

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IMRAN AHMED,

Plaintiff,

-against-

MARCO RUBIO, et al.,

Defendants.

No. 25-CV-10705 (LAP)

OPINION AND ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Plaintiff, Imran Ahmed, moves for a preliminary injunction to prevent the Government from arresting, detaining, or transferring him, which the Government opposes. See dkt. nos. 8 (Proposed OSC), 49 (Gov. MOL), 54 (Plaintiff's MOL), 60 (Gov. Reply). Concurrently, the Government moves to dismiss this matter or, alternatively, to transfer it to the District of Columbia, which Plaintiff opposes. See dkt. nos. 49, 54, 60.

The Amended Complaint alleges that the Secretary of State determined that Mr. Ahmed is deportable under the Immigration and Nationality Act due to his lobbying and advocacy efforts as Chief Executive Officer of the Center for Countering Digital Hate ("CCDH"). According to the Administrative Record, and without any hint of irony, the Secretary of State determined that rendering Mr. Ahmed deportable on account of his lobbying and advocacy efforts was necessary to protect American "freedom of expression"

and to "reject encroachments" that "undermine the exercise of our fundamental right to free speech." Dkt. no. 42 at PDF 9-10.

The Court finds that federal statutes and precedent from the United States Court of Appeals for the Second Circuit divest this Court of jurisdiction to review Mr. Ahmed's claims. Ultimately, while Mr. Ahmed may very well have valid causes of action, his claims are premature, and Congress has determined that this Court may not review them. Rather, judicial review of his claims will be available upon his receipt of a final removal order and filing of a petition for review ("PFR") with the appropriate Court of Appeals.

For the reasons set forth below, the Government's motion to dismiss this matter is GRANTED.

I. Background

In December 2025, Plaintiff brought suit against the following individuals: 1) Marco Rubio, in his official capacity as Secretary of State; 2) Sarah B. Rogers, in her official capacity as Under Secretary of State for Public Diplomacy; 3) Pamela Bondi, in her official capacity as Attorney General; 4) Kristi Noem, in her official capacity as Secretary of Homeland Security; 5) Todd M. Lyons, in his official capacity as Acting Director of United States Immigration and Customs Enforcement; and 6) Judith Almodovar, in her official capacity as Acting Field Office Director

of the New York Immigration and Customs Enforcement Office.¹ See dkt. no. 1 (Compl.) at 1; dkt. no. 43 (Am. Compl.) at 1.

The Amended Complaint alleges the following:

Plaintiff, Imran Ahmed, a native and citizen of the United Kingdom and lawful permanent resident of the United States, who lives in the United States with his American wife and child, founded and runs CCDH, a nonprofit "which studies the content moderation policies of major social media companies, including Elon Musk's company, X Corp." Am. Compl. ¶¶ 1, 2, 21, 22, 27. CCDH conducted "research that was published on the front page of The New York Times that showed an increase in hate speech on X since Elon Musk had taken over the social media company." Id. ¶ 36.

In December 2025, the Government "announced that it had taken steps to impose visa restrictions and initiate removal proceedings against certain individuals pursuant to Immigration and Nationality Act ("INA") Section 273(a)(4)(C), 8 U.S.C. § 1227(a)(4)(C)." Am. Compl. ¶ 3. The United States Under Secretary of State posted on social media that the Government had "SANCTIONED[] Imran Ahmed," grounding the sanctions in CCDH's reporting on the spread of anti-vaccine misinformation online and CCDH's advocacy in support of the United Kingdom's Online Safety

¹ See Fed. R. Civ. P. 25(d) (the successor of a public officer sued in an official capacity is automatically substituted as a party).

Act and the European Union's Digital Services Act. Id. The Secretary of State, Marco Rubio, also issued a contemporaneous press release announcing that, as a result of the sanctions, Ahmed would be subjected to visa restrictions, potential removal proceedings, and would be "generally barred from entering the United States." Id. And while the Administrative Record "cites 'serious adverse foreign policy consequences' attributable to Mr. Ahmed's presence or activities," it "provides no evidence or supporting documents, nor does it describe these so-called 'consequences.'" Id. ¶ 5. Rather, the determination relies on "shifting, contradictory, and unsupported rationales." Id. ¶ 118. As a result, Mr. Ahmed "now faces the imminent prospect of unconstitutional arrest, punitive detention, and expulsion from his home country away from his wife and child for exercising his basic First Amendment rights." Id. ¶ 3.

