

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No.: 1:25-cv-24442-KMW

PIOTR SIEKIERKO

Petitioner,

v.

GARRETT RIPA, *et al.*,

Respondents.

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**PETITIONER'S EMERGENCY REQUEST
FOR TEMPORARY RESTRAINING ORDER**

Petitioner, Piotr Siekierko, by and through undersigned counsel, respectfully moves this Court pursuant to Fed. R. Civ. P. 65 for a Temporary Restraining Order ("TRO") enjoining Respondents from continuing his unlawful detention, transferring him outside the jurisdiction of this Court, or removing him from the United States during the pendency of his habeas petition.

INTRODUCTION

Petitioner, Piotr Siekierko filed and has pending before this Honorable District Court a Writ of Habeas Corpus based on his unlawful arrest and detention by Defendants in violation of his Fifth Amendment Rights, an Immigration Judge (IJ) bond order, and of their own policy and guidelines. Petitioner is now held at the Krome Detention Center in Miami in an area where detainees are placed immediately prior to deportation, despite having no final order of removal and no lawful basis for re-detention. This information was confirmed when co-counsel for Petitioner, Ilaria Alk, visited him on Wednesday, September 24, 2025. Unless this Court

intervenes, Petitioner risks being transferred or deported without judicial review, mooting his habeas petition and causing irreparable harm.

LEGAL STANDARD

A TRO may issue where the movant demonstrates: (1) Likelihood of success on the merits, (2) Irreparable harm absent relief, (3) That the balance of equities tips in the movant's favor, and (4) That an injunction serves the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). When removal is imminent, courts may issue TROs to preserve their jurisdiction and prevent irreparable harm. *Ortega*, slip op. at 8–9; *Galindo Arzate*, 2025 WL 2230521, at *8. Petitioner is currently held at the Krome Detention Center in Miami, in an area where detainees are staged immediately prior to deportation. Co-counsel confirmed this placement during a visit on September 24, 2025. Removal from this area could occur imminently, extinguishing this Court's jurisdiction before it can adjudicate the pending habeas petition. As in *Grigorian* and *Lopez-Arevelo*, where compliant petitioners were re-detained in disregard of regulations, policy, and law the equities strongly favor Petitioner.

LEGAL ARGUMENT

Petitioner incorporates by reference the factual background and legal arguments set forth in his concurrently filed Petition for Writ of Habeas Corpus (Dkt. 1). Those arguments are more fully developed there, and Petitioner respectfully refers the Court to them. The present motion highlights only the urgency of the circumstances and the need for immediate interim relief to preserve this Court's jurisdiction.

I. Petitioner Is Likely to Succeed on the Merits

On April 22, 2025, an IJ ordered Petitioner's release on a \$5,000 bond, finding him neither a flight risk nor a danger to the community. Petitioner posted bond, fully complied with its

conditions, and remained on the non-detained docket with his next hearing scheduled for January 8, 2027. Nevertheless, on September 17, 2025, ICE re-arrested him at the Miramar facility and transferred him to Krome, disregarding the IJ's binding bond order.

Federal law provides a narrow procedure for revisiting custody. While 8 U.S.C. § 1226(b) authorizes revocation of bond, the implementing regulations make clear that custody redetermination is the province of the Immigration Court, and only upon materially changed circumstances. 8 C.F.R. §§ 1003.19(e), 1236.1(c)(9). The Board has long recognized that once released, a noncitizen acquires a substantial liberty interest that cannot be withdrawn arbitrarily. *Matter of Sugay*, 17 I. & N. Dec. 637, 640 (BIA 1981). ICE never sought redetermination; it acted unilaterally, contrary to statute, regulation, and precedent.

The asserted basis for re-detention — a supposed Polish warrant — was false. Certified records from the Polish Ministry of Justice (Exs. H & I, Dkt. 1) confirm that the warrant was withdrawn on July 31, 2025, and that Petitioner has no criminal record or active warrant in Poland. Even if prosecuted, the allegations involve gambling and slot-machine activity, which do not constitute crimes involving moral turpitude or aggravated felonies under U.S. immigration law. See *Matter of Silva-Trevino*, 26 I. & N. Dec. 826 (BIA 2016); INA § 101(a)(43), 8 U.S.C. § 1101(a)(43).

Given ICE's disregard of an IJ bond order, its reliance on withdrawn foreign allegations, and the absence of any valid removability grounds, Petitioner is overwhelmingly likely to succeed on the merits of his habeas petition.

