

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

Meysam Khabazha

Petitioner,

v.

No. 25-cv-5279 (JMF)

Paul ARTETA, Warden, Orange County Jail;
LaDeon FRANCIS, in his official capacity as
Acting Director of the New York Field Office
of United States Immigration and Customs
Enforcement; Pamela BONDI, in her official
capacity as Attorney General; Kristi NOEM,
in her official capacity as the Secretary of the
United States Department of Homeland
Security,

Respondents.

**NOTICE OF MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65, Petitioner Meysam Khabazha hereby moves this Court to issue a Temporary Restraining Order and Preliminary Injunction enjoining Respondents from *again* redetaining him, following his release on a minimal bond only days ago, pending further proceedings before this Court. In support of this motion, Petitioner respectfully submits a Memorandum of Law and Exhibit and he further refers the Court to the Declarations and Exhibits filed in support of the First Amended Petition and referenced in support of the instant motion.

As detailed in the accompanying Memorandum of Law and supporting materials, as well as Respondents' letter to the Court on July 9 (ECF No. 10), Mr. Khabazha was released from custody a week ago upon payment of a \$1,500 bond. Although the Immigration Judge did not

order any conditions beyond payment of bond, Respondents imposed significant restrictions on Mr. Khabazha's liberty including a GPS and an intensive schedule of monitoring. *Id.*; Exh. B to Austin Decl., Motion to Ameliorate Conditions. Then, on July 16, the same Immigration Judge who had just ordered Petitioner's release sua sponte revoked his bond ostensibly due to his determination—based on case law that long pre-dates the bond hearing—that Mr. Khabazha is in fact not eligible for bond. *See* Exh. A to Austin Decl., Bond Revocation Order. Mr. Khabazha now faces the prospect of imminent redetention by Respondents.

Petitioner's counsel shared the bond revocation order with the U.S. Attorney's Office via email immediately upon receipt and requested an assurance that Mr. Khabazha will not be re-detained. Counsel was unable to provide such an assurance on July 16 although he indicated he may obtain further information on July 17. Petitioner's counsel advised counsel for Respondents that Petitioner would seek a Temporary Restraining Order today, July 17, 2025.

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.

Finally, counsel for Petitioner notes she is currently out of state and respectfully requests to appear for any hearing on this motion by phone.

Dated: July 17, 2025

Respectfully submitted,

/s/ Paige Austin
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on July 17, 2025, 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 Southern District of New York using the CM/ECF system. Service will therefore be effected by the CM/ECF system.

/s/ Paige Austin

Paige Austin

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