The Amended Complaint contains four counts pursuant to the First Amendment (Count I); the Due Process Clause of the Fifth Amendment (Count II); the INA, the Administrative Procedure Act and the Accardi Doctrine (Count III); and the Non-Delegation Doctrine (Count IV). See id. ¶¶ 95-122.

Moreover, Plaintiff asks for the Court to:

- i. Take jurisdiction over this case;
- ii. Vacate and set aside the Announcement of Actions to Combat the Global Censorship-Industrial Complex;

- iii. Vacate and set aside Defendants' unlawful policy of targeting noncitizens for removal based on First Amendment protected speech;
- iv. Enjoin Defendants from arresting or detaining Mr. Ahmed pending these proceedings;
- v. Enjoin Defendants from transferring Mr. Ahmed away from the jurisdiction of this District pending these proceedings;
- vi. Enjoin Defendants from removing Mr. Ahmed from the United States pending these proceedings;
- vii. Order Defendants to provide Mr. Ahmed with notice and a meaningful opportunity to challenge any attempt to restrict his movement or otherwise impose conditions that change his rights as a lawful permanent resident of the United States;
- viii. Declare that Defendants' actions to arrest, detain, or transfer Mr. Ahmed violate the First Amendment, the Due Process Clause of the Fifth Amendment, the INA, the APA, the Accardi doctrine, and the non-delegation doctrine;
- ix. Award Plaintiff his costs for the action, including reasonable attorneys' fees; and
- x. Grant all such other and further relief as it deems just and proper.

Am. Compl. at 42-43.

In February 2026, the Government produced the Administrative Record in this matter. See dkt. no. 42. The Administrative Record contains a December 2025, memorandum from the Secretary of State to the Secretary of the Homeland Security, with the subject "Determination of Deportability under Section 237(a)(4)(C) of the INA." Id. at PDF page 8 ("Rubio Determination").

The Rubio Determination states the following:

[] I am writing to inform you I have determined that Imran Ahmed (DOB: [] - POB: UK), an alien in LPR status, is deportable under INA section 237(a)(4)(C)(8 U.S.C. 1227(a)(4)(C)). I understand DHS may now initiate removal charges against him.

[] Under INA section 237(a)(4)(C)(i), an alien is deportable from the United States if the Secretary of State has reasonable ground to believe the alien's presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States. Under INA section 237(a)(4)(C)(ii), for cases in which the basis for this determination is the alien's past, current, or expected beliefs, statements, or associations that are otherwise lawful, the Secretary of State must personally determine that the alien's presence or activities would compromise a compelling U.S. foreign policy interest.

[] Pursuant to these authorities, I have determined that Ahmed's activities and presence in the United States have potentially serious adverse foreign policy consequences and compromise a compelling U.S. foreign policy interest. Ahmed is the CEO of the Center for Countering Digital Hate (CCDH). Ahmed successfully led efforts to lobby Google to remove ads from the Federalist and ZeroHedge. CCDH's infamous "disinformation dozen" report specifically called for deplatforming Secretary Robert F. Kennedy and others. Leaked CCDH documents listed "kill Musk's Twitter" and "trigger EU and UK regulatory action" as priorities. CCDH advocates for both the UK Online Safety Act and EU Digital Services Act (DSA). Ahmed was listed as a signatory in HateAid's petition calling on the European Commission to take action to ensure access of platform data to researchers under the DSA. This determination is based on the same foreign policy objectives articulated in my May announcement of a policy to restrict visa issuance under INA section 212(a)(3)(C) (8 U.S.C. 1182(a)(3)(C)) for foreign nationals who censor Americans. Consistent with E.O. 14150, American First Policy Directive to the Secretary of State, the foreign policy of the United States protects core American interests and U.S. citizens, and protecting the freedom of expression of Americans is a core American interest, as is defending American sovereignty from foreign encroachment. This determination reflects this Department's efforts to reject encroachments upon American

sovereignty, especially when such encroachments undermine the exercise of our fundamental right to free speech.

