

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

A

V.

Respondents.

Docket No: 2:25-cv-05652
(Neals, D.J.)

EMERGENCY MOTION FOR ORDER TO SHOW CAUSE

Petitioner Sen Miao Lin (“Petitioner” or “Mr. Lin”), by and through his undersigned counsel, respectfully moves this Honorable Court for the issuance of an Order to Show Cause directing Respondents to demonstrate why the relief sought in the accompanying Verified Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief should not be granted.

FACTUAL BACKGROUND

In support thereof, Petitioner states the following:

Petitioner Mr. Lin, a 67-year-old native and citizen of China, has resided in the United States since 1993. Mr. Lin's removal proceedings were reopened, appealed, and ultimately remanded by the U.S. Court of Appeals for the Second

Circuit in *Lin v. Holder*, No. 12-3426, on January 23, 2013, pursuant to *United States v. Jacobson*, 15 F.3d 19 (2d Cir. 1994).

On May 6, 2025, the Second Circuit reinstated Mr. Lin's petition for review, and it is currently pending. Accordingly, Mr. Lin cannot lawfully be removed from the United States while his petition is under review.

Despite this, Mr. Lin was taken into ICE custody on May 6, 2025, while under a longstanding order of supervision. At the time of filing, the Petitioner was being detained at Delaney Hall Detention Center, and is currently detained at Torrance County Detention Facility in Estancia, New Mexico.

Mr. Lin suffers from multiple chronic and serious medical conditions, including Type II diabetes, hypertension, BPH, and GERD, for which he was receiving regular treatment prior to his detention. Since his detention, he has not received necessary medications or treatment, and on May 19, 2025, Mr. Lin collapsed and lost consciousness in custody and required emergency hospitalization.

Mr. Lin's ongoing detention violates his constitutional right to due process, exposes him to irreparable medical harm, and contravenes binding Second Circuit precedent.

REQUEST FOR RELIEF

In light of the above, Mr. Lin respectfully requests that this Court:

1. Issue an Order to Show Cause requiring Respondents to demonstrate why Mr. Lin's Petition for Writ of Habeas Corpus should not be granted;
2. Schedule an expedited hearing on the merits of the habeas petition;
3. Order Respondents to immediately provide Mr. Lin with access to essential medical care and prescribed medications while this matter is pending;
4. Enjoin Respondents from removing Mr. Lin from the United States during the pendency of the Second Circuit's review;
5. Grant such other and further relief as the Court deems just and proper.

CONCLUSION

For the reasons set forth herein and in the accompanying Petition, Petitioner respectfully moves for an Order to Show Cause directing Respondents to appear and justify Mr. Lin's ongoing and unlawful detention, and to provide the requested injunctive relief.

Respectfully submitted,

Dated: June 17, 2025

Respectfully submitted,

s/Alan Pollack

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