UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DAVID SAINT REMY,

Petitioner,

v. Case No. 3:26-cv-00028-MMH-SJH

PAM BONDI, Attorney General of the United States; KRISTI NOEM, Secretary, Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; GARRETT J. RIPA, Field Office Director, Miami ERO; and RONNIE WOODALL, Warden, Baker County Correctional Institution.[1]

Respondents.
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RESPONSE TO PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER

The Federal Respondents respond in opposition[2] to Petitioner's Emergency Motion for Temporary Restraining Order (Doc. 5) ("TRO Motion") and request that the TRO Motion be denied. Petitioner has not met his burden of making clear showing that his detention is unlawful, necessitating the extraordinary remedy of a TRO.

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[1] The North Florida Detention Center ("NFDC") (the official name) is operated out of the now closed Baker Correctional Institute ("BCI") in Sanderson, Florida. The facility now has a new name although it is the same place. Ronnie Woodall ***was*** the Warden at the BCI when it was operated by the State of Florida as a men's prison, *see* www.fdle.state.fl.us, but at the time of this filing, Eric Hall ***is*** the facility administrator of the NFDC.

[2] In its scheduling order, this Court informed the Parties it will consolidate the preliminary injunction hearing with an adjudication of the Habeas Petition on its merits. Doc. 11. Accordingly, this TRO Motion Response incorporates arguments as to the merits of the Petition for Writ of Habeas Corpus. Doc. 1.

Because Petitioner fails to carry his burden, this Court should decline to convert the temporary restraining order to a preliminary injunction. Therefore, this Court should deny the TRO Motion (Doc. 5) and Habeas Petition (Doc. 1) and dismiss this action.

BACKGROUND

1. Petitioner David Saint Remy is a 51-year-old male who is a Haitian national that was born in Nassau, Bahamas. Doc. 5-1; *see also* **Exhibit A** (Notice to Appear) & **Exhibit B** (Birth Certificate & Certificate of Identity, Ministry of Foreign Affairs). Petitioner is also a fugitive wanted for prosecution by Bahamian authorities. *See* **Exhibit C** (Interpol Red Notice and Commonwealth of the Bahamas Warrant to Apprehend, related to a murder incident dated December 5, 2007).

2. Petitioner claims to have entered the United States "in or about 1988." *See* Doc. 5-1 at 2. Records indicate that on April 22, 1993, Petitioner received legal status an immigrant VISA as the child (under the age of 21) of a legal permanent resident. *See* **Exhibit D** (Immigrant VISA and Alien Registration).

3. Since arriving in the United States, Petitioner was the subject of at least ten arrests and numerous convictions, *see* **Exhibit E** (Detention History) & **Exhibit F** (Form I-213 Record of Deportable/ Inadmissible Alien), including but not limited to the following criminal history:

a. On May 27, 1991, Petitioner was arrested in Miami Dade County, Florida, for Grand Theft of Motor Vehicle and Resisting without Violence, which resulted in conviction and Plaintiff was sentenced to 96 days. *See id.* at 2-3.

b. On June 15, 1992, Petitioner was arrested in Miami, Florida, for Grand Theft of Motor Vehicle, Burglary of Unoccupied Dwelling, and Resisting without Violence, which resulted in conviction and Plaintiff was sentenced to 96 days imprisonment. *Id.*

c. On October 24, 1992, Petitioner was arrested in Miami, Florida, for Vehicle Theft, which resulted in conviction and Petitioner was sentenced to three months and six days imprisonment. *Id.*

d. On September 27, 1993, Petitioner was arrested in Miami Dade County, Florida, for Aggravated Battery against Police Officer, Resisting with Violence, and Obstructing the Police, which resulted in conviction and Petitioner was sentenced to **two years of imprisonment**. *Id.* Of the two years prison time, Petitioner's original sentence was for ten months, prior to the aggregation of incarceration time for subsequent violation of probation.

e. On February 16, 1994, Petitioner was arrested for a Violation of Probation, which resulted in a conviction and Petitioner was sentenced to four months imprisonment. *Id.*

f. On May 28, 1994, Petitioner was arrested in Miami Dade County, Florida, for Burglary and Resisting an Officer, which resulted in conviction. Petitioner was found guilty of Resisting an Officer. *Id.*

g. On November 17, 1995, Petitioner was arrested in Miami, Florida, for Robbery, Carrying a Concealed Weapon, and Possession of a Firearm by a Felon, which resulted in convictions and Petitioner was sentenced to **seven years of imprisonment**. *Id. See also*, Doc. 1 at ¶ 10 ("Petitioner was stripped of status following a criminal conviction in or around 1995, for which he served seven years incarcerated [sic] in the Florida Department of Corrections).

