Petitioner is presently in physical transit for removal. Counsel learned of the removal on July 13, 2026, when Petitioner telephoned his wife from a personal phone during transport to state that he had been taken from the Golden State Annex to the Fresno airport and would be flown via San Francisco and New York to Albania.
2. Email was sent by *pro hac vice* applicant Hassan Ahmad, Esq. at 7:17 AM PST detailing that he had been notified of the imminent removal approximately an hour before. As Mr. Ahmad is on the East Coast, it was within business hours so he was first to respond, and the notification mail asked Respondents' counsel for their position on a pending TRO. A draft of this Motion was subsequently sent to Respondents' counsel approximately 30 minutes afterward. No response has been received yet, but it is still before 8 AM on the West Coast as of this writing.
3. Given that removal may be completed within hours, requiring full notice and an opportunity to respond before any relief issues would permit the very harm the motion seeks to prevent - Petitioner's removal and the resulting loss of this Court's jurisdiction - before the Court could act. A brief restraining order preserving the status quo is warranted to permit orderly adversarial proceedings.

/s/ Ramsey Judah
Ramsey Judah, Esq.
Dated: July 13, 2026

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[PROPOSED] TEMPORARY RESTRAINING ORDER

Upon consideration of Petitioner's Emergency Ex Parte Motion for a Temporary Restraining Order, and good cause appearing, IT IS HEREBY ORDERED:

1. Respondents, and all persons acting in concert or participation with them, are ENJOINED and RESTRAINED from removing Petitioner Ajeta Aruci from the United States pending further order of this Court.
2. Respondents shall not transport Petitioner outside the territorial jurisdiction of this Court and shall return Petitioner to a detention facility within the Eastern District of California pending resolution of the habeas petition.
3. Respondents shall, within [] hours, file notice of Petitioner's current location and custodial status and confirm compliance with this Order.
4. No security is required under Federal Rule of Civil Procedure 65(c).
5. This Order shall take effect immediately upon entry and shall remain in effect for fourteen (14) days unless extended by the Court. A hearing on Petitioner's request for a preliminary injunction is set for _____, 2026, at _____.m.

IT IS SO ORDERED. Dated: _____, 2026 _____.m.

UNITED STATES DISTRICT JUDGE