

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Matthew Ariwoola,)	Case No. 3:25-cv-03313-JDA
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Kristi Noem, <i>in her official capacity as</i>)	
<i>Secretary of Homeland Security</i> ; the)	
Department of Homeland Security;)	
Todd Lyons, <i>in his official capacity as</i>)	
<i>Acting Director of U.S. Immigration</i>)	
<i>and Customs Enforcement,</i>)	
)	
Defendants.)	
)	

This matter is before the Court on Plaintiff's emergency motion for temporary restraining order ("TRO"). [Doc. 7.]

Although a TRO is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief," *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008), the Court has reviewed the Complaint, the motion, and the pertinent authorities and finds that Plaintiff has satisfied the requirements for such relief.*

* In his declaration, Plaintiff states that he is a PhD student at the University of South Carolina; he is in full compliance with all requirements needed to lawfully remain in the United States pursuant to his F-1 student status; his Student and Exchange Visitor Information System ("SEVIS") record was terminated, causing him to be unable to maintain his F-1 status, requiring him to cease his research and discontinue his teaching responsibilities, and causing him to lose his stipend; the reason given for his termination was listed as "OTHER – Individual identified in criminal records check and/or has had their VISA revoked"; and he has never been convicted of a crime. [Doc. 7-1.] Review of the SEVIS record attached to the Complaint shows no indication that his visa has previously been revoked. [Doc. 1-1.]

See Fed. R. Civ. P. 65(b) (providing that a court may issue a TRO without notice to the adverse party if (1) “specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition” and (2) “the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required”); *Winter*, 555 U.S. at 22 (holding that a party requesting a TRO “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest”).

Given the exigent circumstances of this case, the Court issues only a very brief Order. Plaintiff’s emergency motion for a TRO [Doc. 7] is GRANTED to preserve the status quo until the Court can receive further briefing and hold a hearing if necessary.

It is further ORDERED that:

(a) Defendants are temporarily enjoined for 14 days from arresting, detaining, or transporting Plaintiff outside of the jurisdiction of the District of South Carolina or removing him from the United States pending these proceedings.

(b) Defendants’ actions in terminating Plaintiff’s SEVIS record shall have no legal effect and shall not obstruct Plaintiff in continuing to pursue his academic and employment pursuits that he is authorized to pursue as an international student with F-1 status.

(c) Plaintiff is not required to provide security, see Fed. R. Civ. P. 65(c), because this Order should not result in any financial damage to Defendants.

(d) Plaintiff shall serve this Order, the Complaint, the Summonses, and the motion for TRO and related filings on the United States Attorney for the District of South Carolina

by 12:00 p.m. on Monday, April 21, 2025, and complete service in accordance with Rule 4(i)(2) of the Federal Rules of Civil Procedure by 5:00 p.m. on Tuesday, April 22, 2025.

(e) Defendants shall file any response to the motion for TRO by the close of business on Friday, April 25, 2025.

(f) If necessary, a hearing shall be held on Friday, May 2, 2025, at 10:00 a.m. at the Carroll A. Campbell, Jr. U.S. Courthouse in Greenville, South Carolina.

IT IS SO ORDERED.

s/Jacquelyn D. Austin
United States District Judge

April 18, 2025
Columbia, South Carolina