UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Vincenzo PULLARA,

Petitioner-Plaintiff,

v.

Bill JOYCE, in his official capacity as New York Field Office Director for U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; Caleb VITELLO, in his official capacity as the Acting Director for U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; Kristi Noem, in her official capacity as Secretary of the U.S. DEPARTMENT OF HOMELAND SECURITY; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents-Defendants.

Case No. 25-cv-870 (Gujarati, J.)

NOTICE OF MOTION FOR SECOND TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND RELATED RELIEF

PLEASE TAKE NOTICE that upon the Petitioner-Plaintiff's Memorandum of Law in Support of Motion for Second Temporary Restraining Order, Preliminary Injunction, and Related Relief, upon the Declaration from Elizabeth Wu in support of his motion dated March 19, 2025 and the exhibits affixed thereto, and upon all prior proceedings and submissions, the Plaintiff-Petitioner hereby moves this Court for:

1. A temporary restraining order restraining Respondent-Defendants from detaining Petitioner or revoking his order of supervision ("OSUP) for such time as is

necessary for the Court to consider and rule on the request for a preliminary injunction.

2. A preliminary injunction enjoining Respondent-Defendants from detaining Petitioner or revoking his order of supervision for such time as is necessary for the Court to consider and resolve the merits of the First Amended Petition-Complaint.
3. In the alternative, an order granting Petitioner protection from detention, during the pendency of these proceedings, under its inherent authority to admit to bail individuals properly within their jurisdiction under *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001).
4. Limited expedited discover on three items necessary to the assess the legality of ICE's decision to revoke Petitioner's order of supervision:
    a. An order that Respondents produce the administrative records upon which ICE decided to (i) release Petitioner and place under an OSUP in 2023, (ii) reverse its 2023 decision to release Petitioner and place him on an OSUP and instead to redetain him if he did not depart by February 18, 2025 (as communicated to Petitioner's family by Deportation Officer Love on February 5, 2025); and (iii) the administrative record upon which ICE makes its upcoming decision on Petitioner's administrative stay and related requests submitted to ICE on March 19, 2025.
    b. An order that Respondents produce any new policies, procedures, directives, instructions, or communications that have been issued to ICE ERO, or any component or employee thereof, since January 20, 2025, which bear upon any of the decisions identified in Paragraph 4(a).

c. An order that Respondents answer a single interrogatory: How many individuals with final orders of removal and detained by ICE, have been released and placed on an OSUP by ICE, notwithstanding the availability of travel documents and a willing receiving country, since January 20, 2025?

Respectfully Submitted,

Dated: March 19, 2025
New York, N.Y.

/s/ Peter Markowitz

PETER MARKOWITZ, PM9052
LINDSAY NASH, LN1717
ELIZABETH WU, EW0416
Kathryn O. Greenberg Immigration Justice Clinic Cardozo School of Law
55 Fifth Avenue, 11th Floor
New York, NY 10003
Tel: (646) 592-6537
peter.markowitz@yu.edu