UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

AI MING HUANG, Petitioner(s) v. PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security Respondents(s).	Case No. 1:26-cv-406

MOTION FOR TEMPORARY RESTRAINING ORDER PURSUANT TO FRCP 65(b)

Petitioner by and through counsel, moves this court for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b) enjoining Respondents from removing Petitioner from the United States pending resolution of the immediate Petition, and for reasons therefore, states as follows:

1. Petitioner filed the immediate Writ of Habeas Corpus on January 22, 2026, alleging a violation of Petitioner's 5th Amendment right to Due Process.
2. Petitioner's counsel has not yet been able to effect service of the Summons and Complaint in this matter.
3. A Temporary Restraining Order is appropriate in that:
    a. Petitioner is likely to succeed on the merits of her claim.
    b. Unless Respondents' conduct is enjoined and Plaintiff granted her requested relief, Plaintiff will be immediately and irreparably injured by removal from the United States.

c. The public interest will be served by enjoining Respondents to follow the dictates of the 5th Amendment Due Process clause.

4. Because Petitioner's removal could happen at any time, there is not sufficient time to effect service of this motion on Respondents or schedule a hearing.
5. The bond requirements of the FRCP 65(c) should be waived because there is no proof of likelihood of harm to Respondents and an injunctive order aids and preserves the court's jurisdiction over the subject matter. *See Doctor's Assocs., Inc. v. Stuart*, 85 F.3d 975 (2d Cir. 1996) *quoting Ferguson v. Tabah,* 288 F.2d 665, 675 (2d Cir. 1961).
6. The factual and legal bases of this request are further set forth in attached Memorandum of Law in Support of a Temporary Restraining Order.
7. Petitioner's request for relief pursuant to this motion is detailed in the attached Proposed Order.

WHEREFORE, Petitioner respectfully requests that this Court issue a Temporary Restraining Order enjoining the Respondents from removing Petitioner from the United States pending resolution of the immediate Petition, and for such other relief as this Court deems just and equitable.

Date: January 22, 2026

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia

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