**IN THE UNITED STATES DISTRICT COURT**
**FOR THE WESTERN DISTRICT OF KENTUCKY**

| | |
|---|---|
| LEIDY SANCHEZ BALLESTROS,<br>Petitioner,<br><br>v.<br><br>KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity;<br><br>TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity;<br><br>SAMUEL OLSON, Field Office Director, Chicago Field Office, Immigration and Customs Enforcement, in his official capacity;<br><br>TOM WATT, Sheriff of Grayson County, Kentucky, custodian of detainees of the Grayson County Detention Center,<br><br>Respondents. | Case No. 3:25-CV-594-DJH<br><br>**MOTION FOR TEMPORARY RESTRAINING ORDER** |

## INTRODUCTION

On July 9, 2025, while attending an immigration court hearing, the Respondents unlawfully detained Petitioner Leidy Sanchez Ballestros ("Petitioner" or "Ms. Sanchez"), a noncitizen woman from Colombia. This unlawful detention occurred over a year after the government released her into the United States on her own recognizance and placed her in "standard" removal proceedings under 8 U.S.C. § 1229a. This process guarantees her the right to present to an immigration court, with counsel at her side, evidence at a full adversarial hearing on her claim for asylum.

However, while attending her hearing on July 9, Respondents abruptly and unlawfully reversed course. Without advance personal notice to Petitioner, individualized justification, or change in his personal circumstances, Respondents moved to dismiss her standard removal proceedings to place her in expedited removal proceedings pursuant to 8 U.S.C. § 1225. Even though the Immigration Judge did not dismiss proceedings that day, the Department of Homeland Security (DHS) detained her after she appeared at the Chicago Immigration Court. Ms. Sanchez is currently detained at the Grayson County Detention Center in Kentucky.

In detaining Ms. Sanchez, the Respondents rely on the mandatory-detention provisions of 8 U.S.C. § 1225 of the Immigration and Naturalization Act (INA). But for several reasons, the detention is invalid: First, the mandatory-detention provision applies only to an immigrant, unlike Ms. Sanchez, who was not already in standard removal proceedings, on release, and applying for asylum. Because over a year ago the government placed Petitioner in standard removal proceedings, released her, and allowed her to apply for asylum, under the INA and its implementing regulations, the Respondents may not now simply start over with expedited removal. Neither can they subject her to mandatory detention as an "applicant for admission" when she has been in the United States and actively pursuing relief for over a year, meaning that she is no longer "seeking admission" as the statute requires for mandatory detention to apply. In addition, by reversing, without justification, its decision to release her and to allow her to apply for asylum, her detention is arbitrary and violates both the Administrative Procedure Act (APA) and her right to due process. Finally, by detaining Ms. Sanchez while simultaneously denying her potentially life-saving medical care that she needs and could otherwise seek, her detention is unreasonable as a matter of due process.

Ms. Sanchez is entitled to a writ of habeas corpus under § 2241 and release from custody. While it considers this petition, this Court should grant the preliminary relief of immediate release on just terms. Ms. Sanchez satisfies all factors warranting preliminary relief: She is likely to succeed on the merits, she will be irreparably harmed if not released, the government faces no risk of harm if she is released, and the public interest favors immediate release.

In the alternative, should the Court deny Ms. Sanchez's request for injunctive relief, at a minimum it should order Respondents to show cause why Ms. Sanchez's habeas petition should not be granted. Counsel for Ms. Sanchez provided notice of her intent to file the accompanying habeas petition to counsel for Respondents at the U.S. Attorney's Office for the Western District of Kentucky on September 11, 2025.

## FACTUAL BACKGROUND

Ms. Sanchez is a 37-year-old woman from Colombia with four minor children. While living in Colombia, Ms. Sanchez was in a physically and emotionally abusive relationship with her ex-partner, during which she sustained injuries so severe they required surgery. Exh. E. Although she filed a police report, and it led to her ex-partner's arrest, Colombian authorities eventually released him from criminal custody, and he continued to traumatize Ms. Sanchez. *Id.*

Fearing for her life if she remained in Colombia, Ms. Sanchez fled Colombia and arrived in the United States in April 2024, where, on or around April 2, 2024, she turned herself in to immigration authorities, near El Paso, Texas. Exh. A. After she turned herself in, federal immigration authorities released her on her own recognizance and initiated standard removal proceedings by filing a Notice to Appear. *Id.*; Exh. D.

