

if the requested relief is not granted as soon as possible;

3. Today, January 15, 2026, an ICE Deportation Officer asked Petitioner to gather his belongings as he is being moved. He was not told where he is being moved to.
4. The emergency nature of this motion arises from recent developments, including Petitioner's detention at the Dade-Collier Training and Transition Airport detention facility (hereinafter "Alligator Alcatraz"), and the Respondent's intention to move him to an unknown detention facility or elsewhere when they have knowledge that the constitutionality of his detention is being challenged through his pending writ of habeas corpus in the Middle District of Florida filed on December 15, 2025.
5. This emergency could not have been avoided through earlier action because the actions that triggered this filing occurred today, January 15, 2026.
6. Notice has been provided to the U.S. Attorney, Gregory W. Kehoe, and Assistant U.S. Attorney Chad C. Spraker, via email on January 15, 2026. Additionally, Assistant U.S. Attorney Chad C. Spraker was notified of the current filing during a telephone call with Counsel today, January 15, 2026.
7. This Motion is not being filed for the purpose of delay.
8. After reviewing the facts and researching applicable legal principles, we certify that this Motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an

immediate ruling because the Court would not be able to provide meaningful relief if the Petitioner is transferred to another facility within the next seven days. We understand that an unwarranted certification may lead to sanctions.

9. We further certify that we have made a bona fide effort to resolve this matter without the necessity of emergency action.

/s/Patricia Castillo Flanagan

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**PETITIONER'S EMERGENCY MOTION FOR
PRELIMINARY INJUNCTION AND/OR TEMPORARY RESTRAINING
ORDER**

COMES NOW the Petitioner, by and through undersigned counsel, and hereby files the instant Emergency Motion and respectfully states as follows:

1. The Petitioner incorporates by reference the facts and procedural history as set forth in his Verified Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief. *See* ECF No. 1.

2. The Petitioner seeks to “preserve the status quo during the course of litigation in order to prevent irreparable injury to the moving party and in order to preserve the ability of the court to render complete relief.” *Federal Leasing, Inc. v. Underwriters at Lloyds*, 487 F. Supp. 1248, 1259 (D. Md. 1980), *aff'd*, 650 F.2d 495 (4th Cir. 1981).

3. A temporary restraining order and/or a preliminary injunction is warranted where, as here, the plaintiffs establish: (1) a substantial likelihood that they will prevail on the merits; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) greater injustice to the plaintiffs if the injunction is denied than harm caused by granting the injunction; and (4) no substantial disservice to the public interest. *Osmose, Inc. v. Viance, LLC*, 612 F.3d 1298, 1307 (11th Cir. 2010); *Scott v. Roberts*,

612 F.3d 1279, 1290 (11th Cir. 2010); *see* Fed. R. Civ. P. 65.

4. This standard is not rigidly applied by assigning a fixed quantitative value to each of the four factors. Rather, a flexible scale – which balances each consideration and arrives at the most equitable result, given the particular circumstances of each case – is used. *Texas v. Seatrain International, S.A.*, 518 F.2d 785, 787 (5th Cir. 1975).

5. The Petitioner is likely to succeed on the merits because (1) the Respondents realizing that the Notice of Revocation was unlawful, actually served the Petitioner with a “**corrected notice**” on December 23, 2025. This notice does not cure the fact that he has been detained since October 30, 2025 pursuant to an unlawful notice, (2) the informal initial interview on December 18, 2025 was not done according to procedure because the original notice was unlawful and the interview took place before the “corrected notice” was served on December 23, 2025. *See* ECF No. 5 at p.3, and (3) the Respondents did not present in their January 6th, 2026 response any evidence that the Petitioner is likely to be removed in the reasonably foreseeable future, as no travel document nor a document from any foreign government was presented to show that he has been accepted by a third country.

6. The Petitioner has complied with Fed. R. Civ. Pro. Rule 65 requirements for purposes of granting a Temporary Restraining Order. Pursuant to this Rule, the Court may issue a temporary restraining order

without written or oral notice to the adverse party, but only if (a) specific facts in an affidavit clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (b) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

7. As undersigned counsel has set forth in their supporting Affidavit, undersigned counsel have provided the U.S. Attorney's office with a copy of the instant motion and a copy of the instant motion with a copy of the Petition/Complaint and Exhibits via email.

8. Under the circumstances of this case, the movant should not need to post a security pursuant to Fed. R. Civ. Pro. 65(c) because the Respondents will incur no costs or damages from being wrongfully enjoined or restrained.

CONCLUSION

Based on the foregoing, the Petitioner respectfully requests that this Honorable Court enter the following orders:

- A. The Petitioner is likely to succeed on the merits of the pending Petition/Complaint;
- B. The Petitioner will suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in the Petitioner's favor, and an injunction would serve the public interest;
- C. Enjoin the Respondents from moving Petitioner to another

- facility or country during the pendency of his habeas petition;
- D. The Petitioner is entitled to an award of attorney's fees and costs incurred as a result of bringing this action pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
- E. Grant the Petitioner any other relief the Court deems necessary and proper.

/s/Patricia Castillo Flanagan

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VERIFICATION

Undersigned counsel certifies under penalty of perjury that we are submitting this verification because we are the Petitioners attorneys. We have reviewed the foregoing Motion and that, to the best of our knowledge, the facts therein are true and accurate.

Respectfully submitted this 15th day of January 2026,

/s/Patricia Castillo Flanagan

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CERTIFICATE OF SERVICE

We HEREBY CERTIFY that we electronically filed the foregoing document with the Court Clerk and to the best of our knowledge a true and correct copy of the foregoing, along with a Notice of Electronic Filing, will be served through the Court's ECF system to all counsel of record this 15th day of January 2026. A copy of the foregoing emergency motion has been provided to the U.S. Attorney, Gregory Kehoe and Assistant U.S. Attorney Chad C. Spraker via email to gregory.kehoe@usdoj.gov and chad.spraker@usdoj.gov.

Respectfully submitted,

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gregory.kehoe@usdoj.gov and chad.spraker@usdoj.gov that we intended to file the Petitioner's Motion for Preliminary Injunction and/or Temporary Restraining Order and we attached copies of the proposed Motion with this Affidavit and the Petition and Complaint with Exhibits at ECF No. 1.

4. The purpose of this Affidavit is to comply with Fed. R. Civ. Pro. 65, which states that the Court may only issue a temporary restraining order without written or oral notice to the adverse party if specific facts in an affidavit clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition and the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.
5. Counsel had a telephone call with the Assistant U.S. Attorney, Chad C. Spraker, on January 15, 2026, and he was verbally informed of the filing of this motion.
6. Again, we certify that we have made proper efforts to give notice to the Respondents' counsel of the Petitioner's Motion.

I declare under penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.

Date: January 15, 2026

/s/Patricia Castillo Flanagan

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