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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MANUEL DE JESUS LOPEZ AREVALO,

CASE NO.: 2:26-cv-18-SPC-DNF

Petitioner,

v.

DAVID HARDIN, Glades County Sheriff;  
GARRETT J. RIPA, Field Office Director  
of the Miami Immigration and Customs  
Enforcement Office; TODD LYONS,  
Acting Director of United States Immigration  
and Customs Enforcement; KRISTI NOEM,  
Secretary of the United States Department of  
Homeland Security; PAMELA BONDI,  
Attorney General of the United States, acting  
in their official capacities, U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT; and  
DEPARTMENT OF HOMELAND SECURITY,

Respondents.

**MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR  
PRELIMINARY INJUNCTION; SUPPORTING LEGAL MEMORANDUM**

MANUEL DE JESUS LOPEZ AREVALO, (“Petitioner”) respectfully moves this Court for a Temporary Restraining Order (“TRO”) enjoining Respondents from removing him from the United States and/or the Middle District of Florida pending final resolution of his habeas corpus petition.

Petitioner has been continuously present in the United States for almost 10 years, complied with all reporting requirements imposed by Respondents, and was initially released on bond under 8 U.S.C. § 1226 and placed into full removal proceedings under 8 U.S.C. § 1229a in 2016. After the Department of Homeland Security (“DHS”) dismissed proceedings without prejudice on November 27, 2023, based on a Request for Prosecutorial Discretion by Petitioner, Petitioner remained a law-abiding noncitizen. Petitioner is the head of household; his family consists of his wife and 3 children (a 9-year-old daughter and two 3-year-old United States citizen sons). Prior to his detention and arrest by Immigration and Customs Enforcement (“ICE”) on August 18, 2025, Petitioner owned his own home remodeling company, was the primary financial provider for his family and ensured that his family had consistent access to education, healthcare and essential needs. Presently, his wife works as a server at a local restaurant, six days a week, to make ends meet. On August 18, 2025, Petitioner was detained and arrested by ICE agents after dropping off his 9-year-old daughter at school. Petitioner was purposely detained following a random and unprovoked interior arrest in Florida. DHS and ICE have no apparent plans for his release. Petitioner was placed into full removal proceedings under 8 U.S.C. § 1229a. Respondents’ subsequent arrest and detention of Petitioner without bond or redetermination of custody before an immigration judge violates the Immigration and Nationality Act (“INA”) and violates Petitioner’s Fifth and Fourth Amendment rights. Thus, Petitioner is likely to succeed on the merits of his habeas petition.

Further, absent a TRO, Petitioner faces irreparable harm, including permanent separation from his family and imminent wrongful removal to a country where he has no ties or legal protections. Finally, the balance of hardships and the public interest favor a TRO because Petitioner faces several severe and irreversible harms if removed from the United States and/or

the Middle District and the public is better served by the faithful execution of immigration laws. Conversely, the government would suffer minimal harm by a brief pause of Petitioner's removal or transfer to from the Middle District. For these reasons, and as detailed in the supporting memorandum, Petitioner respectfully requests that the Court grant this motion and enjoin his removal or transfer out of the Middle District pending adjudication of his habeas petition.

## LEGAL MEMORANDUM

### **I. LEGAL STANDARD**

The standard for a TRO is the same as for a preliminary injunction, *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000).

This Court has authority to issue a TRO under Federal Rule of Civil Procedure 65. *Fla. v. Mayorkas*, 672 F. Supp. 3d 1206, 1212 (N.D. Fla. 2023). To obtain a TRO, a party must demonstrate “(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest.” *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005); *Keister v. Bell*, 879 F.3d 1282, 1287-88 (11th Cir. 2018).

