UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

OSCAR RENE GARCIA-ACOSTA, [redacted]

Petitioner,

v.

ACTING FIELD OFFICE DIRECTOR of the New York City Field Office, U.S. Immigration and Customs Enforcement, in his/her official capacity;

WARDEN of Brooklyn MDC Correctional Facility in his/her official capacity;

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security, in his official capacity;

Respondents.

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

[PROPOSED] ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

Upon the Petition for Writ of Habeas Corpus, Petitioner's Emergency Motion, the Declaration of Patrick C. Carroll, the exhibits submitted, and for good cause shown, it is hereby:

1. ORDERED that Respondents shall show cause before this Court at a date and time to be set by the Court why an order should not issue granting Petitioner's requested habeas and injunctive relief, including release from custody or, in the alternative, an immediate individualized custody/bond hearing;

2. ORDERED that, pending further order of this Court, Respondents are temporarily restrained from removing Petitioner OSCAR RENE GARCIA-ACOSTA [redacted], from the United States;

3. ORDERED that, pending further order of this Court, Respondents are temporarily restrained from transferring Petitioner outside the Eastern District of New York

4. ORDERED that Respondents shall not interfere with Petitioner's reasonable access to counsel, including legal calls and exchange of legal documents, pending further order of this Court;

5. ORDERED that Respondents shall preserve all records, notes, emails, text messages,- electronic records, database entries, warrants, detainers, removal records, transfer records, and communications relating to: (a) the scheduling of the May 16, 2026 USCIS green card appointment; (b) any USCIS, ICE, DHS, or detention-facility communications concerning Petitioner's arrest, custody, transfer, or removal; and (c) any decision to arrest Petitioner at or in connection with the 'green card' appointment;

6. ORDERED that Respondents shall file a response by _____, 2026 addressing the legal authority for Petitioner's detention, whether DHS contends that Petitioner is detained under 8 U.S.C. § 1231 or another statute, whether removal is scheduled or travel documents have been requested or obtained, and whether any transfer is planned;

7. ORDERED that Petitioner may file reply papers by _____, 2026;

8. ORDERED that this Temporary Restraining Order is issued because the Court finds that Petitioner has shown immediate and irreparable injury may occur before Respondents can be heard in the ordinary course, including removal, transfer away from counsel and family, loss of access to the Court, and continued detention without an individualized custody determination;

9. ORDERED that no bond is required under Federal Rule of Civil Procedure 65(c), or alternatively that bond is set at $0/nominal amount, because this case concerns immigration custody and constitutional liberty interests and Respondents have not shown likely monetary damages from temporary preservation of the status quo;

10. ORDERED that service of this Order, the Petition, the Emergency Motion, the Declaration, and supporting papers shall be made immediately by ECF where available, and by email and/or overnight delivery to the United States Attorney's Office for the Southern District of New York, the New York ICE Field Office, and the officer-in-charge/warden of the facility where Petitioner is detained.

SO ORDERED.

Dated: _____, 2026

_____, New York

_____

United States District Judge