

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF GEORGIA

CASE NO.: 4:25-cv-00175-CDL-AGH

CARLOS ROLDAN LEIVA,

Petitioner,

v.

DICKERSON et al

Respondent

_____ /

EMERGENCY MOTION FOR TEMPORARY

RESTRAINING ORDER AND STAY OF REMOVAL

Petitioner, **CARLOS ROLDAN LEIVA** (A# ) by and through undersigned counsel, respectfully moves this Honorable Court, pursuant to applicable habeas corpus law, for an **Emergency Temporary Restraining Order (TRO)** enjoining Respondents from **removing Petitioner to any country other than his country of citizenship, Cuba**, while this Court considers the merits of his concurrently filed **Petition for Writ of Habeas Corpus**. This request is submitted on an **emergency basis** due to the imminent risk of unlawful deportation.

I. BACKGROUND

Mr. Roldan Leiva is a **native and citizen of Cuba**, currently detained by U.S. Immigration and Customs Enforcement (ICE) at **Stewart Detention Center**, located at **146 CCA Road, Lumpkin, Georgia 31815**. He has been in ICE custody since **November 25, 2024**.

Despite being a Cuban national, ICE has indicated its intention to **remove him to a third country that is not Cuba**, a country to which Mr. Roldan Leiva has **no legal status, no familial ties, and no citizenship**. This violates both statutory and constitutional protections, including **8 U.S.C. § 1231(b)(2)**, which governs proper removal procedures for noncitizens.

II. LEGAL STANDARD

A temporary restraining order may be granted where the movant demonstrates:

1. A likelihood of success on the merits;
2. A likelihood of irreparable harm if relief is not granted;

3. That the balance of hardships weighs in favor of the movant; and
4. That the public interest would be served by granting the injunction.

III. ARGUMENT

A. Petitioner is likely to succeed on the merits.

Under **8 U.S.C. § 1231(b)(2)**, the United States may not remove a noncitizen to a country that is not their country of citizenship, subject, or nationality, except under narrow and well-defined statutory exceptions. Mr. Roldan Leiva **has not consented** to removal to a third country, and ICE has failed to provide any legal justification for deviating from the statutory mandate.

ICE's attempt to remove Mr. Roldan Leiva to a non-native country without compliance with the statutory framework is a clear violation of federal law and **due process rights** under the Fifth Amendment.

B. Petitioner faces imminent and irreparable harm.

Removal to a country where Mr. Roldan Leiva has no citizenship or lawful status could subject him to **statelessness, unlawful detention abroad, or persecution**. Once removed, he would have **no adequate legal remedy** to challenge the deportation or return to the U.S. His harm would be **immediate, irreparable, and potentially life-threatening**.

C. The balance of equities favors Petitioner.

The potential harm to Mr. Roldan Leiva—wrongful deportation to a non-native country—**vastly outweighs any inconvenience** to the government in pausing his removal pending judicial review. This Court has a duty to prevent illegal and unconstitutional removals while a valid habeas petition is under consideration.

D. Granting the TRO serves the public interest.

The public interest is served when the government complies with immigration laws and constitutional protections. Preventing ICE from engaging in unlawful removals upholds public confidence in the legal system and protects against arbitrary enforcement actions.

IV. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Immediately issue a Temporary Restraining Order enjoining Respondents from removing him to any country other than Cuba** while this matter is pending;
2. **Set this matter for a prompt hearing** on a request for preliminary injunctive relief;
3. **Order that Respondents notify this Court and undersigned counsel in writing prior to any future attempt to effectuate removal;** and
4. Grant such further relief as this Court deems just and proper

CERTIFICATE OF SERVICE

I certify that a copy of the of this document electronically served via CMECF filing services online to all persons listed for service on June 18, 2025.

Respectfully submitted,

/s/ Liz Farinas

By: _____

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Respectfully submitted,

/s/ Shirley C. Zambrano

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