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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

YAHAIIRA EDITH GOVEA ESTRADA,	)	No. : 4:25-CV-204
	)	
Petitioner,	)	
	)	
V.	)	
TODD LYONS, Acting Director of Immigration	)	MEMORANDUM IN SUPPORT OF
and Custom Enforcement ("ICE"),	)	MOTION FOR TEMPORARY
GEORGE STERLING, Field Office Director,	)	RESTRAINING ORDER
ICE Atlanta Field Office,	)	
TERRANCE DICKERSON	)	
Warden, Stewart Detention Center,	)	
	)	
Respondents.	)	
_____	)	

In support of her motion for temporary restraining order ("TRO"), Petitioner submits the following memorandum.

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). 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, 24 (2008).

“The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) ‘that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest.’” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter*, 555 U.S. at 20).

As an alternative to this test, a preliminary injunction is appropriate if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011).

However, the “serious questions” approach supports the court’s entry of a TRO only so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest. *Id.* at 1135. The moving party bears the burden of persuasion and must make a clear showing that it is entitled to such relief. *Winter*, 555 U.S. at 22.

The Respondents apparently propose to deport the Petitioner before the end of June 2025. However, Petitioner has filed a Writ of Habeas Corpus before this Honorable Court. There is no clear showing of the basis to execute this deportation as Petitioner does not have a pending removal order to the best of Petitioner Counsel’s knowledge. Moreover, Petitioner is suffering irreparable harm while detained at Stewart Detention Center as she is under inhumane conditions that harm her health and well-being as well as the health and well-being of her unborn children. In this case, given the clear violations of Petitioner’s rights under the Fifth and Eight Amendment of the United States Constitution, she is likely to succeed on the merits of her Habeas Corpus Petition.

The balance of hardships tips substantially in favor of Petitioner. She has two United States citizen children, one of which is underage and heavily relies on Petitioner for his emotional and physical care. Either they will be left in America without their mother, or they will be effectively uprooted from the land of their birth and citizenship. Moreover, Petitioner is currently 9 weeks pregnant while held at Stewart Detention Center. Her pregnancy is considered high risk, and she is expecting twins. Petitioner desperately requires appropriate care for her pregnancy and both her health and her unborn children's health would be at risk the longer she is prevented from accessing health care freely. This is irreparable harm.

The public interest favoring immediate deportation appears weak at best. The Respondents don't seem to have any reason to suspect that the public safety or national security may somehow be at risk if the motion for a temporary order is granted. The grant of this motion would allow this Honorable Court to adequately consider Petitioner's Writ of Habeas Corpus.

Moreover, Petitioner is not a flight risk as it is in her best interest to cooperate with the authorities to be allowed an opportunity to care for all her children. A stay to allow a proper review of the administrative record, will therefore not prejudice Respondents. Given Petitioner's prolonged time residing in the United States, there is no indication that any delay in ICE's actions in the interest of due process would be prejudicial to the public interest.

There is also a strong public interest in making sure that people, regardless of their immigration status, are not subjected to cruel and unusual punishments and are given an opportunity to heard, as required under the United States Constitution.

For all these reasons, the motion for temporary restraining order should be granted.

Dated this 27th day of June, 2025

Respectfully Submitted,

s/Johanna Cochran
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ICE Atlanta Field Office,	)	
TERRANCE DICKERSON	)	
Warden, Stewart Detention Center,	)	
	)	
Respondents.	)	
_____	)	

I, JOHANNA COCHRAN, under penalty of perjury, do solemnly declare:

1. I have taken the following steps to investigate the legal and factual basis of this matter.
2. My associate, Raquel Gonzalez Padron, has interviewed carefully the Petitioner on multiple opportunities including June 13, each time in the Spanish language.
3. I have researched all claims for relief in the petition for habeas corpus.

4. Petitioner's alien number (A# ) does not show the existence of an order of removal against her in EOIR's Automated Case Information system, which is available at <https://acis.eoir.justice.gov/en/>.

5. I have also checked various media reports which indicate that ICE is engaged in various tactics to execute the physical removal of detainees, which appear to be consistent with Petitioner's case.

Dated this 27th day of June, 2025

Respectfully Submitted,

s/Johanna Cochran
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