UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Edwin Josue PADILLA MOLINA,
Petitioner,

v.

Francis DELEON, *et al.*,

Respondents.

Case No. 2:25-cv-06526

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 initial Petition for Writ of Habeas Corpus filed last week and Respondents' response papers, Petitioner has resided in the U.S. since the age of 14. Removal proceedings against him have been administratively closed since 2016. Yet on November 23, 2025, he was stopped while driving in Central Islip with his pregnant fiance and her mother and swiftly detained by immigration authorities, with no explanation nor individualized justification. Since then, he has been held in nightmareish conditions of confinement, almost completely incommunicado and without access to basic sanitation including a toothbrush, soap, or shower. He is currently confined in a holding facility in extreme cold without a bed or blanket.

As a result, earlier this evening, Petitioner's counsel informed counsel for Respondents that Petitioner intended to file a motion for a temporary restraining order seeking his immediate release. 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.

To the extent the instant motion is covered by the Court's "bundling rule," counsel has concluded in good faith that a delay so as to negotiate and agree to a proposed briefing schedule with Respondents will deprive Petitioner of a substantive right given the urgent nature of the claims set forth herein and therefore files the instant motion on ECF.

Dated: December 1, 2025

Respectfully submitted,

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

Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on December 1, 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 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