

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Serhat Gunes

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Department of
Homeland Security, in her official capacity;

Todd M. LYONS, Acting Director of
Immigration and Customs Enforcement;
Immigration and Customs Enforcement, in
his official capacity;

Robert HAGAN, Director, Denver Field
Office, Immigration and Customs
Enforcement, in his official capacity;

Juan BALTAZAR, Warden of the Denver
Contract Detention Facility, in his official
capacity.

Respondents.

Case No.: 1:26-cv-00095

**PETITIONER'S MOTION FOR AN
EMERGENCY TEMPORARY
RESTRAINING ORDER**

[EXPEDITED HANDLING REQUEST]

Pursuant to Fed. R. Civ. P. 56, Petitioner, though undersigned counsel, requests that the Court grant an Emergency Temporary Restraining Order (TRO) enjoining Respondents from continuing to unlawfully detain Petitioner and from transferring him outside the District of Colorado during the pendency of his Petition for a Writ of Habeas Corpus. In support thereof, Petitioner states the following:

1. Petitioner has a pending I-589 Application for Asylum and Withholding of Removal. He was previously released by Respondents on January 3, 2025, pursuant to a valid grant of parole under 8 U.S.C. § 1182(d)(5)(A). *See* ECF Doc. 1. Respondents have since, for no reason and without notice, re-detained Petitioner.
2. Petitioner is currently in Respondents' custody and is being detained at the Denver Contract Detention Facility in Aurora, Colorado.
3. Petitioner was suddenly re-detained on December 31, 2025, while driving in Wyoming, at which time his identification and vehicle were confiscated without written notice of parole termination as required by 8 C.F.R. § 212.5(e).
4. It is common practice for Respondents to transfer individuals like Petitioner to remote staging centers or facilities outside of their current jurisdiction shortly after re-detention.
5. Petitioner is concerned that the government could be preparing to transfer him away from the District of Colorado, which would irreparably damage his ability to consult with his counsel and litigate his pending habeas and asylum claims. In the event that a transfer has already occurred or occurs prior to the issuance of this Court's order, Respondents must be required to facilitate Petitioner's immediate

return to this jurisdiction.

6. Respondents have failed to provide any individualized determination or evidence of changed circumstances that would justify the termination of Petitioner's parole and his return to physical custody.
7. Petitioner's ongoing and arbitrary detention constitutes a daily deprivation of his fundamental liberty interests and a violation of his constitutional rights.

Therefore, Petitioner, through counsel, requests that the Court grant this Emergency Temporary Restraining Order and enjoin Respondents from continuing to unlawfully detain him and from transferring him outside the geographic jurisdiction of the Denver Field Office during the pendency of this proceeding for a writ of habeas corpus.

Dated: January 12, 2026

/s/Mehmet Turkoglu
Mehmet Y. Turkoglu, Esq.
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CERTIFICATE OF COUNSEL REGARDING NOTICE

Pursuant to D. C. COLO. L Civ R 65.1, I, Mehmet Y. Turkoglu, hereby certify that actual notice of the time of filing this motion, along with copies of all pleadings and documents, has been provided to opposing counsel. Specifically, on January 12, 2026, at 6:30, I transmitted these documents via electronic mail to the U.S. Attorney's Office (USACO.Civil@usdoj.gov) and ICE OPLA (occcasequery.den@ice.dhs.gov).

Dated: January 12, 2026

/s/Mehmet Turkoglu
Mehmet Y. Turkoglu, Esq.
Attorney for Petitioner