[] The Department of State also requests the opportunity to consult with DHS on any public statements regarding this determination.

[] I hereby expressly, authorize use of this notification by the Department of Homeland Security in immigration court, and the Department of Justice in any judicial proceedings, as needed.

Dkt. no. 42 at PDF page 9-10.

Moreover, in the early stages of this case, Plaintiff moved for injunctive relief, seeking to enjoin the Government from detaining him during the pendency of this action. See dkt. no. 8. In December 2025, the Court issued a temporary restraining order ("TRO") enjoining the Government from detaining Plaintiff until the Court decided Plaintiff's preliminary injunction motion. See dkt. no. 14. Thereafter, the Court extended the TRO during the pendency of Plaintiff's order to show cause in this Court. See dkt. no. 26.

II. Law and Analysis

A. Jurisdiction

"A case is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to adjudicate it." Makarova v. United States, 201 F.3d 110, 113 (2d Cir. 2000). In considering whether to do so, this Court "may refer to evidence outside the pleadings." Id.

1. Jurisdiction-Stripping Statutes

Regarding the commencement of removal proceedings, in 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA"). See Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 472-73 (1999). Within IIRIRA is a jurisdiction-stripping provision, which states:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.

8 U.S.C. § 1252(g).² As the Supreme Court has explained, "[s]ection 1252(g) was directed against a particular evil: attempts to impose judicial constraints upon prosecutorial discretion." Am.-Arab, 525 U.S. at 485 n.9. "The provision applies only to three discrete actions that the Attorney General may take: her 'decision or action' to 'commence proceedings, 'adjudicate cases, or 'execute removal orders.'" Id. at 482 (quoting § 1252(g)). And, "[b]y its plain terms, § 1252(g) bars [this Court] from questioning the government's discretionary decisions to commence removal of an

² "In 2002, Congress transferred authority (1) to commence removal proceedings and (2) to adjudicate applications for naturalization from the Attorney General to the Secretary of the Department of Homeland Security." Ajlani v. Chertoff, 545 F.3d 229, 231 n.2 (2d Cir. 2008)

alien. . . ." Öztürk v. Hyde, 155 F.4th 187, 190 (2d Cir. 2025) (Menashi, J., concurring in the denial of rehearing in banc) (quotation marks and citation omitted).

Separately, section (b)(9) states:

Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States under this subchapter shall be available only in judicial review of a final order under this section. Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of Title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.

8 U.S.C. § 1252(b)(9). This section "is a judicial channeling provision, not a claim-barring one." Aguilar v. U.S. Immigr. & Customs Enf't Div. of Dep't of Homeland Sec., 510 F.3d 1, 11 (1st Cir. 2007). Thus, section "1252(b)(9) channels judicial review of removal-related questions into a single PFR of a final order of removal." Mahdawi v. Trump, 183 F.4th 103, 115 (2d Cir. 2026).

Finally, section (a)(5) states:

Notwithstanding any other provision of law (statutory or nonstatutory), . . . a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this chapter, except as provided in subsection (e). For purposes of this chapter, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms "judicial review" and "jurisdiction to review" include habeas corpus review pursuant to section 2241 of Title 28, or any other habeas corpus provision, sections 1361 and 1651 of

such title, and review pursuant to any other provision of law (statutory or nonstatutory).

8 U.S.C. § 1252(a)(5).

"[T]aken together, § 1252(a)(5) and § 1252(b)(9) mean that any issue – whether legal or factual – arising from any removal-related activity can be reviewed only through a petition for review filed with an appropriate court of appeals." Asylum Seeker Advoc. Project v. Barr, 409 F. Supp. 3d 221, 224 (S.D.N.Y. 2019) (quotation marks and citation omitted).

