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

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| MILTON MUNOZ CARAGUAY,<br><br>Petitioner(s),<br><br>v.<br><br>ANTHONY LAROCCO, Warden, Nassau County Correctional Center, TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; PAMELA BONDI, U.S. Attorney General; and KRISTI NOEM, U.S. Secretary of Homeland Security,<br><br>Respondents(s). | ) | Case No. 2:26-cv-569 |

**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 and transferring Petitioner from the territorial jurisdiction of the Eastern District of New York, Southern District of New York, or District of New Jersey, pending resolution of the immediate Petition, and for reasons therefore, states as follows:

1. Petitioner filed the immediate Writ of Habeas Corpus on February 2, 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 his claim.

b. Unless Respondents' conduct is enjoined and Plaintiff granted his 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 the 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 the Court grant his Motion for Temporary Restraining Order to maintain the status quo until this Court has an opportunity to assess Petitioner's underlying Petition for Writ of Habeas Corpus, together with the exhibits and attachments annexed thereto.

Date: February 2, 2026

Respectfully submitted,
EDWARD J. CUCCIA, PC

/s/ Edward J. Cuccia
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