

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IMRAN AHMED,

Plaintiff,

-against-

MARCO RUBIO, et al.,

Defendants.

No. 25-CV-10705 (LAP)

TEMPORARY RESTRAINING ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Plaintiff moves for the Court to "stay its order dissolving" the temporary restraining order ("TRO") "pending appellate review or, in the alternative, pending the Second Circuit's resolution of Mr. Ahmed's [] application for a stay in that court." Dkt. no. 69 at 1.

The familiar factors set forth in Nken v. Holder, 556 U.S. 418, 434 (2009), govern the Court's analysis. In particular, with respect to likelihood of success on the merits, because Mahdawi II is the current law of this Circuit, see Mahdawi v. Trump, 183 F.4th 103, 113 (2d Cir. 2026) ("The motions panel's opinion, while entitled to thoughtful consideration, is not binding"); Cox v. Dep't of Just., 111 F.4th 198, 209 (2d Cir. 2024), the Court finds that it is not appropriate for this Court to speculate that Mahdawi II's precedent will be revised by an in banc panel of the Court of Appeals or the Supreme Court, should the High Court "grant[]"

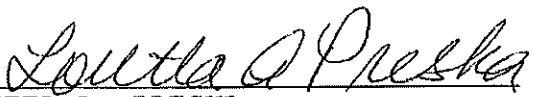
certiorari.” Mahdawi v. Trump, 2d Cir. 25-1113, dkt. no. 244. Rather, the Court of Appeals itself is better positioned to do so, particularly with respect to its own in banc proceedings.

Accordingly, having considered and weighed the other Nken factors as well, the Court stays the TRO governing this matter, see dkt. nos. 14, 26, pending resolution of Mr. Ahmed’s motion for a stay in the United States Court of Appeals for the Second Circuit. See Ahmed v. Rubio, 2d Cir. 26-2509, dkt. no. 8. The Court amends the final paragraph of its September 8, 2026, order (dkt. no. 67) accordingly.

The Clerk of Court shall close docket number 69.

SO ORDERED.

Dated: September 10, 2026
New York, New York


LORETTA A. PRESKA
Senior United States District Judge