Furthermore, in Delgado v. Quarantillo, the Court of Appeals held that Section 1252(a)(5) strips district courts of jurisdiction of both direct and indirect challenges to removal orders. See 643 F.3d 52, 55 (2d Cir. 2011). The Court of Appeals held that while "a suit brought against immigration authorities is not per se a challenge to a removal order," the question of a district court's jurisdiction "will turn on the substance of the relief that a plaintiff is seeking." Id. In that case, Plaintiff Delgado brought a mandamus action in district court to compel USCIS to rule on the merits of her pending I-212 application (an application seeking permission to reapply for admission after her previous removal). Id. at 54. Ultimately, the Court of Appeals held that even if a granting of the I-212 waiver would not "per se prevent [Delgado's] removal," it was "inextricably linked" to her removal order because it was "a necessary prerequisite to her ultimate

goal of adjustment of status.” Id. at 54-55. Thus, the Court of Appeals held that Delgado’s mandamus action was an indirect challenge to her order of removal and the district court lacked jurisdiction. Id.

2. Section 1252(g)

Here, the Court finds that section 1252(g) strips this Court of subject matter jurisdiction. Although Mr. Ahmed claims he only seeks to “prevent his unlawful arrest, detention, and transfer,” dkt. no. 54 at 4, his Amended Complaint shows otherwise. Indeed, Mr. Ahmed alleges that “[t]his Court should vacate and set aside the Defendants’ efforts to target Mr. Ahmed, declare Defendants’ actions to be illegal, enjoin Defendants from arresting, detaining, transferring, or deporting Mr. Ahmed from this district unless Defendants establish that their actions are lawful and do not violate the Constitution’s protections against retaliation and discrimination.” Am. Compl. ¶ 7 (emphasis added). The relief Plaintiff seeks is barred by section 1252(g) because, if granted, an injunction would prevent the Government from commencing removal proceedings against him – precisely the action Congress has removed from this Court’s authority. See Reno v. Am.-Arab Anti-Discrimination Comm., 525 U.S. 471, 485 (1999) (discussing how Section 1252(g) is “designed to give some measure of protection” to “discretionary determinations”); see also Öztürk v. Hyde, 155 F.4th 187, 190 (2d Cir. 2025) (Menashi, J., concurring in the

denial of rehearing in banc) (“[Section] 1252(g) bars the claims of aliens that the government is selectively enforcing immigration laws against them in violation of their First and Fifth Amendment rights because such claims represent a challenge to the Attorney General’s decision to commence proceedings against them.” (quotation marks and citation omitted)).

The Supreme Court’s Decision in Dep’t of Homeland Sec. v. Regents of the Univ. of California is distinguishable and does not assist Mr. Ahmed. 591 U.S. 1 (2020). Unlike in Regents — where the Supreme Court held that Section 1252(g) did not present a jurisdictional bar to reviewing the Government’s rescission of the Deferred Action for Childhood Arrivals program, because that was not “a decision to ‘commence proceedings,’” Regents, 591 U.S. 1 at 19, — here, Mr. Ahmed preemptively challenges the Government’s decision to commence removal proceedings against him. See Am. Compl. ¶ 92 (“Defendants’ actions have inflicted irreparable harm on Mr. Ahmed. The prospect of imminent detention and the commencement of deportation proceedings have affected his liberty, free speech, and continued advocacy with CCDH.” (emphasis added)).

3. Sections 1252(a)(5) and (b)(9)

The Court also finds that the relief Mr. Ahmed seeks is “inextricably intertwined” with the PFR process and therefore, under Delgado and its progeny, Sections 1252(a)(5) and (b)(9) divest this Court of jurisdiction. Mahdawi, 183 F.4th at 120.

As the Administrative Record makes clear, the Secretary of State has determined that Mr. Ahmed is "an alien in LPR status, is deportable" under the INA and that "DHS may now initiate removal charges against him." Dkt. no. 42 at PDF 8. Mr. Ahmed, in turn, asks this Court to vacate the Secretary of State's underlying policy, enjoin the Government from removing him from the country, and declare that the Government's actions are unconstitutional. See Am. Compl. at 42-43. Moreover, as stated in support of his motion for a preliminary injunction, "Plaintiff's single most important reason for filing this case is to be able to remain here with his wife and daughters" Dkt. no. 54 at 24.

