

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Abid Syed v. Ruben Perez, et al.

Civil Action No. 26-1244 (BRM) (D.N.J. Feb. 7, 2026) · No. 2:26-cv-01244 · Decided February 7, 2026

SUMMARY

The United States District Court for the District of New Jersey issued an order to answer in Abid Syed’s 28 U.S.C. § 2241 habeas proceeding challenging the possibility of future immigration detention. The court temporarily enjoined Respondents from arresting and detaining Syed without forty-eight-hour notice to the court, granted limited interim relief, and ordered Respondents to address custody, ripeness, the merits, jurisdiction, and related defenses in an answer.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Brian R. Martinotti
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 7, 2026
DOCKET	2:26-cv-01244
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 petition challenging the prospective possibility of immigration detention and moved for a temporary restraining order or preliminary injunction. The court screened the petition under Rule 4 of the Rules Governing Section 2254 Cases, as applied through Rule 1(b), declined to dismiss without an answer and record, temporarily enjoined arrest and detention without forty-eight-hour notice to the court, and ordered respondents to answer and brief specified jurisdictional and merits issues.
STANDARD OF REVIEW	For temporary restraints, the movant must show likely success on the merits, irreparable harm absent relief, that preliminary relief will not cause greater harm to the nonmoving party, and that the public interest favors relief. A party seeking to alter the status quo bears a heavy burden.
PRECEDENTIAL VALUE	Nonprecedential interlocutory district-court order

TOPICS

federal habeas corpus

immigration detention

injunctions

removal proceedings

immigration

PRACTICE AREAS

Immigration and nationality law

Federal habeas corpus

Civil procedure

Preliminary injunctive relief

QUESTIONS PRESENTED

1. Whether dismissal of the § 2241 petition without an answer and the record was warranted at the screening stage.
2. Whether temporary injunctive relief should issue to prevent respondents from arresting and detaining petitioner without notice while the court considered the petition.
3. Whether petitioner is in custody for habeas purposes and whether a challenge to the prospective possibility of future immigration detention is ripe for adjudication.
4. Whether the court has jurisdiction to consider petitioner's arguments concerning his removability.

HOLDINGS

1. Dismissal without an answer and the record was not warranted at the screening stage.
2. The motion for a temporary restraining order was granted solely to the extent that respondents were temporarily enjoined from arresting and detaining petitioner without forty-eight-hour notice to the court, pending briefing and further order.
3. Temporary restraints require consideration of likely success on the merits, irreparable harm, comparative harm to the nonmoving party, and the public interest.

KEY QUOTATIONS

“*Injunctive relief is an extraordinary remedy and should be granted only in limited circumstances.*”

“*The primary purpose of a preliminary injunction is the maintenance of the status quo until a decision on the merits of a case is rendered.*”

FACTUAL BACKGROUND

Petitioner sought relief under 28 U.S.C. § 2241 based on the prospective possibility that immigration authorities might arrest and detain him. He also sought an order preventing Immigration and Customs Enforcement from arresting or detaining him. The court issued limited temporary relief requiring forty-eight-hour notice to the court before any arrest and detention while the respondents briefed whether petitioner was in custody, whether the claim was ripe, and the merits of his claims.

PROCEDURAL HISTORY

Abid Syed filed a § 2241 habeas petition and a motion for emergency injunctive relief. The district court determined that dismissal without an answer and the record was not warranted, granted limited temporary relief to preserve the status quo while awaiting briefing, and directed respondents to file a complete answer, relevant records, and a response addressing custody, ripeness, jurisdiction, and the merits.

DISPOSITION

other

CASES CITED

- Int'l Foodsource, LLC v. Grower Direct Nut Co., No. 16-3140, 2016 WL 4150748, at *6 (D.N.J. Aug. 3, 2016)
- Westchester Fire Ins. Co. v. Glob. Real Constr., LLC, No. 09-0207, 2009 WL 137414, at *1 (D.N.J. Jan. 20, 2009)
- Kos Pharm. Inc. v. Andrx Corp., 369 F.3d 700, 708 (3d Cir. 2004)
- Spectrum Produce Distrib., Inc. v. Fresh Mktg., Inc., No. 11-6368, 2011 WL 13063669, at *2 (D.N.J. Nov. 1, 2011)
- Acierno v. New Castle Cnty., 40 F.3d 645, 647 (3d Cir. 1994)
- Punnett v. Cater, 621 F.2d 578, 582 (3d Cir. 1980)

OPINION

SYED

PER CURIAM.

