

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA – ORLANDO DIVISION

Evandro Lagos,
Petitioner, Pro Se

v.

U.S. Department of Homeland Security, et al.,
Respondents

MOTION 1- FOR TEMPORARY RESTRAINING ORDER (TRO)
AND 14-DAY STAY OF REMOVAL PENDING EMERGENCY REVIEW
(Pursuant to Federal Rule of Civil Procedure 65)

TO THE HONORABLE JUDGE J.S.S.:

Petitioner, acting *pro se*, respectfully moves this Court to issue a **Temporary Restraining Order (TRO)** preventing any action of removal, deportation, or transfer from U.S. territory for a minimum period of **14 days**, or until this Court can rule on the merits of the pending habeas corpus and related motions.

This request is based on **urgent humanitarian grounds, procedural violations**, and the **constructive custody** status that places Petitioner at imminent risk without protection of judicial process.

1. Legal Grounds for TRO – The Four Required Factors

Under Rule 65(b) of the Federal Rules of Civil Procedure and related federal precedent, a TRO may be granted if the Petitioner shows:

(a) Likelihood of Success on the Merits

Petitioner has filed a habeas corpus petition with substantial evidence of due process violations, including:

- Legal entry under **Humanitarian Parole**;

- Lack of individualized hearing before parole revocation;
- Pending I-765 work permit with no decision;
- Constructive custody recognized by federal precedent (see *Jones v. Cunningham*, 371 U.S. 236).

(b) Irreparable Harm Absent Relief

Without a TRO, Petitioner risks:

- Imminent **removal** from the U.S.;
- **Loss of all legal remedy** and jurisdictional protection;
- **Extreme personal harm** due to lack of shelter, income, and protection from retaliatory or persecutory systems abroad;
- **Inability to finalize judicial review** before July 24 hearing in immigration court.

(c) Balance of Equities Favors the Petitioner

Petitioner seeks only **temporary suspension** of removal while the Court evaluates the habeas and related motions. No prejudice will result to the Government from a brief delay, whereas Petitioner may suffer **irreversible harm** if deported prematurely.

(d) Public Interest Supports Judicial Review

The public has a strong interest in ensuring that **due process** is upheld, especially for those under legal humanitarian parole, who rely on **federal courts** for protection against procedural abuse.

2. Background and Urgency

- Petitioner entered legally on **January 2, 2025**.
- His **work permit remains pending**.
- On **April 2025**, he filed a habeas corpus and two motions for relief.
- **No final decision** has been issued.
- The next immigration hearing is scheduled for **July 24, 2025**, without protective ruling from this Court.

3. Relief Requested

Petitioner respectfully requests that this Court:

1. Issue a **Temporary Restraining Order** preventing removal, deportation, or ICE enforcement actions against the Petitioner for a minimum of **14 days** from the date of this Order;
2. Maintain such protection until the Court can evaluate the merits of the pending habeas corpus and motions;
3. Grant **any other equitable relief** deemed just and proper.

Respectfully submitted,

Evandro Lagos

Pro Se Litigant

Date: [to be filled upon filing]

Location: Orlando, Florida