The substance of the relief Mr. Ahmed seeks is "inextricably linked" to any potential removal order he might face because it is "a necessary prerequisite" to stop his deportation. Delgado, 643 F.3d at 55; see also Melgar v. Wolf, 590 F. Supp. 3d 472, 476 (E.D.N.Y. 2022) ("following Delgado, courts routinely dismiss cases where the requested relief would lead, or be a prerequisite, to invalidation of a removal order").

Mr. Ahmed argues that Section 1252(a)(5) and (b)(9) do not apply because he has not actually received a final order of removal. Dkt. no. 54 at 9. Such argument, however, is plainly foreclosed by the recent holding of the Court of Appeals in Mahdawi v. Trump. As the Court of Appeals explained, "the relevant inquiry is whether the legal or factual questions raised" by Ahmed "aris[e]

from any action taken . . . to remove [him]." Mahdawi, 183 F.4th at 115-16 (emphasis in original, quoting the statute). Here, as in Mahdawi, "the plain meaning of 'any action taken . . . to remove an alien' encompasses [] the Secretary of State's removability determination" Id. (cleaned up and citation omitted).

Mr. Ahmed's subsequent argument that his case is "easily distinguishable from Mahdawi" because in his case, "immigration proceedings have not yet commenced, let alone terminated, and there is no order of removal," is unavailing. Dkt. no. 64-2 at 2. Both cases challenge on First Amendment grounds, a "Rubio Determination" that the individual in question is removable pursuant to 8 U.S.C. § 1227(a)(4)(C). Mahdawi, 183 F.4th at 109, 112 n.8. And, "even the narrowest definition of 'any action taken . . . to remove an alien' would include a removability determination under the INA." Mahdawi, 183 F.4th at 116.

Moreover, that removal proceedings for Mr. Ahmed have not commenced does not salvage his claim. See Ajlani v. Chertoff, 545 F.3d 229, 234 (2d Cir. 2008) ("Although no removal proceedings were pending against Ajlani at the time he filed his initial complaint, the district court correctly concluded that it lacked jurisdiction to review his subsequent prayer for relief from removal"). This is because "[s]ection 1252(b)(9) is not restricted to challenges to removal orders. The text refers to review of 'all questions of law and fact' arising from removal, not just

removal orders.” Jennings v. Rodriguez, 583 U.S. 281, 320 (2018) (Thomas, J., concurring in part and concurring in the judgment, joined by Gorsuch, J.) (quoting § 1252(b)(9)). And “[i]nterpreting § 1252(b)(9) to govern only removal orders ignores this language and effectively reads ‘or such questions of law or fact’ out of the statute.” Mahdawi, 183 F.4th at 118 (cleaned up and citation omitted).

Furthermore, that Mr. Ahmed is not bringing a habeas petition is of little import. See dkt. no. 64-1 at 2. The plain text of the statute makes clear that “[n]either ‘habeas corpus’ nor ‘any other provision of law’ can be used to avoid § 1252(b)(9)’s jurisdictional bar.” Jennings, 583 U.S. at 316-17 (Thomas, J., concurring in part and concurring in the judgment, joined by Gorsuch, J.) (quoting § 1252(b)(9)); Delgado, 643 F.3d at 55 (“The APA explicitly does not apply to the extent that statutes preclude judicial review” (cleaned up and citation omitted)).

4. Appellate Litigation in Mahdawi

Finally, the Court is aware that in Mahdawi, the Court of Appeals granted rehearing in banc. See Mahdawi v. Trump, No. 25-1113, dkt no. 244 (2d Cir. September 3, 2026) (ordering rehearing in banc). Moreover, in that order granting rehearing in banc, the Court of Appeals stated that such proceedings “shall be paused and held in abeyance in the event that the Supreme Court” grants certiorari on the issue presented in Mahdawi. Id.

Nevertheless, this Court declines to delay these proceedings pending resolution of that matter. See Cox v. Dep't of Just., 111 F.4th 198, 209 (2d Cir. 2024) ("Let us be clear: A published opinion . . . becomes binding precedent when it is decided. The fact that a mandate has not yet issued means only that jurisdiction over the case has not yet shifted back to the district court; it does not undermine the immediate precedential weight of our decision.").

