

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

Amado de Jesus MORENO; Nelda Yolanda REYES;
Jose CANTARERO ARGUETA; Haydee AVILEZ
ROJAS,

Plaintiffs,

v.

Kirstjen NIELSEN, Secretary, U.S. Department of
Homeland Security, in her official capacity; U.S.
DEPARTMENT OF HOMELAND SECURITY; L.
Francis CISSNA, Director, U.S. Citizenship and
Immigration Services, in his official capacity; U.S.
CITIZENSHIP AND IMMIGRATION SERVICES,

Defendants.

Case No. 1:18-cv-01135-RRM

**NOTICE OF PLAINTIFF MORENO'S
MOTION FOR A TEMPORARY
RESTRAINING ORDER OR, IN THE
ALTERNATIVE, PRELIMINARY
INJUNCTION**

PLEASE TAKE NOTICE that on a date and at a time to be determined by this Court, Plaintiff Amado de Jesus Moreno will, and hereby does, move this Court for a temporary restraining order or, in the alternative, preliminary injunction pursuant to Federal Rules of Civil Procedure 65(b).

This motion is based on the accompanying Memorandum of Law in Support of Motion for a Temporary Restraining Order or, in the Alternative, Preliminary Injunction, the exhibits attached thereto, the pleadings, records and files in this action, and such other evidence and argument as may be presented prior to or at the hearing on this matter. A proposed order accompanies these filings.

Mr. Moreno files this Motion pursuant to this Court's Individual Rule III(C). As fully explained in his accompanying Memorandum of Law, Mr. Moreno is seeking time-sensitive emergency relief—a temporary restraining order—to prevent the impending loss of a substantive right, the opportunity to become a lawful permanent resident in accord with the Immigration and Nationality Act. Without immediate intervention by this Court on or before March 15, 2019, he will lose this opportunity. This is because his employment will terminate on March 30, 2019 and, if the Court rules in his favor on this motion, Plaintiffs anticipate that Defendant U.S. Citizenship and Immigration Services will require time to implement the Court's order and process his application. Plaintiff in good faith concludes that delaying the filing of this Motion in order to comply with this Court's practice rules will deprive Mr. Moreno of this opportunity.

On January 22, 2019, Plaintiffs' counsel notified Defendants' counsel of the intent to file this Motion. *See* Dkt. 48. Counsel have agreed to a briefing schedule contingent on this Court denying Defendants' opposed motion for a stay of the entire case. *See* Dkts. 47, 48. Pursuant to that agreement, Defendants' opposition to this motion would be due on February 13, 2019 and Plaintiffs' reply would be due on February 18, 2019.

In accord with the accompanying Proposed Order, Mr. Moreno asks that this Court approve the proposed briefing schedule and grant him emergency injunctive relief.

//

//

//

Respectfully submitted,

s/ Trina Realmuto

Trina Realmuto, TR3684
Kristin Macleod-Ball, KM1640
American Immigration Council
1318 Beacon Street, Suite 18
Brookline, MA 02446
(857) 305-3600
trealmuto@immcouncil.org
kmacleod-ball@immcouncil.org

* Admitted *pro hac vice*

Mary Kenney*
American Immigration Council
1331 G Street, NW, Suite 200
Washington, D.C. 20005
(202) 507-7512
mkenney@immcouncil.org

Matt Adams*
Leila Kang*
Northwest Immigrant Rights Project
615 2nd Avenue, Suite 400
Seattle, WA 98104
(206) 957-8611
matt@nwirp.org
leila@nwirp.org

Attorneys for Plaintiffs

Dated: January 24, 2019

CERTIFICATE OF SERVICE

I, Trina Realmuto, hereby certify that on January 24, 2019, I electronically filed the foregoing Notice of Motion for a Temporary Restraining Order or in the Alternative, Preliminary Injunction, Memorandum of Law in Support of Plaintiff Moreno's Motion for a Temporary Restraining Order or in the Alternative, Preliminary Injunction, Index of Exhibits, Sixth Declaration of Trina Realmuto and accompanying Exhibits with the Clerk of the Court using the CM/ECF system, which will send a notice of the electronic filing to counsel of record for all parties.

s/ Trina Realmuto

Trina Realmuto
American Immigration Council
1318 Beacon Street, Suite 18
Brookline, MA 02446
(857) 305-3600
trealmuto@immcouncil.org

Attorney for Plaintiffs