

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

R.R.C., *et al.*,

Petitioners,

v.

Warden, Stewart Detention Center, et al.,

Respondents.

Civil Action No.: 4:25-CV-525 (CDL)

4:25-cv-527 (CDL)

4:26-cv-073 (CDL)

4:26-cv-076 (CDL)

4:26-cv-098 (CDL)

4:26-cv-163 (CDL)

4:26-cv-176 (CDL)

4:26-cv-226 (CDL)

4:26-cv-249 (CDL)

4:26-cv-266 (CDL)

4:26-cv-271 (CDL)

**PETITIONERS' EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION FOR INTERIM ENFORCEMENT RELIEF**

Petitioners respectfully move for a temporary restraining order and preliminary injunction granting narrow interim enforcement relief while the parties complete discovery already authorized by the Court and while Petitioners' pending motion to enforce remains under submission. This motion is not intended to bypass the Court's discovery order or require immediate resolution of the broader institutional-bias issues. Rather, it seeks interim relief necessary to preserve the Court's ability to afford meaningful habeas relief before continued detention, rapidly advancing removal proceedings, and the risk of transfer or removal overtake the case while discovery is ongoing. Federal Rules of Civil Procedure, Rule 65(a)(1), Rule 65(b)(1), and Rule 65(c); 28 U.S.C. § 2243.

Petitioners continue to suffer irreparable harm each day they remain detained under hearings that were not constitutionally compliant. While discovery proceeds, individual removal hearings are moving too quickly, at least three Petitioners already have removal orders now on appeal before the Board of Immigration Appeals, and absent interim relief this Court's later ruling on the motion to enforce may come only after further detention, further removal-related prejudice, or action that frustrates effective review.

This Court has authority to preserve the status quo and its ability to grant meaningful relief. In *Fernandez-Roque v. Smith*, 671 F.2d 426 (1982), the Eleventh Circuit recognized that a district court possesses inherent equitable power to preserve the status quo until jurisdictional and remedial questions can be resolved. Section 2243 likewise directs the Court to proceed promptly and dispose of the matter as law and justice require. 28 U.S.C. § 2243.

Petitioners have raised substantial due process claims, filed a motion to enforce, and identified record support for their allegations regarding bias in the bond-review process. Yet while Respondents respond to this Court's ordered discovery on institutional bias and prejudice—a

process that may take months—Petitioners remain detained and continue to suffer ongoing prejudice from continued confinement. Petitioners therefore request interim relief in the tiered form set out below and in the accompanying memorandum. At minimum, if detention is to continue during discovery, Petitioners request new bond hearings at which DHS bears the burden of establishing danger or flight risk by clear and convincing evidence. See *J.G. v. Warden, Irwin Cnty. Det. Ctr.*, 501 F. Supp. 3d 1331, 1341 (M.D. Ga. 2020). That tiered approach is necessary to preserve meaningful relief until discovery is complete or the Court resolves Petitioners' pending motions to enforce.

Recent same-district decisions confirm that post-habeas bond hearings are reviewable for constitutional adequacy and that interim corrective relief is appropriate where those hearings were not individualized or placed the burden on the wrong party. In *Lopez Perez v. Paulk*, No. 7:26-CV-00029-WLS-ALS (M.D. Ga. Apr. 6, 2026), the court held that the hearing did not comport with due process because it was not individualized and the burden of proof was incorrectly placed on the petitioner, then ordered a new hearing within seven days and release if the government failed to comply. In *D.Y.E.H. v. Warden*, Case No. 7:25-CV-201 (WLS-AGH) (M.D. Ga. Apr. 6, 2026), the court likewise found the post-order bond hearing constitutionally deficient, required DHS to prove danger or flight risk by clear and convincing evidence, required individualized findings and consideration of alternatives to detention and ability to pay, and ordered release if no compliant hearing was provided within seven days.

Petitioners attach copies of *Lopez Perez* and *D.Y.E.H.* as Exhibits 1 and 2 because those orders are not yet readily available in searchable reporters. Petitioners also note that the underlying habeas grant in *D.Y.E.H.* appears at *D.Y.E.H. v. Warden, Irwin Det. Ctr.*, No. 7:25-CV-201-WLS-AGH, 2026 WL 84574, at *1 (M.D. Ga. Jan. 12, 2026).

Accordingly, Petitioners request the following tiered relief:

1. **Preservation relief immediately:** an order prohibiting Respondents from removing Petitioners and from transferring Petitioners in a manner that impairs this Court's jurisdiction or Petitioners' access to counsel, absent prior notice to counsel and the Court;
2. **Expedited schedule** under 28 U.S.C. § 2243: response within [3] days, reply within [2] days, and prompt hearing or ruling;
3. **Primary interim merits relief:** if the Court concludes detention cannot continue unchanged during discovery, an order requiring new bond hearings within three days under 8 U.S.C. § 1226(a) before a neutral immigration judge, at which DHS bears the burden of proving by clear and convincing evidence that each Petitioner is a danger or flight risk, with individualized findings on the full record and consideration of alternatives to detention and ability to pay; and
4. **Automatic fallback relief:** if Respondents fail to provide timely constitutionally compliant hearings, immediate release on reasonable conditions.

Petitioners further request such other and further relief as law and justice require.

A memorandum of authorities is filed below and incorporated herein.

Respectfully submitted this 24th Day of April, 2026.

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CERTIFICATE OF SERVICE

I certify that on April 24, 2026, I electronically filed the foregoing Document with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Karen Weinstock

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