Notably, “[t]he third and fourth factors merge when a party seeks an injunction against the government.” *HM Fla.- ORL, LLC v. Gov. of Fla.*, 137 F.4th 1207, 1224 (11th Cir. 2025); *Nken v. Holder*, 556 U.S. 418, 435 (2009). Preliminary injunctive relief such as a TRO “is an extraordinary and drastic remedy not to be granted unless the movant ‘clearly carries the burden

of persuasion’ as to the four prerequisites.” *United States v. Jefferson Cnty.*, 720 F.2d 1511, 1519 (11th Cir. 1983); *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1247 (11th Cir. 2016).

## II. STATEMENT OF FACTS

During the almost thirty years since the passage of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”), the Department of Homeland Security and the Executive Office for Immigration Review (“EOIR”) – the immigration court system – applied § 1226(a) to detain people caught in the interior after entry without inspection. Thus, for decades, Defendants permitted noncitizens the chance to seek release on bond.

Now, Defendants have dramatically switched course and insist that § 1225(b)(2)(A) requires detention of all persons who ever entered the U.S. without inspection, regardless of where they were arrested or how long they have resided here.

The change began at the Tacoma Immigration Court where IJs began denying bond to everyone who entered without inspection. *See Rodriguez Vazquez*, 779 F. Supp. at 1244. Then, on May 22, 2025, the Board of Immigration Appeals (“BIA”) issued an unpublished decision affirming one Tacoma IJ’s decision that a noncitizen who lived in the U.S. for over 10 years was subject to mandatory detention under § 1225(b)(2)(A).

After the unpublished BIA decision, in July 2025, DHS “in coordination with the [DOJ]” issued a memo stating, “effective immediately, it is the position of DHS” that anyone who entered without inspection is “subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody ....” According to DHS, noncitizens are now “ineligible for a [bond] hearing ... and may not be released” during removal proceedings.<sup>1</sup>

Since DHS’s change in position, IJs hearing claims at the Glades County Detention

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<sup>1</sup> ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission, AILA (July 8, 2025), <https://shorturlat/XF71Y> (“Lyons Memo”).

Center in Florida have now adopted this illegal interpretation of the INA's detention scheme.<sup>2</sup>

Petitioner MANUEL DE JESUS LOPEZ AREVALO is an asylum seeker who fled El Salvador. After Petitioner arrived in the United States without inspection on January 31, 2016, and after being detained for 6 months, Petitioner was granted a \$7500 bond following a credible fear interview. Petitioner was released on the bond. He then filed a timely application for asylum on December 8, 2016. Since then, Petitioner has complied with all government orders: he diligently attended every immigration court hearing and pursued his application for asylum. He has no criminal history anywhere in the world.

On November 27, 2023, the government, with knowledge that Petitioner was out of custody on a bond and in apparent acknowledgment that he presented no danger to the community or risk of flight, agreed to a Motion to Terminate Proceedings based on Prosecutorial Discretion. The Immigration Judge presiding over the matter signed an order terminating proceedings without prejudice. Petitioner remained in the United States, out of custody, and neither concealed his whereabouts nor engaged in any activity that presented any danger to the community.

On August 18, 2025, Petitioner was stopped by ICE agents who were conducting random searches, and who had no warrant for his arrest. In fact, he was not the person that the agents were searching for at the time. Nonetheless, Petitioner was taken into custody and placed in immigration proceedings again. He is currently being held without bond at the Glades County Detention Center under the custody and control of Respondents and has been unable to obtain a hearing under a recent practice adopted by DHS that detains individuals who entered without inspection pursuant to INA § 235(b), thereby stripping Immigration Judges of jurisdiction over

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<sup>2</sup> Exh. 1, Order of the Immigration Judge Regarding Custody Redetermination (12/19/2025).

bond proceedings for these individuals. *See, Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). According to news reports, immigration officials within the Trump administration requested this new policy in response to Congress' recent appropriation of billions of dollars to expand the immigration system, given that ICE will soon have capacity to detain more than twice as many people on any given day.