Mahdawi is the law of this Circuit, and this Court is bound to follow its precedent. Moreover, this Court has also determined that it also lacks jurisdiction under 8 U.S.C. § 1252(g), which the Merits Panel in Mahdawi did not reach. See Mahdawi v. Trump, 183 F.4th 103, 113 n.9 (2d Cir. 2026).

Accordingly, this Court declines to stay these proceedings, on speculation that the precedent of Mahdawi, will be revised by an in banc panel of the Court of Appeals or the Supreme Court of the United States. See Studiengesellschaft Kohle, mbH v. Novamont Corp., 578 F. Supp. 78, 80 (S.D.N.Y. 1983) (Sweet, J.) ("It is not an appropriate function for this court to pass on the likelihood that the ruling of a higher court will be accepted for review by the Supreme Court.").

The Court's decision today is based on the current law of this Circuit and a plain reading of three provisions of 8 U.S.C. § 1252. Resolving this matter today enables this Court to exercise

"judicial resources efficiently, concentrating [its] efforts on the prompt hearing and disposition of cases." Jon O. Newman, In Banc Practice in the Second Circuit, 1989-93, 60 BROOK. L. REV. 491, 503 (1994).

Accordingly, this Court declines to stay Mr. Ahmed's proceedings pending rehearing in banc in Mahdawi.

B. Venue

The Government also moves to dismiss this matter due to improper venue or transfer it to the District of Columbia, which "would be the appropriate venue." Dkt. no. 49 at 11.

The Court alternatively holds that the District of Columbia would be the proper venue for this action and, assuming any district court had subject-matter jurisdiction, this Court would transfer this action there.

A district court may transfer a civil action to any other district "[f]or the convenience of parties and witnesses" and "in the interest of justice." 28 U.S.C. § 1404(a). In deciding a motion to transfer venue, this Court inquires "whether the action could have been brought in the transferee district, and, if yes, whether transfer would be an appropriate exercise of the Court's discretion." Robertson v. Cartinhour, 2011 WL 5175597, at *3 (S.D.N.Y. Oct. 28, 2011).

Moreover, in assessing whether transfer is appropriate, the Court weighs several factors, including:

(1) the convenience of witnesses; (2) the convenience of the parties; (3) the locus of operative facts; (4) the availability of process to compel the attendance of the unwilling witnesses; (5) the location of relevant documents and the relative ease of access to sources of proof; (6) the relative means of the parties; (7) the forum's familiarity with the governing law; (8) the weight accorded to the plaintiff's choice of forum; (9) trial efficiency; and (10) the interest of justice, based on the totality of circumstances.

Jean-Louis v. ACS, 2022 WL 16857359, at *2 (S.D.N.Y. Oct. 14, 2022).

As to balancing the factors, with the exception of Plaintiff's choice of forum, all weigh decidedly in favor of transferring this action to the District of Columbia. Indeed, that is where all the relevant decisions were made, documents might be located, and even where Mr. Ahmed himself lives. See Am. Compl. ¶ 8.

Of course, transfer is not appropriate because the District of Columbia would also not have jurisdiction over this case for the same reasons that this Court does not. Congress has stripped district courts of jurisdiction of review of cases such as Mr. Ahmeds pursuant to 8 U.S.C. §§ 1252(g), (b)(9), and (a)(5).

Accordingly, dismissal rather than transfer is proper. See Luctama v. Knickerbocker, 2020 WL 1503563, at *5 (S.D.N.Y. Mar. 30, 2020) (dismissal rather than transfer is appropriate where claim could not survive in transferee court).

III. Conclusion

For the foregoing reasons, the Court grants Defendants' motion to dismiss for lack of subject matter jurisdiction. The Clerk of Court shall enter judgment in favor of Defendants, deny all pending motions as moot, and close the case.

Nevertheless, the temporary restraining order governing this matter, see dkt. nos. 14, 26, shall remain in effect for five business days from the date of this order and shall thereafter dissolve, absent any further order from the United States Court of Appeals for the Second Circuit or the Supreme Court.

SO ORDERED.

Dated: September 8, 2026
New York, New York



LORETTA A. PRESKA
Senior United States District Judge