On January 14, 2025, Ms. Sanchez timely submitted an application for asylum, withholding of removal, and relief under the Convention Against Torture before the Chicago Immigration

Court. Exh. E. Ms. Sanchez remained compliant with all conditions of her release for over a year after her arrival in the United States.

On June 9, 2025, Ms. Sanchez appeared for an immigration hearing before the Chicago Immigration Court. At the hearing, the government moved orally to dismiss her removal proceedings in order to pursue expedited removal.[1] The immigration judge (IJ) reset the case for another hearing to allow Ms. Sanchez the opportunity to respond to the government's motion. As Ms. Sanchez was leaving the courtroom, federal officials acting at the behest of Respondents detained her, even though the government's dismissal motion had not been granted and despite the government's prior decision to release her on her own recognizance and permit her to apply for asylum. Ms. Sanchez was then transferred to the Grayson County Detention Center in Kentucky, where she remains detained.

One month after her transfer, on July 9, 2025, she requested release on her own recognizance or parole, but DHS denied her request. Exh. F.

On July 10, 2025, Ms. Sanchez, through counsel, filed an opposition to the government's motion to dismiss her standard removal proceedings. At a hearing on July 15, DHS argued that Ms. Sanchez is subject to mandatory custody and ineligible for bond as an "applicant for admission" and pursuant to the Board of Immigration Appeal's (BIA's) recent decision in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

On July 16, 2025, the IJ granted DHS's motion to dismiss. Exh. C. Ms. Sanchez has appealed the IJ's decision to the Board of Immigration Appeals and her appeal remains pending, meaning that the IJ's decision granting dismissal is not administratively final. 8 U.S.C. § 101(a)(47)(B); 8 C.F.R. § 1003.39.

[1] The government subsequently filed a written motion to dismiss on July 15, 2025. Exh. B.

Even though Ms. Sanchez arrived in the United States over a year ago, the government released her from custody over a year ago, and it allowed her to apply for asylum over a year ago, the Respondents seek to subject her to expedited removal under § 1225 and to mandatory detention—all while its attempt to dismiss her standard removal proceeding is not final.

On July 25 and August 11, 2025, counsel for Ms. Sanchez contacted DHS by email to request that Ms. Sanchez be afforded a credible fear interview. Exh. G. To date, DHS has not responded to the request.

Ms. Sanchez is detained in unreasonable conditions of confinement. Prior to fleeing Colombia, Ms. Sanchez was diagnosed with a brain tumor. She currently experiences several symptoms related to her condition, including near-fainting episodes, abdominal pain, dizziness, sleeplessness, and vomiting. Exh. F. While she was living in Chicago, she saw a doctor for some of these symptoms and was able to arrange for treatment and monitoring. *Id.* Before her detention, she had been receiving prescription medication to treat her gastrointestinal ailments, vomiting, and nausea. *Id.* At Grayson, she is not receiving adequate treatment for any of these conditions, including the brain tumor, gastrointestinal issues, nausea, and vomiting, despite the urgent need for care.

**LEGAL STANDARD**

The court should grant this motion. A district court may, in its discretion, grant a motion for preliminary relief while the merits are under consideration when four factors favor the grant. Those four factors are a likelihood of success on the merits, irreparable harm to the movant without relief, the risk of harm to the non-movant (the government) if this court grants relief, and the public interest. *See Bays v. City of Fairborn*, 668 F.3d 814, 818-19 (6th Cir. 2012); *Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp.*, 511 F.3d 535, 542 (6th Cir. 2007); *Winter v. Natural*

*Resources Defense Council, Inc.*, 555 U.S. 7 (2008). The four factors are "not prerequisites that must be met" but should be balanced against each other. *Id* (citing *McPherson v. Michigan High Sch. Athletic Ass'n, Inc.*, 119 F.3d 453, 459 (6th Cir. 1997)).