II. Petitioner Faces Immediate and Irreparable Harm

Unlawful re-detention itself constitutes irreparable injury, as the Supreme Court has recognized that freedom from physical restraint “lies at the heart of the liberty” protected by the

Constitution. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The danger here is even more acute because Petitioner is confined at the Krome Detention Center in Miami, in the area reserved for detainees with final removal orders awaiting imminent deportation flights. Co-counsel, Ilaria Alk, confirmed this placement during her visit on September 24, 2025. Petitioner has no final order of removal and remains on the non-detained docket with a hearing scheduled for January 8, 2027. Yet ICE has placed him alongside individuals set to be deported, creating a serious and imminent risk that he will be unlawfully removed without judicial review either out of the district or even out of the country. Absent relief, ICE can—and likely will—transfer or remove Petitioner before this Honorable Court even has the opportunity to decide his habeas petition. That irreparable injury to both Petitioner and the Court cannot be undone.

III. The Balance of Equities Favors Petitioner

Petitioner complied with all bond conditions after his release, was proceeding with his case on the non-detained docket, and no material changes have occurred that would affect the conditions of his bond. As aforementioned, Petitioner has no criminal record, as confirmed by official certificates from the Polish Ministry of Justice (Exs. H & I, Dkt. 1). By contrast, ICE gains nothing legitimate from overriding an IJ's bond order and detaining Petitioner based on a withdrawn foreign warrant.

When weighed against the harm to Petitioner's liberty and to this Court's jurisdiction, the government's asserted interest in detention carries no weight, whereas the Petitioner's liberty carries a immense weight. The equities therefore strongly favor granting a TRO to restore the lawful status quo.

IV. The Public Interest Supports Granting a TRO.

It is in the public interest to ensure that the government complies with the Constitution, statutory limits, and its own regulations. Courts have recognized that preserving judicial review in the face of imminent removal serves not only the litigants but also the integrity of the judicial process. See *Galindo Arzate v. Dedos*, 2025 WL 2230521, at 8 (S.D. Tex. May 2, 2025).

Here, ICE has disregarded both the governing regulations and the Immigration Judge's binding bond order. Federal law creates a clear and orderly process: if the government believes circumstances have materially changed, it must file a motion for bond redetermination before the Immigration Court. See 8 C.F.R. § 1003.19(e); *Matter of Sugay*, 17 I. & N. Dec. 637 (BIA 1981). This process ensures that liberty is not withdrawn arbitrarily and that a neutral adjudicator weighs the evidence. By re-arresting Petitioner without judicial authorization, ICE has not only violated its own regulations but also stripped the Immigration Court of its statutory authority. Allowing such conduct to stand would create a dangerous precedent where executive officers can nullify judicial orders at will, undermining separation of powers and eroding confidence in the rule of law.

Granting a TRO here reaffirms that immigration enforcement must operate within statutory and constitutional boundaries, preserves the integrity of judicial review, and ensures that executive agencies remain accountable to the rule of law.

RELIEF REQUESTED

Wherefore, Petitioner respectfully requests this Court to grant the following:

- a. Immediately enter a temporary order preserving the status quo and prohibiting Respondents from transferring or removing Petitioner until the Court can rule on this motion;

- b. Thereafter, issue a Temporary Restraining Order enjoining Respondents from transferring or removing Petitioner from the jurisdiction of this Court during the pendency of his habeas petition;
- c. Order Petitioner's immediate release from custody pursuant to the Immigration Judge's April 22, 2025 bond order;
- d. Set this matter for an expedited hearing on a preliminary injunction at the earliest practicable time; and
- e. Grant any further relief this Court deems just and proper.

Respectfully submitted on this day 26th of September, 2025.

PIOTR SIEKIERKO

By his attorneys,

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(Certification of Notice on subsequent page)

CERTIFICATION PURSUANT TO FED. R. CIV. P. 65(b)(1)(B)

I, Jose W. Alvarez, counsel for Petitioner, certify that on September 26, 2025, at 12:43 p.m. EDT, I conferred by electronic mail with the office of Assistant United States Attorney for the Southern District of Florida, regarding Petitioner's Emergency Motion for Temporary Restraining Order. During that communication, I informed the AUSA of Petitioner's intent to file the motion immediately once their position was obtained. The AUSA did not provide Respondents' position in regards to the Temporary Restraining Order. This certification is made in compliance with Rule 65(b)(1)(B).

/s/ Jose W. Alvarez

Jose W. Alvarez

Counsel for Petitioner