4. On December 13, 2002, upon release from prison, Petitioner was issued an NTA charging him with removal based upon multiple convictions, including his aggravated felony conviction for Robbery with a Firearm in 1997. *See* **Exhibit A** at 2 ("in that, at any time after admission, [Petitioner was] convicted of an aggravated

felony… for which the term of imprisonment ordered is at least one year."). The removal charge—for a crime of violence—was "sustained" January 8, 2003. *Id.*

5. On January 8, 2003, the Immigration Judge ("IJ") ordered Petitioner removed from the United States. *See* **Exhibit G** (2003 IJ Removal Order).

6. On or about June 30, 2003—following Bahama's independence to non-Bahamian citizen parents, pursuant to the Bahamas Nationality Act—Petitioner was removed to Haiti, which Petitioner represents is "his parents' country of origin." *See* Doc. 5-1 at 5.

7. An an unknown date and at an unknown location, Petitioner re-entered the United States. While Petitioner represents that he returned to the United States in 2006, *see* Doc. 5-1 at 5, no documentation is known to DHS to confirm the timing or location of Petitioner's return to the United States. Notably, Interpol's Red Notice—deeming Petitioner a wanted fugitive as related to a murder incident taking place on December 5, 2007—suggests that Petitioner did not return to the United States until at least after December 5, 2007. *See* **Exhibit C** at 3 (Interpol Red Notice & Commonwealth of the Bahamas Warrant to Apprehend dated January 8, 2008).

8. On July 14, 2009, Petitioner was arrested in Miami, Florida, for illegal re-entry after deportation and sentenced to 46 months imprisonment followed by three years of supervised release. *See* **Exhibit F** (Form I-213) at 2; *see also*, **Exhibit H** (Illegal Entry, Judgment in Criminal Case).

9. On March 29, 2012, Petitioner filed an asylum application with USCIS. However, the application was dismissed based upon the Department of Homeland Security ("DHS") decision to reinstate the prior removal order, *see* **Exhibit I** (Notice of Intent, Decision to Reinstate Prior Removal Order) & **Exhibit G** (2003 IJ Removal Order), which made Petitioner ineligible to apply for asylum. *See* **Exhibit J** (Dismissal of Asylum Application Reinstatement of Prior Removal Order, dated May 23, 2012).

10. On December 11, 2012, DHS served the Notice of Intent, Decision to Reinstate Prior Order on Petitioner. *See* **Exhibit I** (re-instating the 2003 IJ Order).

11. On April 12, 2013, Petitioner was issued a Form I-863, placing him into withholding only proceedings.

12. On July 10, 2013, the IJ granted Petitioner's deferral of removal under the Convention Against Torture Act ("CAT"). *See* Doc. 1-7 (2014 IJ Removal Order)

13. On November 5, 2013, Petitioner was released from custody.

14. On December 24, 2013, DHS appealed the deferral of removal to the Board of Immigration Appeals ("BIA"), *see* **Exhibit K** (DHS Appeal), and the case was remanded back to the IJ.

15. On January 14, 2014, the IJ issued a removal order and again granted deferral of removal—as to Haiti—under CAT. *See* **Exhibit L** (2014 Removal Order). DHS has not appealed this 2014 Removal Order to the BIA.

16. On July 23, 2025, DHS issued Petitioner a Notice of Removal Letter informing Petitioner that ICE intends to remove Petitioner to Mexico, *see* **Exhibit M** (2025 DHS Removal Letter), a potentially alternative Plaintiff's removal to Haiti.