A court considers the same factors on a motion for temporary restraining order, with emphasis on irreparable harm "given that the purpose of a temporary restraining order is to maintain the status quo." *ABX Air, Inc. v. Int'l Bhd. of Teamsters*, 219 F. Supp. 3d 665, 670 (S.D. Ohio 2016) (quoting *Reid v. Hood,* No. 1:10-cv-2842, 2011 WL 251437 (N.D. Ohio 2011)). In cases like this one, a showing of likelihood of success on the merits is "typically dispositive," *Vitolo v. Guzman,* 999 F.3d 353, 360 (6th Cir. 2021) (citing *Roberts v. Neace,* 958 F.3d 409, 416 (6th Cir. 2009) (per curiam)), because "[w]hen constitutional rights are threatened or impaired, irreparable injury is presumed." *Id.* (quoting *Obama for Am. V. Husted,* 697 F.3d 423, 436 (6th Cir. 2001)).

The burden rests with the movant to establish that injunctive relief should be granted. *Overstreet v. Lexington-Fayette Urb. Cnty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002). As explained below, because each one of these factors strongly favors Ms. Sanchez, this court should grant her motion.

**I. Petitioner is likely to succeed on the merits of her claims.**

A Petitioner ordinarily prevails on this prong if he or she "has raised questions going to the merits so serious, substantial, difficult, and doubtful as to make them fair grounds for litigation and thus for more deliberative investigation." *Six Clinics Holding Corp. II v. Cafcomp Sys.,* 119 F.3d 393, 402 (6th Cir.1997). Here, Ms. Sanchez is highly likely to prevail on the merits of her claim that her detention is unlawful. Under 28 U.S.C. § 2241(c)(3), a petitioner is entitled to a writ

of habeas corpus if the petitioner "is in custody in violation of the Constitution or laws or treaties of the United States." Ms. Sanchez's custody violates both federal and constitutional law.

**a. Detention Under 8 U.S.C. 8 U.S.C. § 1225(b)(1) is Improper.**

Respondent's initial position in this case appears to have been that Petitioner faces expedited removal and detention under 8 U.S.C. § 1225(b)(1)(A)(iii)(II). That position is wrong.

Section 1225(b)(1)(A)(iii)(II) permits the government to elect expedited removal of, and detain without bond, a noncitizen "*who has not been admitted or paroled* into the United States and who has not affirmatively shown, to the satisfaction of an immigration officer, that [the noncitizen] has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility." *Id.* (emphasis added). But this provision does not permit use of expedited removal or detention under Section 1225 for persons, like Petitioner, already paroled into the United States and in the process of seeking asylum. Respondents may not suddenly eject Petitioner from her own case to pursue expedited removal and detain her under § 1225. Indeed, the only way that a person in Petitioner's posture could have been released from detention upon arrival in the United States would have been by being paroled into the country. *See Matter of Q. LI,* 29 I. & N. Dec. 66 (BIA 2025) (citing *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018) ("The only exception permitting the release of [noncitizens] detained under section 235(b) of the INA, 8 U.S.C. § 1225(b), is the parole authority provided by section 212(d)(5)(A) of the INA, 8 U.S.C. § 1182(d)(5)(A)."). That very fact takes Petitioner out of the framework of Section 1225(b)(1) and means that she is neither amenable to expedited removal nor mandatory detention on that basis. *See Coal. for Humane Immigrant Rts. v. Noem,* No. 25-CV-872 (JMC), 2025 WL 2192986 (D.D.C. Aug. 1, 2025) *appeal pending* at No. 25-5289 (D.C. Cir.).

