

**UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

FILED
U.S. District Court
District of Kansas

05/18/2026

Clerk, U.S. District Court
By: SND Deputy Clerk

WILLIAM MUIRURI,
A# 
Petitioner,

v.

Case No. 5:26-cv-03125

TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
FIELD OFFICE DIRECTOR, ICE ERO KANSAS CITY;
WARDEN, CORECIVIC MIDWEST REGIONAL RECEPTION CENTER,

Respondents.

**PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION TO PREVENT REMOVAL PENDING
HABEAS REVIEW**

Petitioner William Muiruri ("Petitioner"), proceeding pro se, respectfully moves this Honorable Court for an Emergency Temporary Restraining Order and/or Preliminary Injunction preventing removal from the United States pending adjudication of Petitioner's habeas corpus proceedings, and states as follows:

I. INTRODUCTION

1. Petitioner is currently detained by Immigration and Customs Enforcement ("ICE") at the CoreCivic Midwest Regional Reception Center located at 100 Highway Terrace, Leavenworth, Kansas 66048.
2. Petitioner filed a habeas corpus action pursuant to 28 U.S.C. § 2241 challenging his prolonged detention and related constitutional violations.
3. On May 13, 2026, this Court entered an Order to Show Cause directing Respondents to respond on or before June 10, 2026, regarding why the writ should not be granted.

4. The Court additionally granted Petitioner until July 8, 2026, to file a traverse responding to the Government's submission.
5. The issuance of the Court's Order to Show Cause demonstrates that the habeas petition remains active and under judicial review.
6. Petitioner respectfully seeks emergency injunctive relief to preserve this Court's jurisdiction and prevent irreparable harm while habeas proceedings remain pending.
7. Absent immediate relief, Petitioner fears removal before meaningful adjudication of his pending habeas claims, pending T-Visa proceedings, and related constitutional issues.

II. FACTUAL BACKGROUND

8. Petitioner has remained continuously detained since approximately October 23, 2025.
9. Petitioner was arrested by ICE while lawfully attending a USCIS biometrics appointment connected to his pending T-Visa application.
10. Petitioner's T-Visa application remains pending before United States Citizenship and Immigration Services ("USCIS").
11. Petitioner continues pursuing lawful immigration and judicial remedies, including habeas corpus proceedings currently pending before this Court.
12. Petitioner has previously pursued motions to reopen, judicial review proceedings, and related stay requests concerning removal and detention.
13. On May 13, 2026, this Court entered an Order to Show Cause requiring Respondents to respond regarding why the writ should not be granted. See Exhibit A.
14. Petitioner respectfully submits that removal prior to adjudication of the pending habeas action would substantially prejudice Petitioner's constitutional rights and interfere with meaningful judicial review.

III. LEGAL STANDARD

15. Federal courts possess authority to issue temporary restraining orders and preliminary injunctions pursuant to Rule 65 of the Federal Rules of Civil Procedure.
16. Temporary injunctive relief is appropriate where the moving party demonstrates:
 - likelihood of success on the merits,
 - irreparable harm absent relief,
 - balance of equities favoring relief,
 - and that relief serves the public interest.
17. Federal courts additionally possess authority to preserve jurisdiction and prevent actions that could render pending proceedings moot.

IV. ARGUMENT

A. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT EMERGENCY RELIEF

18. Petitioner faces potential removal while this habeas action remains pending.
19. Removal prior to adjudication of the habeas proceedings may substantially interfere with Petitioner's ability to pursue judicial review and pending humanitarian immigration relief.
20. Petitioner's T-Visa application remains pending before USCIS.
21. Removal before adjudication of pending proceedings could effectively deprive Petitioner of meaningful access to judicial and humanitarian remedies.
22. Such harm cannot adequately be remedied after removal occurs.

B. THIS COURT HAS ALREADY DETERMINED THAT THE HABEAS ACTION WARRANTS FURTHER REVIEW

23. On May 13, 2026, this Court issued an Order to Show Cause requiring Respondents to respond regarding why the writ should not be granted.
24. The Court's issuance of that Order demonstrates that the habeas petition remains active and warrants judicial consideration.
25. Temporary injunctive relief is necessary to preserve the status quo while this Court reviews the pending habeas action.

C. THE BALANCE OF EQUITIES FAVORS TEMPORARY RELIEF

26. Petitioner has remained detained for many months.
27. Petitioner has diligently pursued lawful remedies and has not acted for purposes of delay.
28. Temporary injunctive relief would merely preserve the status quo pending judicial review.
29. By contrast, removal before adjudication of the habeas action could result in severe and irreparable prejudice to Petitioner.

D. THE PUBLIC INTEREST FAVORS PRESERVING MEANINGFUL JUDICIAL REVIEW

30. The public interest favors ensuring that constitutional claims and habeas proceedings receive meaningful judicial review.
31. Preserving this Court's jurisdiction and ability to fully adjudicate pending claims serves the interests of justice and due process.

V. AUTHORITIES

Petitioner respectfully relies upon:

- Fed. R. Civ. P. 65
- 28 U.S.C. § 2241
- U.S. CONST. amend. V
- Zadvydas v. Davis
- Nken v. Holder

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Grant this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction;
- B. Temporarily restrain and enjoin Respondents from removing Petitioner from the United States pending adjudication of the habeas corpus proceedings before this Court;
- C. Preserve the status quo pending full judicial review;
- D. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

William Muiruri

A# 

Pro Se Petitioner

CoreCivic Midwest Regional Reception Center

100 Highway Terrace

Leavenworth, Kansas 66048

Date: 05/15/2026

CERTIFICATE OF SERVICE

I certify that on this 15 day of May, 2026, I submitted the foregoing Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction to the Clerk of the United States District Court for the District of Kansas for filing and service upon all appropriate parties, including the United States Attorney for the District of Kansas.

Respectfully submitted,

William Muiruri

A# 

Pro Se Petitioner