17. On July 3, 2025, ICE took Petitioner into custody. *See* Doc. 5-1 at 6.

18. On January 30, 2026, Adrian Caballero, ICE Deportation Officer, prepared a Declaration to attest to the above-described factual and procedural history. *See* **Exhibit N** (Declaration). The Declaration notes an inquiry with the Consulate of Bahamas that resulted in the Consulate's agreement to accept Petitioner from the United States. *Id.* at ¶¶ 28-29.

19. To date, Petitioner—who is detained pursuant to 8 U.S.C. § 1231—has been detained for approximately 211 days.

MEMORANDUM OF LAW

I. LEGAL STANDARDS

The Eleventh Circuit standard for temporary restraining orders is as follows: "A TRO or preliminary injunction is appropriate where the movant demonstrates that:

(a) there is a substantial likelihood of success on the merits;

(b) the TRO or preliminary injunction is necessary to prevent irreparable injury;

(c) the threatened injury outweighs the harm that the TRO or preliminary injunction would cause to the non-movant; and

(d) the TRO or preliminary injunction would not be averse to the public interest.

Parker v. State Bd. of Pardons & Paroles, 275 F.3d 1032, 1034–35 (11th Cir. 2001). "The preliminary injunction 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). The burden to prove entitlement to a TRO is on the petitioner, and respondents bear no burden to prove that petitioner is not entitled to a TRO. *See Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.*, 415 U.S. 423, 443 (1974).

II. ARGUMENT

This Court should decline to convert the subject temporary restraining order to a preliminary injunction for three reasons. First, Petitioner has not met his burden of making clear showing that his detention is unlawful, necessitating the extraordinary remedy of a TRO. Second, Petitioner's assertions that conditions of confinement violate due process is without merit. Third, Petitioner is not entitled to a prohibition outside of the Middle District of Florida ("MDFL"). Accordingly, this Court should dismiss Petitioner's habeas action.

A. Petitioner Is Not Entitled to a TRO.

Generally, this Court has jurisdiction to consider a challenge to a petitioner's continued detention in habeas corpus proceedings. *See Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491 (2001). While the Court has jurisdiction to consider Petitioner's challenge to continued detention, the TRO should be denied and Petition dismissed because Petitioner has failed to establish that his detention by ICE is unlawful.

1. Petitioner Is Not Likely to Succeed on The Merits.

The relevant detention provision governing Petitioner's detention is § 241(a) of the INA, as amended 8 U.S.C. § 1231(a), which covers detention following entry of a final removal order. This provision generally affords the Attorney General a 90-day period to accomplish removal. *See* 8 U.S.C. § 1231(a)(1)(A). The statute defines when the removal period begins. Pursuant to § 1231(a)(1)(B), the "removal period begins on the latest of the following:

(i) The date the order of removal becomes administratively final.

(ii) If the removal order is judicially reviewed and if the court orders a stay of removal of the alien, the date of the court's final order.

(iii) If the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

8 U.S.C. § 1231(a)(1)(B).

In *Zadvydas,* the Supreme Court held that 8 U.S.C. § 1231(a) permits the government to detain an alien during the 90-day removal period in § 1231(a)(1), and an additional 90 days to effectuate the alien's removal from the United States. 553 U.S. at 701; *see also Clark v. Martinez*, 543 U.S. 371, 386, 125 S. Ct. 716 (2005). Stated differently, the Supreme Court "confirmed that six months is a presumptively reasonable period to detain a removable alien awaiting deportation under such circumstances." *Akinwale v. Ashcroft,* 287 F.3d 1050, 1051-1052 (11th Cir. 2002) (citing *Zadvydas,* 533 U.S. at 701).

While six months is a presumptively reasonable detention period, the *Zadvydas* Court also made clear that the six-month presumption did not mean that every alien not removed within this timeframe must be released after six months. *Zadvydas,* 533 U.S at 701. The Court explained, "[t]o the contrary, an alien may be held in confinement ***until*** it had been <u>determined that there is no significant likelihood of removal in the reasonably foreseeable future</u>." *Id.* (emphasis added).