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW JERSEY

ABID SYED, : : Civil Action No. 26-1244 (BRM) Petitioner, :

v. : ORDER TO ANSWER

RUBEN PEREZ, et al., : Respondents. :

MARTINOTTI, DISTRICT JUDGE

Before the Court is Petitioner Abid Syed's ("Petitioner") Petition for Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2241 challenging is potential future detention by immigration authorities (ECF No. 1) and a Motion for a Temporary Restraining Order ("TRO") or a Preliminary Injunction ("PI") (ECF No. 2). Petitioner has paid the \$5.00 filing fee. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, which is applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the Petition for dismissal and determined that dismissal without an answer and the record is not warranted. Petitioner requests a TRO enjoining Petitioner's arrest and detention by Immigration Customs and Enforcement ("ICE") authorities. (See generally ECF No. 2). Federal Rule of Civil Procedure 65 governs TROs and preliminary injunctions. "If there is a possibility that irreparable injury will occur before the hearing on a preliminary injunction required by Rule 65(a) can be held, a temporary restraining order may be available under Rule 65(b)." Int'l Foodsource, LLC v. Grower Direct Nut Co., No. 16-3140, 2016 WL 4150748, at *6 (D.N.J. Aug. 3, 2016). Such "[i]njunctive relief is an extraordinary remedy and should be granted only in limited circumstances." See Westchester Fire Ins. Co. v. Glob. Real Constr., LLC, No. 09-0207, 2009 WL 137414, at *1

(D.N.J. Jan. 20, 2009) (quoting *Kos Pharm. Inc. v. Andrx Corp.*, 369 F.3d 700, 708 (3d Cir. 2004)). A court may grant temporary restraints only if a party shows: “(1) that it will likely succeed on the merits; (2) that it will suffer irreparable harm if the injunction is denied; (3) that granting preliminary relief will not result in even greater harm to the nonmoving party; and (4) that the public interest favors such relief.” *Spectrum Produce Distrib., Inc. v. Fresh Mktg., Inc.*, No. 11-6368, 2011 WL 13063669, at *2 (D.N.J. Nov. 1, 2011). The primary purpose of a preliminary injunction is the maintenance of the status quo until a decision on the merits of a case is rendered. See *Acierno v. New Castle Cnty.*, 40 F.3d 645, 647 (3d Cir. 1994). Where, the movant seeks to alter the status quo, that party must meet a heavy burden. See *Punnett v. Cater*, 621 F.2d 578, 582 (3d Cir. 1980). Here, to maintain the status quo while the Court awaits briefing, Respondents are temporarily enjoined from arresting and detaining Petitioner without forty-eight-hour notice to the Court. The Court finds briefing from Respondents is necessary and Respondents shall brief if Petitioner is “in custody” for the purpose of habeas relief regarding his challenge to the prospective possibility of future detention and whether a challenge to that possibility of future detention is ripe for adjudication. Additionally, Respondents shall address the merits of Petitioner’s claims in his Petition, including briefing on (1) Petitioner’s due process arguments, and (2) whether the Court has jurisdiction to consider Petitioner’s regarding his removability. Accordingly, IT IS, on this 7th day of February 2026, ORDERED that the Clerk of the Court shall serve a copy of the Petition, (ECF No. 1), and this Order upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further ORDERED that the Clerk of the Court shall forward a copy of the Petition, (ECF No. 1), and this Order to the Chief, Civil Division, United States Attorney’s Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further ORDERED that Motion for a TRO (ECF No. 2) is GRANTED solely to the extent the Respondents are enjoined from arresting and detaining Petitioner without forty-eight-hour notice to the Court, while the Court awaits briefing in this matter and until further Order from the Court; and it is further ORDERED that within seven (7) days of the date of the entry of this Order, Respondents shall file a response to Petitioner’s Motion for a TRO/PI (ECF No. 2); Respondents shall specifically address if (1) Petitioner is “in custody” for the purpose of habeas relief regarding his challenge to the prospective possibility of future detention, and (2) whether a challenge to that possibility of future detention is ripe for adjudication; and it is further ORDERED that within seven (7) days of the date of the entry of this Order, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; and it is further ORDERED that the answer shall state the statutory authority for Petitioner’s detention, see 28 U.S.C. § 2243, and provide the relevant legal analysis and record evidence supporting the asserted statutory basis for detention; and it is further ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents wish to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with

respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; and it is further ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example: "Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or "Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY"; and it is further ORDERED that Petitioner may file and serve a reply in support of the Petition and the TRO/PI Motion within five (5) days after the answer is filing; and it is further ORDERED that the Clerk of the Court shall serve a copy of the Order upon the parties electronically. /s/ Brian R. Martinotti

HON. BRIAN R. MARTINOTTI

UNITED STATES DISTRICT JUDGE