Mr. Lopez Arevalo – and hundreds of others like him – is detained solely because of Defendants' new policy. The government previously released him because he did not pose sufficient risk of flight or danger to the community to warrant detention. In fact, the government initially dismissed proceedings against him in an exercise of prosecutorial discretion, which speaks a great deal to his good moral character and the likelihood that he will abide by all instructions/orders to present himself in court. This has not changed. He has no criminal record, and there is no basis to believe that he poses any public-safety risk. Nor is he conceivably a flight risk. On the contrary, he appeared at every immigration court hearing and has consistently informed the court about any change in his address or other circumstances.<sup>3</sup> In short, he is an ideal candidate for bond.

ICE initiated removal proceedings against Mr. Lopez Arevalo, charging him with being present “without admission,” i.e. entering the country “without inspection” and “seeking admission” in violation of 8 U.S.C. § 1182. After Plaintiff was detained on August 18, 2025, he sought bond. IJ Alexander ruled on December 19, 2025, that he lacked authority to redetermine Plaintiff's custody status because Plaintiff is present without admission and subject to mandatory detention pursuant to section 235(b)(2)(A) of the INA. *Matter of Yajure Hurtado*, ID #4125 – relying on Defendants' new interpretation of § 1225.<sup>4</sup>

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<sup>3</sup> Ex. 2, Plaintiff's Declaration For Motion For Temporary Restraining Order And/Or Preliminary Injunction

<sup>4</sup> *supra*.

**LEGAL STANDARD FOR GRANTING PRELIMINARY RELIEF**

1. Plaintiff can easily show he is entitled to preliminary relief as (1) he is likely to succeed on the merits; (2) he will suffer irreparable harm absent preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *Greater Yellowstone Coal. v. Flowers*, 321 F.3d 1250, 1255 (10th Cir. 2003).

**III. ARGUMENT**

**A. Petitioner is Likely to Succeed on the Merits.**

*1. Petitioner is likely to succeed on the merits of his claim that his re-detention without custody redetermination violates the INA and its implementing regulations.*

The INA provides for mandatory detention of certain categories of noncitizens “seeking entry into the United States” under 8 U.S.C. § 1225(b). *Jennings*, 583 U.S. at 297; see § 1225(b) (“Inspection of applicants for admission”). In *Jennings*, the Supreme Court recently confirmed that this mandatory scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is inadmissible.” *Jennings*, 583 U.S. at 287.

Section 1225 is split into two categories. Section 1225(b)(1) (A)(i) provides for mandatory detention of noncitizens charged with enumerated grounds of inadmissibility and placed in expedited removal proceedings. Because there are so few procedural protections, expedited removal applies narrowly to those noncitizens who have not “been physically present in the United States continuously for the 2-year period immediately prior to the date” they were determined inadmissible under 8 U.S.C. § 1182(a)(6)(C) or § 1182(a)(7). No other person may be subjected to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3). Meanwhile, Section

1225(b)(2) applies only to recently arrived noncitizens seeking entry at a border or port of entry.

For decades, Respondents consistently considered noncitizens present in the United States without having been admitted or paroled as detained under 8 U.S.C. § 1226(a), thus entitling them to bond hearings. *See, e.g.*, Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). However, this year, Respondents have taken various steps to expand their use of expedited removal and mandatory detention.

On January 20, 2025, President Trump ordered DHS to apply expedited removal to its full statutory extent, which DHS did four days later. *See* Exec. Order No. 14,159, Protecting the American People Against Invasion, 90 Fed. Reg. 8443 (Jan. 20, 2025); Dep't of Homeland Sec., Designating Aliens for Expedited Removal, 90 Fed. Reg. 8139 (Jan. 24, 2025). Therefore, with limited exceptions, DHS now applies expedited removal to individuals in the United States who have been in the country for less than two years and who were determined to be inadmissible under 8 U.S.C. § 1182(a)(6)(C) or (a)(7).