In *Akinwale*, the Eleventh Circuit concluded that "to state a claim under *Zadvydas* the alien not only must show post-removal order detention in excess of six months ***but also*** must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." 287 F.3d at 1052 (emphasis added). Thus, the burden is on Petitioner to demonstrate: (1) post removal order detention for a period exceeding six months; **<u>and</u>** (2) that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.*

Applying the rationale set forth in *Akinwale* to the present case, the removal period, pursuant to 8 U.S.C. §§ 1231(a)(1)(A) and 1231(a)(1)(B)(iii) of the Act, began on July 3, 2025, the date ICE took Petitioner into detention. Petitioner then verified—through counsel—the Petition for Habeas Corpus on January 7, 2026, approximately **eight days** after the initial 180-day period. *See* Doc. 1 at 13.

However, Petitioner fails to present any evidence to establish that there is no significant likelihood of his removal to a country other than Haiti. Indeed, Petitioner may still be removed to the Bahamas, *see* **Exhibit C** (Interpol Red Notice and Warrant to Apprehend), or Mexico, *see* **Exhibit M** (Notice of Removal Letter), and neither the Bahamas nor Mexico was a country subject of Petitioner's deferral of removal under CAT. *See* Doc. 5-1 at 2 ("Then, fleeing torture and violence in Haiti, Petitioner re-entered the United States in 2006 without authorization because he was fleeing imminent death and/or mutilation in Haiti."). Moreover, despite the Bahamian Nationality Act, it appears that the Bahamas has expressed a willingness to take Petitioner. Because there are no travel bans, once Petitioner's travel documents are obtained, his removal can be accomplished as soon as practicable. Accordingly, Petitioner's arguments are not supported by the facts in this case and must fail. *See Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1365 (N.D. Ga. 2002) (stating "Petitioner's bare allegations are insufficient to demonstrate a significant unlikelihood of his removal in the reasonably foreseeable future.").

Therefore, Petitioner has not met the burden-shifting prerequisite in *Zadvydas* that "the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. *See Akinwale*, 287 F.3d at 1052 (stating "in order to state a claim under *Zadvydas* the alien must not only show post-removal order detention in excess of six months but also must provide evidence of a good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.") Therefore, Petitioner's continued detention is lawful under § 1231 and Petitioner is not likely to succeed on the merits.

2. Petitioner Has Not Shown Irreparable Harm.

Petitioner has not demonstrated that he will suffer irreparable harm absent the injunctive relief he seeks. "A showing of irreparable harm is 'the *sine qua non* of injunctive relief.'" *NE Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville, Fla.*, 896 F.2d 1283, 1285 (11th Cir. 1990). Merely showing a "possibility" of irreparable harm is insufficient. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). "Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter*, 555 U.S. at 22. "Although removal is a serious burden for many aliens, it is not categorically irreparable." *Nken v. Holder*, 556 U.S. 418, 435 (2009). Petitioner has not made such a showing here. "[A] noncitizen must show that there is a reason specific to his or her case, as opposed to a reason that would apply equally well to all aliens and all cases, that removal would inflict irreparable harm . . ." *Leiva-Perez v. Holder*, 640 F.3d 962, 969 (9th Cir. 2011).

Here, Petitioner has not demonstrated that he will suffer irreparable harm. At best, Petitioner's claims to potential harm are related to his medical issues, which are discussed more fully in this Response's Due Process analysis in Section B, *infra*.

3. The Balance of Inequities and Public Interests Favor the U.S.

Finally, the balance of equities and the public interest weigh decisively against Petitioner's request for a TRO or preliminary injunctive relief. It is well settled that the public interest in enforcement of United States' immigration laws is significant. *See, e.g.*, *United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Blackie's House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C. Cir. 1981) (stating "[t]he Supreme Court has recognized that the public interest in enforcement of the immigration laws is significant.") (citing cases).