By attempting to construe § 1225(b)(1)(A)(iii)(II) as allowing it to bounce Ms. Sanchez from standard to expedited proceedings and to detain her, Respondents commit several errors. First, by doing so the government violates its own regulations. These regulations limit the government from seeking dismissal of full removal proceedings unless the "[c]ircumstances of *the case* have changed". *See* 8 C.F.R. § 239.2(a)(7) (emphasis added). But nothing in the case has changed. The government previously considered Ms. Sanchez's circumstances and determined that she was not a flight risk or danger to the community. Respondents have cited no new facts that might justify changing this view about her. Indeed, Respondents could not plausibly contend that Ms. Sanchez is a flight risk because she was arrested while she voluntarily appeared as required at her immigration proceedings.

Further, by treating § 1225(b)(1)(A)(iii)(II) as allowing Respondents to move all noncitizens from standard removal proceedings to expedited removal and mandatory detention, Respondents eviscerate the discretionary-release provision of § 1226(a). "A statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant[.]" *Corley v. United States*, 556 U.S. 303, 314 (2009) (cleaned up). To give effect to both provisions, as the government has done for decades, standard removal (with discretionary release) applies to noncitizens like Ms. Sanchez whom the government has released into the United States. *See* e.g., *Rodriguez Vazquez v. Bostock,* 779 F. Supp. 3d 1239, 1257-58 (W.D. Wash. Apr. 24, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at *5-7 (E.D. Mich. Aug. 29, 2025). By contrast, the government may initiate expedited removal (and the corresponding use of mandatory detention) when it has apprehended noncitizens

while entering the United States. *See id.* It did not do so here, instead electing to release Ms. Sanchez on her own recognizance and place her in standard removal proceedings under § 1229(a).

Likewise, by construing § 1225(b)(1)(A)(iii)(II) to allow the government to switch suddenly Ms. Sanchez from standard to expedited proceedings and to detain her, the government also violates the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). Under the APA, when an agency under a new administration reverses the approach that a previous administration took, the agency "must examine the relevant data and articulate a satisfactory explanation for its action." *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 513 (2009) (quoting *Motor Vehicles Mfrs. Assn. of United States, Inc. v. State Farm Mut. Automobile Ins. Co.*, 463 U.S. 29, 43 (1983)). A "satisfactory explanation" must "includ[e] a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted). This requirement serves administrative-law values of promoting agency accountability and facilitating orderly review. *Dep't of Homeland Security v. Regents of the University of Ca.,* 591 U.S. 1, 22-23 (2020). Finally, when a new administration changes an approach to policy, its explanation for its change must take into account the fact that a prior policy may have engendered serious reliance interests. *Id.* at 30 (applied to immigration-policy changes); *F.C.C.,* 566 U.S. at 515.

Respondents' new policies purporting to expand the use of expedited removal fail these tests. When switching from standard to expedited removal for noncitizens, like Ms. Sanchez, whom the government had paroled and allowed to apply for asylum, Respondents offered nothing relevant to explain its sudden change in practice. They did not identify any individualized facts particular to Ms. Sanchez's case demonstrating that ejecting her from standard removal proceedings is justified. Likewise, they did not cite data rationally showing that noncitizens like Ms. Sanchez, midway through full removal proceedings, are suddenly endangering others or a

flight risk and must be rushed to expedited removal and detention. And they did not consider that these noncitizens have relied on their prior release and have already advanced claims for asylum.

Finally, by construing § 1225(b)(1)(A)(iii)(II) to allow the government to flip Ms. Sanchez from standard to expedited proceedings and to detain her, the government denies her due process in three ways. Once a noncitizen like Ms. Sanchez enters this country, whether her presence is "lawful, unlawful, temporary, or permanent," due process applies to her. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). The first aspect of due process relevant here is that government decisions must not be arbitrary. *See County of Sacramento v. Lewis,* 523 U.S. 833, 845 (1988). But the Respondent's decision to switch Ms. Sanchez to expedited removal and mandatory detention over a year after it elected to pursue standard removal proceedings, to release her from custody, and to allow her to apply for asylum, is arbitrary. It is arbitrary because it is not based on any justification compatible with due process. In the time since her arrival, Ms. Sanchez has been lawfully complying with her obligations to attend her immigration hearings and is not a flight risk or danger to the community. It is therefore arbitrary for the government to construe the INA to allow it to switch Ms. Sanchez to expedited removal and detain her.