Even with Respondents' expansion of expedited removal to its full statutory extent, Petitioner cannot be detained under 8 U.S.C. § 1225(b)(1). *See Ernesto Alfonso Perez v. Matthew Mordant et al.*, No. 2:25-CV-00947-SPCDNF, 2025 WL 3466956, at \*5 (MD. Fla. Dec. 3, 2025) (“...the decision to designate Alfonso Perez for expedited removal violates the INA because noncitizens who have been paroled into the country are not eligible for expedited removal”). First, Petitioner has been physically present in the United States for more than two years before his current detention. Specifically, Petitioner entered the United States in January 2016 and has not left since. Thus, Respondents cannot contend that Section 1225(b)(1)(A) applied to Petitioner.

*2. Petitioner is likely to succeed on the merits of his claim that his re-detention violates his Fifth Amendment right to due process.*

Noncitizens are entitled to due process protections under the Fifth Amendment, regardless of their immigration status. *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). To determine whether civil detention violates a noncitizen's Fifth Amendment procedural due process rights, courts apply the three-part test in *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under *Mathews*, courts weigh the following three factors: 1) "the private interest that will be affected by the official action;" 2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and 3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.* at 335.

Detention, even civil immigration confinement, infringes on a fundamental protected liberty interest. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 531 (2004). Petitioner is currently detained in conditions that are indistinguishable from criminal incarceration. His detention deprives him of privacy, freedom of movement, and the ability to work and see his loved ones.

Second, Respondents' current procedures create a substantial risk of erroneous deprivation of Petitioner's liberty interest in remaining free from detention. When Respondents originally detained Petitioner in 2016 and released him on bond, they found that he was not a threat to national security and released him pending his immigration hearing. Since then, Petitioner's criminal history has remained clean, and he has proved he is not a flight risk by attending his immigration court hearings.

Still, on August 18, 2025, Respondents arrested Petitioner without any new or additional information suggesting he is a threat to public safety or a flight risk. Even more, Respondents

exceeded their statutory authority when they designated Petitioner for removal after being physically present in the United States for more than two years prior to any “determination of inadmissibility” under Section 1225(b)(1).

Additionally, there are reasonable alternatives available for Respondent to pursue. As discussed above, Section 1226(a) applies to noncitizens facing charges of inadmissibility, including noncitizens, like Petitioner, who entered without inspection and were later detained while residing inside the country. As such, proper application of the INA’s detention scheme allows for the possibility of detaining Petitioner under Section 1226(a) but first requires a bond hearing to make an individualized determination of his risk of flight or dangerousness. Such a hearing has not happened. Without it, the risk of erroneous deprivation of Petitioner’s freedom is high.

Third, the government’s interest in maintaining the current procedure is minimal. Any government interest in public safety or ensuring that Petitioner attends future immigration proceedings would be satisfied through proper application of Section 1226(a), which requires a bond hearing where an immigration judge will consider Petitioner’s individualized facts to determine whether he is a danger to the community or a flight risk. Importantly, in Petitioner’s case, Respondents already released him in 2016 based on the individualized facts of his case and nothing has changed that would justify re-detention. *See Ernesto Alfonso Perez v. Matthew Mordant et al.*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at \*5 (MD. Fla. Dec. 3, 2025) (“the Court finds that ICE violated [the noncitizen’s] right to due process by revoking his parole, designating him for expedited removal, and detaining him without reasonable notice and a meaningful opportunity to be heard”).

Finally, civil immigration detention violates substantive due process if it is not

reasonably related to its statutory purpose. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972); *Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018). The only legitimate purpose for civil immigration detention is to prevent flight risk and ensure the safety of the community. *Zadvydas*, 533 U.S. at 690-91. Here, Petitioner's detention is not reasonably related to its purpose. As mentioned above, there is no reason to believe that Petitioner would not attend his immigration proceedings because he attended all his previous hearings and complied with all reporting and release conditions. Further, Petitioner has no criminal history and there has been no material change regarding public safety since Petitioner's prior release from Respondent's custody. Thus, Petitioner's detention is also unconstitutional because it does not serve a lawful purpose.

