

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEANDRO AVILA, SAEL,)
Petitioner,)
)
v.) Case No. _____
)
WARDEN, NORTH LAKE)
CORRECTIONAL FACILITY;)
SECRETARY OF THE DEPARTMENT)
OF HOMELAND SECURITY;)
DIRECTOR, U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT; ICE DETROIT)
FIELD OFFICE DIRECTOR; ICE CHICAGO)
FIELD OFFICE DIRECTOR; UNITED)
STATES ATTORNEY GENERAL; AND)
DIRECTOR, EXECUTIVE OFFICE FOR)
IMMIGRATION REVIEW,)
Respondents.)
)

MOTION FOR PRELIMINARY INJUNCTION UNDER RULE 65(a)

Petitioner, LEANDRO AVILA, SAEL, by and through undersigned counsel, respectfully moves this Court for entry of a Preliminary Injunction under Federal Rule of Civil Procedure 65(a), prohibiting Respondents from continuing to detain him without a constitutionally adequate individualized custody determination.

INTRODUCTION

Petitioner has been detained since November 3, 2025, without any lawful mechanism to seek release. The Immigration Judge has held that she lacks jurisdiction to grant a bond hearing under Matter of Hurtado, and ICE denied parole through a perfunctory, unexplained disposition. As a result, Petitioner is detained indefinitely without any constitutionally required procedures.

Petitioner seeks a Preliminary Injunction ordering either (1) his immediate release, or (2) a constitutionally adequate individualized custody hearing.

The grounds for this Motion are more fully set forth in Petitioner's accompanying Emergency Motion for Temporary Restraining Order and the Memorandum of Law submitted in support thereof, which Petitioner incorporates by reference in full.¹ This Motion preserves Petitioner's entitlement to continued injunctive relief while the merits of his habeas petition are adjudicated.

REQUESTED RELIEF

Petitioner respectfully requests that the Court enter a Preliminary Injunction providing the following relief:

1. Order Respondents to immediately release Petitioner from civil immigration detention; OR
2. In the alternative, order Respondents to provide a constitutionally adequate custody hearing within 48 hours, requiring:
 - a. the Government to bear the burden of proof by clear and convincing evidence;
 - b. consideration of ability to pay;
 - c. consideration of alternatives to detention;
 - d. consideration of Petitioner's extensive equities; and
 - e. issuance of written findings.
3. Enjoin Respondents from transferring Petitioner out of this judicial district during the pendency of these proceedings.
4. Grant any further relief the Court deems just and proper.

¹ The TRO Memorandum satisfies the briefing requirements for a preliminary injunction. Courts routinely permit incorporation of TRO briefing into preliminary injunction briefing where the factual basis is identical.

Respectfully submitted,

/s/ Kimberly Sabrina Weiss
Kimberly Sabrina Weiss
Spagui Law
736 N. Western Avenue, Suite 420
Lake Forest, IL 60045
Tel: 847-780-7080
Email: kspagui@spaguilaw.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that on the date of filing, I caused a true and correct copy of the foregoing Motion for Preliminary Injunction to be served via CM/ECF on the United States Attorney's Office for the Western District of Michigan, and by mail on any Respondent not registered to receive ECF notices, pursuant to Federal Rule of Civil Procedure 5.

/s/ Kimberly Sabrina Weiss
Kimberly Sabrina Weiss