UNITED STATES DISTRICT

COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

PASHA BINALIEV ,
Prceeding Pro Se

Petitioner,

v.

_____,WARDEN, STEWART DETENTION CENTER;
_____,FIELD OFFICE DIRECTOR, ICE ATLANTA FIELD OFFICE;TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;MARKWAYNE MULLIN, Secretary, Department of Homeland Security;TODD BLANCHE, Acting Attorney General, United States,

Respondents.

Case No.:

PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

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NOTICE OF EX PARTE APPLICATION

NOTICE IS HEREBY GIVEN that Petitioner PASHA YASSINOVICH BINALIEV applies *ex parte* for a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure.

Good cause exists to waive the advance notice requirements. The need for *ex parte* relief is urgent and compelling, rooted in the imminent and irreparable harm Petitioner faces. He was detained on March 19, 2026, while fully complying with a scheduled ICE check-in. His request for a bond hearing was subsequently denied on June 12, 2026, solely on jurisdictional grounds under *Matter of Q. Li*, with no finding that he poses a danger or flight risk. Petitioner faces two critical, time-sensitive deadlines: his next Master Calendar Hearing on June 25, 2026, and the deadline to appeal the bond denial on July 13, 2026. There is an imminent risk that Respondents will transfer or remove him before these dates, which would moot his habeas

petition, his right to appeal the bond denial, and his underlying asylum case. Providing notice of this application to Respondents would likely prompt them to take immediate adverse action to divest this Court of jurisdiction. An immediate order is the only way to preserve the status quo and prevent this irreparable harm.

I. INTRODUCTION

Petitioner Pasha Yassinovich Binaliev has been detained at the Stewart Detention Center since March 19, 2026. His detention began under circumstances that defy fairness and logic: he was arrested while VOLUNTARILY COMPLYING with a scheduled ICE check-in appointment. After entering the U.S. on November 25, 2022, and being granted humanitarian parole on January 3, 2023, he filed for asylum on July 13, 2023. Petitioner has zero criminal history, holds a valid Employment Authorization Document (EAD) until January 8, 2029, and has been gainfully employed at [redacted] since September 2024. He is also the primary support for his parents, including his mother, Dilfuza, who neither works nor drives. His case is currently pending before Immigration Judge Bianca H. Brown, with a Master hearing set for June 25, 2026. On June 12, 2026, the judge DENIED his request for bond ONLY FOR JURISDICTIONAL REASONS under *Matter of Q. Li*. The deadline to appeal that denial is July 13, 2026. A TRO is necessary to prevent his transfer or removal, which would irreparably harm his ability to pursue his asylum claim and his right to appeal.

II. STATEMENT OF FACTS

1. Petitioner Pasha Yassinovich Binaliev, A-Number A[redacted], is a native and citizen of Russia, born on [redacted]
2. He entered the United States on or about November 25, 2022, to seek asylum.
3. On January 3, 2023, he was released by immigration authorities on humanitarian parole.

4. Petitioner has complied with all requirements set forth by ICE since his release.
5. On July 13, 2023, he filed a Form I-589 application for asylum. On April 10, 2026, USCIS issued a Notice of Lack of Jurisdiction, confirming the application must be adjudicated by EOIR.
6. Petitioner has a valid EAD, category C08, valid until January 8, 2029.
7. He has been employed with Damel Group, Inc. since September 2024.
8. Petitioner has ZERO criminal history.
9. On March 19, 2026, he was detained during a scheduled ICE check-in appointment in Charlotte, North Carolina.
10. On June 12, 2026, his request for a bond hearing was denied SOLELY for lack of jurisdiction under *Matter of Q, Li*, with NO finding of danger or flight risk.
11. He has a Master Calendar Hearing on June 25, 2026, and his deadline to appeal the bond denial is July 13, 2026.
12. There is an imminent risk that his transfer or removal from the United States would moot his rights to appeal, to attend his hearing, and to pursue his asylum case.

III. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

A temporary restraining order is an extraordinary remedy intended to preserve the status quo and prevent irreparable harm. To obtain a TRO under Rule 65(b), a petitioner must show: (1) a likelihood of success on the merits; (2) a likelihood of suffering irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

A. Petitioner Is Likely to Succeed on the Merits.

Petitioner has a strong likelihood of succeeding on the merits of his habeas petition. He was

detained while complying with ICE's orders, has zero criminal history, and the denial of his bond hearing was based on a categorical jurisdictional bar, not an individualized assessment of risk. As he is not subject to mandatory detention under 8 U.S.C. § 1226(c), his continued detention without a bond hearing is a clear violation of the INA and the Due Process Clause.

B. Petitioner Will Suffer Irreparable Harm Absent a TRO.

Petitioner will suffer immediate and irreparable harm if a TRO is not issued. First, the deprivation of his constitutional right to liberty "unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Second, his deportation would moot his appeal of the bond denial (deadline July 13, 2026) and his Master hearing (June 25, 2026), permanently extinguishing his right to review. Third, a transfer would severely impede his ability to participate in his upcoming hearing, separate him from his family, cause the loss of his employment, and prevent him from preparing his case.

C. The Balance of Equities and the Public Interest Favor Granting the TRO.

The balance of equities tips sharply in Petitioner's favor. The harm to Petitioner from continued unlawful detention and the potential for removal is immense. In contrast, the burden on the Government from a TRO is minimal; it merely requires maintaining the status quo. The public has a profound interest in ensuring a fair asylum process and that the government does not unlawfully deprive individuals of their liberty without individualized justification.

IV. ARGUMENT

Petitioner meets all the requirements for an *ex parte* TRO under *Winter*. As established, his claim is strong and likely to succeed, and the harm he faces is severe and irreparable. The *ex parte* nature of this request is justified by Respondents' conduct. Detaining an individual who is actively complying with their requirements suggests Respondents may act to moot this case. Any notice could trigger an immediate transfer or removal, especially before the critical

upcoming deadlines of his June 25 hearing and July 13 appeal. An emergency order is the only way to preserve the status quo and protect his rights.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this *ex parte* application and issue a Temporary Restraining Order.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue an immediate Temporary Restraining Order enjoining Respondents, their agents, and their employees from: a. Transferring Petitioner Pasha Yassinovich Binaliev, A-Number A[redacted], from his current place of detention at the Stewart Detention Center; b. Removing or deporting Petitioner from the United States; and c. Taking any other action to facilitate his transfer or removal pending a hearing on this matter.
2. Order Respondents to show cause why a preliminary injunction should not issue.
3. Set a hearing on the concurrently filed Petition for a Writ of Habeas Corpus within five (5) days, as required by 28 U.S.C. § 2243.
4. Grant such other and further relief as this Court deems just and proper.

VERIFICATION

I, Pasha Yassinovich Binaliev, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: June 19, 2026.

/s/ Pasha Binaliev

Pasha Yassinovich Binaliev
Pro Se