Here, Petitioner was found removable pursuant to §1227(a)(2)(A)(iii)—Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act ("INA")—because he was "convicted of an aggravated felony as defined in INA § 101(a)(43)(F) of the Act, a crime of violence… for which the term of imprisonment ordered is at least one year." *See* **Exhibit A** at 2 & **Exhibit F** at 2-3 (Robbery with a Firearm, for which Petitioner served seven years of imprisonment). Because Petitioner has been convicted of a crime of violence, among numerous other felony convictions, the United States has a public interest in enforcement of immigration laws against Petitioner, who has consistently demonstrated—via his lengthy criminal history—that he is a danger to the community.

B. Petitioner's Assertions That Conditions of Confinement Violate Due Process Is Without Merit.

Petitioner asserts that his continuing detention violates the Fifth Amendment of the U.S. Constitution and that "Petitioner has been detained indefinitely for over six months." Doc. 1 at ¶ 29. Petitioner's complaints include, among others, physiological issues and gastrointestinal condition. *See id.* at ¶¶ 20-25. However, Petitioner fails to show that his detention is not proportionately related to the government's non-punitive responsibilities and administrative purposes.

The Fifth Amendment to the United States Constitution prohibits the deprivation of a person's liberty without due process of law—freedom from imprisonment is at the heart of the liberties the Fifth Amendment is designed to protect. *Zadvydas v. Davis*, 533 U.S. at 690 (citing *Foucha v. Louisiana,* 504 U.S. 71, 80 (1992)). Still, the Supreme Court has repeatedly recognized that detention during the pendency of deportation proceedings is a "constitutionally valid aspect of the deportation process." *See Demore v. Kim*, 538 U.S. 510, 523, 123 S. Ct. 1708, 1711, 155 L. Ed. 2d 724 (2003); *see also Wong Wing v. United States*, 163 U.S. 228, 235 (1896).

Under the Fifth Amendment Due Process Clause, "a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). For conditions of confinement to constitute "punishment," a petitioner must show either "an expressed intent to punish on the part of detention facility officials," or an implied intent to punish through a condition or restriction that a "is not reasonably related to a legitimate goal—if it is arbitrary or purposeless[.]" *Id.* at 538-39. "Thus, if a particular condition or restriction of pretrial detention is reasonably related to a legitimate governmental objective, it does not, without more, amount to 'punishment.'" *Id.* at 539.

While civil detainees retain greater liberty protections than individuals convicted of crimes, *see, e.g., Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982), continued immigration detention pending a removal determination cannot be described as punitive or excessive in relation to the legitimate government purpose of protecting the public and ensuring attendance at removal proceedings. *See, e.g.,* *Demore*, 538 U.S. at 523 ("[T]his Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process."). "[I]t is a fallacy to think that Respondents do not have a legitimate government purpose in "preventing detained aliens from absconding and ensuring that they appear for removal.'" *Matos v. Lopez Vega*, No. 20-CIV-60784-RAR, 2020 WL 2298775, at *10 (S.D. Fla. May 6, 2020). Petitioner's claims—including the potential of malnutrition and intestinal damage should his gastrointestinal condition be mis-managed—do not change this analysis or weaken Respondents' legitimate interest in Petitioner's detention during the pendency of removal proceedings. *See* Doc. 1 at ¶ 20.

Petitioner has also failed to show a Fifth Amendment violation on account of deliberate indifference to a substantial risk of harm. The Fifth Amendment Due Process Clause governs a deliberate indifference claim by an immigration detainee. *See, e.g.*, *Vaz v. Skinner*, 634 F. App'x 778, 781 (11th Cir. 2015 (per curiam)). This Circuit has determined that the Fifth Amendment is violated when a jailer "is deliberately indifferent to a substantial risk of serious harm to an inmate who suffers injury." *Swain v. Junior*, 961 F.3d 1276, 1285 (11th Cir. 2020). To establish a deliberate indifference claim, a petitioner must make both an objective and a subjective showing. *Id.* "Under the objective component, the plaintiff must demonstrate 'a substantial risk of serious harm.'" *Id.* Under the subjective component, a petitioner must prove "'the defendants' deliberate indifference' to that risk of harm by making three subshowings: '(1) subjective knowledge of a risk of serious harm; (2) disregard of that risk; (3) by conduct that is more than mere negligence.'" *Id.* "A prisoner bringing a deliberate-indifference claim has a steep hill to climb." *Keohane v. Fla. Dep't of Corr.*, 952 F.3d 1257, 1266 (11th Cir. 2020). An "official may escape liability for known risks if [he] responded reasonably to the risk, even if the harm ultimately was not averted." *Swain*, 958 F.3d at 1089 (internal quotation marks and citation omitted).