*3. Petitioner is likely to succeed on the merits of his claim that his rearrest and re-detention violates his Fourth Amendment right to be free from unreasonable seizures*

According to the Supreme Court, the Fourth Amendment's protections "against unreasonable searches and seizures" generally apply to immigration related arrests and detentions. *U.S. v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). Searches at the border are "qualitatively different" from those occurring in the interior of the United States, because individuals entering the country have less expectations of privacy, given the government's broad power to safeguard the nation's security. *U. S. v. Montoya de Hernandez*, 473 U.S. 531, 538 (1985). Additionally, ICE had historically adopted a policy that restricted immigration enforcement actions in or near "sensitive locations," including courthouses, except in specified circumstances, such as national security threats and imminent risk of physical harm to a person. ICE, Memorandum on Civil Immigration Enforcement Actions in or near Courthouses (April 27, 2021),

<https://www.ice.gov/sites/default/files/documents/ciEnforcementActionsCourthouses2.pdf#page>

2.

Petitioner was initially apprehended and detained by Respondents after entering the United States in 2016. The government exercised its discretion under the INA to release Petitioner while he litigated in immigration court. At the time of Petitioner's arrest on August 18, 2025, he had been living at liberty pursuant to that prior determination by Respondents. As mentioned above, the government lacked reliable information of changed or exigent circumstances that would justify Petitioner's arrest and detention after Respondents previously decided he could pursue his claims for immigration relief at liberty.

Petitioner's random and unprovoked interior arrest two years after the dismissal of removal proceedings is unreasonable and therefore violates the Fourth Amendment.

**B. Petitioner Will Suffer Irreparable Harm Absent a Temporary Restraining Order.**

To satisfy the second requirement for preliminary injunctive relief, Petitioner must show he will otherwise suffer irreparable injury—that is, injury that “cannot be undone through monetary damages.” *Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010). If Petitioner is removed from the United States or from the Middle District of Florida before this Court can adjudicate his habeas petition, he will suffer irreparable harm that cannot be remedied by monetary damages.

Here, Petitioner's imminent removal would cause several forms of irreparable harm and foreclose any recourse. First, removal would effectively moot his habeas petition and deprive this Court of jurisdiction to hear his claims. “It is well established that the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Gayle v. Meade*, 614 F. Supp. 3d 1175, 1205 (SD. Fla 2020 (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976))); *see also Hernandez v. Sessions*, 872 F. 3d 976, 994 (9th Cir. 2017).

In his habeas petition, Petitioner raises specific allegations of violations that implicate his Fifth Amendment right to due process, both substantive and procedural, and his Fourth Amendment right to be free from unreasonable searches and seizures. These allegations center on Respondents' arrest of Petitioner without notice or an opportunity to be heard as to whether a change in custody status was warranted. Petitioner also alleges that he is ineligible for detention and removal under expedited removal due to the length of his presence in the United States.

Second, his removal would inflict substantial harm on Petitioner by separating him from his established life in the United States, including his family, friends, and the extensive support system he has developed over the years. Absent a TRO, Petitioner has no hope of being reunited with his family, friends, and community. Such permanent separation from loved ones is an important and recognized irreparable harm factor. *See Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (per curiam) (finding "separated families" to be a "substantial injur[y] and even irreparable harm[]"); *Tefel v. Reno*, 972 F. Supp. 608, 619-620 (S.D. Fla. 1997) (failure to issue temporary restraining order would result in irreparable injury including family separation), rev'd on other grounds 180 F.3d 1286 (11th Cir. 1999).

Third, Petitioner would be removed to a country where he has no ties or legal status. Petitioner is a Salvadoran national who has lived in the United States for almost 10 years. Removing Petitioner to El Salvador or a third country runs the risk of sending him to persecution and torture in violation of United States and international law. Further, if removed, Petitioner faces the possibility of indefinite incarceration and an unclear path to resettlement, including legal and economic integration. Edward Wong et al., *Inside the Global Deal-Making Behind Trump's Mass Deportations*, NY. Times, June 25, 2025.