Second, the government may not deprive any person of "life, liberty, or property without due process of law." U.S. Const. Amend. V. By construing the INA to allow it to transfer Ms. Sanchez from standard to expedited removal and detain her, the government has deprived her of valuable rights in connection with her application for asylum. Those rights, which reduce the risk of an erroneous decision but are not part of expedited removal, include the right to legal representation, *see* 8 U.S.C. §§ 1229a(b)(4)(A), 1362, 1158(d)(4); the right to present documentary and testimonial evidence in support of asylum eligibility, *see id.* § 1158(b)(1)(B); the right to appeal an adverse decision to the Board of Immigration Appeals and to the federal circuit courts,

*see id.* §§1229a(c)(5), 1252(b); and the right to request reopening or reconsideration of a decision determining removability, *see id.* § 1229a(c)(6)-(7). The guarantee of due process prevents the government from extinguishing previously granted rights without an adequate justification. *See Board of Regents v. Roth*, 408 U.S. 564, 569 (1972). By treating the INA as allowing it to shift Ms. Sanchez to expedited removal for no reason particular to her, the government is depriving Ms. Sanchez of these rights without due process.

The third aspect of due process relevant here arises from her conditions of detention. Due process bars the government from detaining a person in objectively unreasonable conditions. *See Kingsley v. Hendrickson,* 576 U.S. 389, 391-92 (2015); *Brawner v. Scott County,* 14 F.4th 585, 594-97 (6th Cir. 2021). By detaining Ms. Sanchez while denying her life-sustaining medical care otherwise available is unreasonable and deprives her of her liberty without due process of law.

**b. Detention Under 8 U.S.C. § 1225(b)(2) is Improper.**

Though Respondents had not yet uniformly taken this position when they detained Petitioner on July 9, 2025, they seem to now be relying on an alternative basis, also within 8 U.S.C. § 1225 to justify mandatory detention. That position likewise fails, particularly for a person who was already in full removal proceedings and had those proceedings dismissed, as described above.

On July 8, 2025, DHS issued a memo articulating a position that all individuals who enter the United States outside of a port of entry—regardless of other subsequent factors—are subject to mandatory detention. *See* "Interim Guidance Regarding Detention Authority for Applicants for Admission." Then, on September 5, 2025, the Board of Immigration Appeals issued a published decision formalizing the position in the DHS memo. That decision holds that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bonds. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216

(BIA 2025). To the extent that Respondents rely on that policy and BIA decision to detain Petitioner here, even though it appears that was not their position at the time Petitioner was detained, it is wrong.

Numerous federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez,* 779 F. Supp. 3d 1239; *see also Gomes v. Hyde*, 2025 WL 1869299, at *8 (granting habeas petition based on same conclusion). Other federal courts have since roundly rejected Respondent's erroneous interpretation of the INA since ICE implemented its July 8, 2025, memo. *See Martinez v. Hyde*, CV 25-11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025).[2]

Effectively, the mandatory detention scheme under 8 U.S.C. § 1225(b)(2) applies only to noncitizens arriving at U.S. ports of entry who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the

[2] *See also Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025); *Rosado v. Figueroa et al.*, No. 2:25-cv-02157-DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Gonzalez et al. v. Noem et al.*, No. 5:25-cv-02054-ODW-BFM (C.D. Cal. Aug. 13, 2025); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Maldonado v. Olson*, ---F.Supp.3d ----, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Romero v. Hyde, et al.*, ---F.Supp.3d----, No. 1:25-cv-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Benitez et al. v. Noem et al.*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump et al.*, No. 3:25-cv-01093-JE-KDM (W.D. La. Aug. 27, 2025).

Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

**II. Petitioner will suffer irreparable harm absent injunctive relief.**

"[W]hen reviewing a motion for preliminary injunction, if it is found that a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated." *Bonnell v. Lorenzo,* 241 F.3d 800, 809 (6th Cir. 2001); *see also Elrod v. Burns,* 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."). A temporary restraining order is the only way to prevent deprivations of Petitioner's constitutional rights.