Here, Petitioner has failed to set forth a constitutional violation. As to the objective component, Petitioner has not shown the conditions of confinement are "extreme and present an unreasonable risk of serious damage to [the petitioner's] future health or safety. *Id.* at 1088. He has not alleged—much less demonstrated—that the Respondents have been non-responsive to his medical needs or, as to the subjective element, Petitioner has not shown that Respondents subjectively believe the measures they are taking are inadequate. Deliberate indifference requires a showing that Respondents disregarded a risk "by conduct that is more than gross negligence." *Keith v. DeKalb Cnty.*, Georgia, 749 F.3d 1034, 1047 (11th Cir. 2014). Even liberally construing the petition, Petitioner does not meet this standard. *See, e.g.*, *Swain*, 961 F.3d at 1089 ("Deliberate indifference requires the defendant to have a subjective state of mind more blameworthy than negligence, closer to criminal recklessness[.]"). Thus, Petitioner's Due Process Claims related to his health are without merit.

C. Petitioner Is Not Entitled to a Prohibition Outside of the MDFL.

To the extent that Petitioner seeks to enjoin Respondents from transferring him outside this District because it will impede Petitioner's removal proceedings—"by (1) significantly hinder[ing] access to his attorney and due process rights and (2) would effectively block access to family or dear friends and community members—such relief is not warranted. *See* Doc. 5-1 at 12. "Claims regarding prison transfers are generally not cognizable under § 2241." *Rathod v. Barr*, No. 1:20-CV-161-P, 2020 WL 1492790, at *2 (W.D. La. Mar. 5, 2020) (denying immigration detainee's request to enjoin ICE from transferring him to another facility), *report and recommendation adopted*, No. 1:20-CV-161-P, 2020 WL 1501891 (W.D. La. Mar. 25, 2020); *see also Greenhill v. Menifee*, 202 F. App'x 799, 800 (5th Cir. 2006) (affirming denial of claim as not cognizable under § 2241 "because prisoners lack a constitutionally protected interest in where they are incarcerated"); *Zapata v. United States*, 264 F. App'x 242, 243-44 (3d Cir. 2008) (district court lacked jurisdiction over a § 2241 petition that challenged a transfer).

Further, determining where aliens will be detained is the task of the Attorney General. *See* 8 U.S.C. §1231(g)(1) (stating "[t]he Attorney General shall arrange for appropriate places of detention for aliens detained pending removal or a decision on removal."). Petitioner "does not have a right to be housed in any particular facility, nor does this court have the authority to order the ICE to house [him] in any particular facility." *Rathod*, 2020 WL 1492790, at *2; *see also Woldegiorgise v. ICE*, 1:12-CV-02778, 2013 WL 664160, at *2 (W.D. La. Jan. 23, 2013) (denying request to enjoin ICE from transferring detainee because a detainee "does not have a right to be housed in any particular facility, nor does this court have the authority to order the ICE to house [the detainee] in any particular facility"), *report and recommendation adopted*, 2013 WL 672388 (W.D. La. Feb. 22, 2013); *Sasso v. Milhollan*, 735 F. Supp. 1045, 1047 (S.D. Fla. 1990) (denying motion for preliminary injunction to enjoin ICE from transferring the petitioner). Finally, there is no indication that a transfer will hinder his removal proceedings or his ability to participate in his removal proceedings or this litigation.

CONCLUSION

Based on the foregoing, this Court should not convert the temporary restraining order into a preliminary injunction. Rather, this Court should deny Petitioner's TRO Motion, deny the Petition for Writ of Habeas, and dismiss this action.

Dated: January 30, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 30, 2026, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to CM/ECF participants.

/s/Mai Tran
MAI TRAN
Assistant United States Attorney