These harms cannot be adequately remedied through monetary compensation.

Respondents may argue that Petitioner may use the Federal Tort Claims Act (FTCA), 28 U.S.C. Section 2680(h) to seek monetary relief. However, sovereign immunity and the discretionary-function and international-tort exceptions would likely bar such a claim. *See, e.g., Douglas v. United States*, 796 F. Supp 2d 1354, 1367-69 (M.D. Fla. 2011) (dismissing a former immigration detainee's FTCA claims of false imprisonment and negligence following a warrantless arrest and detention that continued after probably cause dissipated). It is unlikely that Petitioner will ever receive adequate remedy for his continued unlawful detention. Equitable relief is better suited to address these harms.

The damage to Petitioner's life, liberty, and pursuit of his legal claims cannot be measured by any accurate standard, making the threatened injury irreparable in nature.

**C. The Balance of Equities and Public Interest Tips Sharply in Petitioner's Favor.**

The final two factors for preliminary injunctive relief weigh heavily in Petitioner's favor. As detailed above, Petitioner faces weighty hardships: loss of liberty, deprivation of the right to remain in the United States and all required due process, separation from his family and friends, and imminent removal to a country where he has no connections or legal status. Additionally, Petitioner has been living in the United States for almost 10 years without incident, has no criminal history, and Respondents previously determined Petitioner was not a danger to the community or a flight risk and released him from detention. Nothing has changed since that individualized determination that would provoke continued detention. The harm to Petitioner if removed is irreversible.

In contrast, the government would suffer minimal harm from a brief delay in removal while the Court considers the merits of Petitioner's claims in his habeas petition. In fact, the public is better served by the faithful execution of immigration laws. Specifically, "the public

interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of . . . a likely [illegal] process.” *Nken*, 556 U.S. at 435; *see also Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013) (finding the government “cannot suffer harm from an injunction that merely ends an unlawful practice or read a statute as required to avoid constitutional concerns”).

Ensuring that government agencies adhere to their statutory mandates promotes public confidence in the rule of law and the fair administration of justice. Further, it is against the public’s interest to remove Petitioner from the United States or the Middle District of Florida without the proper due process of law.

Accordingly, the balance of hardships and the public interest favor a temporary restraining order to ensure that Respondents refrain from removing Petitioner before the Court reaches a decision on his habeas petition.

**D. The Court Should Not Require a Security from Petitioner.**

Although Federal Rule of Civil Procedure 65(c) can require a security for a temporary restraining order, a district court has discretion as to the amount of security required, if any. *See Ajugwe v. Noem*, No. 8:25-CV-982-MSS-AEP, 2025 WL 1370212, at \*10 (MD. Fla. May 12, 2025) (exercising “discretion to waive the bond requirement in Fed. R. Civ. P. 65(c)”). No security is appropriate where there is no quantifiable harm to the restrained party and where the order is in the public interest. *Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126 (9th Cir. 2005). Given that Respondents are not likely prejudiced by the issuance of this brief restraint and the issuance of the TRO is in the public interest, the Court should exercise its discretion to dispense with the security requirement.

**IV. CONCLUSION**

For the foregoing reasons, Petitioner MANUEL DE JESUS LOPEZ AREVALO respectfully requests that this Court enter a Temporary Restraining Order and/or Preliminary Injunction enjoining Respondents, their agents, officers, employees, and all persons acting in concert with them, from removing Petitioner from the United States and/or the Middle District of Florida pending final adjudication of his habeas corpus petition.

Respectfully submitted this 7<sup>th</sup> day of January, 2026.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 7, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will serve a copy to all counsels of record and served a copy of this Petition, with exhibits electronically to the United States Attorney's Office in Tampa, Florida ([USAFLM.Alcatraz@usdoj.gov](mailto:USAFLM.Alcatraz@usdoj.gov)) and by certified mail to the Attorney General of the United States in Washington, D.C (U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington DC 20530-0001).

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