UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

KONG L., **Case No. 26-cv-03669 (LMP/LIB)**

Petitioner,

v.

DAVID EASTERWOOD, et al.,

Respondents.

PETITIONER'S EMERGENCY MOTION TO CONTINUE OR RESTORE TEMPORARY RESTRAINING ORDER PENDING POST-JUDGMENT REVIEW

Petitioner Kong L. respectfully moves under Federal Rule of Civil Procedure 65 and the Court's inherent authority to preserve its jurisdiction and the status quo for an emergency order continuing or, to the extent entry of judgment dissolved it, restoring the Court's temporary restraint against Petitioner's removal from the United States and transfer outside the District of Minnesota while the Court considers Petitioner's request under Local Rule 7.1(j) for permission to file a Rule 59(e) motion and, if permission is granted, while that motion is resolved.

The requested relief is narrow. The Court entered judgment denying the Petition on September 21, 2026. ECF No. 10. Petitioner is contemporaneously seeking permission to file a Rule 59(e) motion identifying (1) a material factual issue concerning the role of the 2005 I-205 in Kong's original § 1231 custody, (2) the independently preserved defects under 8 C.F.R. § 241.13(i), and (3) the failure of the specific removal premise on which the Court relied.

Petitioner therefore requests an order prohibiting Respondents from removing him from the United States or transferring him outside the District of Minnesota until the Court resolves the Local Rule 7.1(j) request and, if leave is granted, the Rule 59(e) motion. If leave is denied, Petitioner requests that the restraint remain in effect for forty-eight hours after entry of that order to permit consideration of appellate remedies. If leave is granted, Petitioner requests that the restraint continue through resolution of the Rule 59(e) motion and for forty-eight hours thereafter. Petitioner also requests expedited consideration and waiver of security under Rule 65(c), because the relief preserves the *status quo* and imposes no cognizable monetary injury on Respondents.

Respectfully submitted,

/s/ Stacey R. Rogers
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CERTIFICATE OF SERVICE

I certify that on September 21, 2026, I caused the foregoing document to be filed electronically with the Clerk of Court through CM/ECF, which will provide notice to all counsel of record.

/s/ Stacey R. Rogers