Specifically, several courts within the Sixth Circuit have recognized that continued unconstitutional detention constitutes irreparable harm. *See, e.g., Dovala v. Baldauf,* No. 1:16-cv-2511, WL 1699917, at (N.D. Ohio 2021) ("[Petitioner's] continued detention constitutes irreparable harm"); *Newman v. Metrish,* 300 Fed. Appx. 342, 344 (6th Cir. 2008) (finding that "[the petitioner] suffered a continuing injury while incarcerated"); *Pouncy v. Palmer,* 168 F. Supp. 3d 954, 969 (E.D. Mich. 2016) (same); *Miller v. Stovall,* 641 F. Supp. 2d 657, 669 (E.D. Mich. 2009) (same).

Irreparable physical and mental harm is inevitable for those incarcerated. As the Supreme Court explained, "[t]he time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness. Most jails offer little or no recreational or rehabilitative programs." *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972); *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020) ("[t]he deprivation [ ] experienced [by immigrants] incarcerated [is], on any calculus, substantial. [They] are locked up in jail. [They cannot] maintain employment or see [their] family or friends or others outside normal visiting

hours. The use of a cell phone [is] prohibited, and [they] have no access to the internet or email and limited access to the telephone"); *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017) (recognizing in "concrete terms the irreparable harms imposed on anyone subject to immigration detention" including "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on [persons in detention] and their families as a result of detention, and the collateral harms to children of [persons in detention] whose parents are detained").

Here, Ms. Sanchez faces irreparable harm each and every day she remains detained in violation of her constitutional rights. Further, Ms. Sanchez faces irreparable harm due to her serious medical conditions, including a diagnosed brain tumor, for which she has been unable to obtain adequate care while detained. The continuation of these grave harms can only be prevented if the Court grants this preliminary injunction; this factor therefore weighs heavily in Ms. Sanchez's favor.

**III. The remaining factors favor granting a temporary restraining order.**

Respondents "cannot reasonably assert that [they are] harmed in any legally cognizable sense by being enjoined from constitutional violations." *Marchwinski v. Howard,* 113 F. Supp. 2d 1134, 1143 (E.D. Mich. 2000) (quoting *Zepeda v. U.S. I.N.S.,* 753 F.2d 719, 727 (9th Cir. 1983)); *see also Martin-Marietta Corp. v. Bendix Corp.*, 690 F.2d 558, 568 (6th Cir. 1982) ("[Appellee] has no right to the unconstitutional application of state law."). Thus, any burden imposed by requiring the Respondents to release Ms. Sanchez from custody is both *de minimis* and clearly outweighed by the substantial harm she will suffer as long as she continues to be detained.

Furthermore, a temporary restraining order is in the public interest because "it is always in the public interest to prevent violation of a party's constitutional rights." *Deja Vu of Nashville, Inc. v. Metro Gov't of Nashville and Davidson Cnty.,* 274 F.3d 377, 400 (6th Cir. 2001) (quoting *G & V*

*Lounge, Inc. v. Michigan Liquor Control Comm'n,* 23 F.3d 1071, 1079 (6th Cir. 1994)). Absent a temporary restraining order, the government would effectively be granted permission to continue detaining Ms. Sanchez in violation of federal and constitutional law.

## CONCLUSION

Based on the foregoing, Ms. Sanchez respectfully requests that this Court grant the motion for a temporary restraining order. In the alternative, Ms. Sanchez asks this Court to order Respondents to show cause within three days establishing why his habeas petition should not be granted.

Dated: September 12, 2025

Respectfully submitted,
*s/ Aileen S. Rose*
Aileen S. Rose
236 Hidden Lake Road
Hendersonville, TN 37075
Telephone: (270) 404-0528
E-mail: AileenSRose@gmail.com

## VERIFICATION

I, s/ Aileen Rose, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petitioner's Motion for a Temporary Restraining Order are true and correct.

Dated: September 12, 2025