

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

KARIM CHENNAH
Petitioner,

v.

JUAN BALTAZAR, Warden of the Aurora
Contract Detention Facility owned and
operated by GEO Group, Inc.;

ROBERT HAGAN, Acting Field Office
Director, Denver Field Office, U.S.
Immigration and Customs Enforcement;

KRISTI NOEM, Secretary, U.S. Department
of Homeland Security;

TODD LYONS Acting Director of
Immigration and Customs Enforcement;

PAMELA BONDI, Attorney General, U.S.
Department of Justice.

Respondents.

Case No. 1:26-cv-00112

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

A. Mr. Chennah is in Immediate Danger of Transfer or Deportation.

Petitioner Karim Chennah believes he is in immediate danger of being transferred out of Colorado or being illegally removed from the United States within the next 24 hours. He therefore files this Motion for a Temporary Restraining Order (TRO) enjoining his transfer or removal until his case can be heard.

Mr. Chennah has been in ICE custody for more than six months since being granted withholding of removal to Morocco on June 25, 2025. ECF Doc 1, ¶ 3. The undersigned informed the United States Attorney's Office on January 8, 2026 of his intent to file a petition for habeas corpus. Exh. A. AUSA Kevin Traskos indicated he would contact ICE about their position on Mr. Chennah's release. *Id.* ICE did not respond to Mr. Traskos but served Mr. Chennah with a notice of removal to Cameroon. *Id.* ICE did not provide Mr. Chennah's attorney with a copy of the notice of removal.

Mr. Chennah informed his attorney via text message that he affirmatively articulated a fear of removal to Cameroon as soon as he was served with the notice of removal. Exh. B. Undersigned counsel reiterated this fear in an email to ICE. Exh. C. Mr. Chennah was originally granted withholding of removal to Morocco because he is gay and would likely be persecuted there due to his sexual orientation. ECF Doc 1, ¶¶ 3, 27. Cameroon is also an extremely dangerous place for gay people, where same sex relationships are punishable with prison, and violence against gay people is widespread and unchecked by police. *See* Exh. D (Human Rights Reports for Cameroon).

Undersigned counsel received a phone call from Mr. Chennah at the Aurora Detention Center at 11:23 p.m. MST on January 10, 2026 indicating that he believes ICE is planning to

transfer him somewhere as soon as January 11, 2026 because his commissary account has been blocked. In his experience in detention, this is an indicator of imminent transfer. Undersigned counsel emailed ICE to advise that Mr. Chennah had filed a petition for habeas corpus and should not be transferred. Exh. C.

Mr. Chennah seeks an order against Respondents enjoining Respondents from transferring Mr. Chennah out of this District while his case is pending, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and the All Writs Act. Mr. Chennah is in civil immigration detention, and his continuing detention poses a substantial risk of immediate, summary removal from the United States. Such removal would violate 8 U.S.C. § 1231(b)(3), the accompanying regulations, including 8 C.F.R. § 1208.31, and his rights under the Fifth Amendment Due Process Clause of the U.S. Constitution.

The undersigned provided has provided a copy of this motion via email to Assistant United States Attorney Kevin Traskos, Chief, Civil Division, U.S. Attorney's Office, District of Colorado.

B. Mr. Chennah Will Suffer Irreparable Harm.

The removal of Mr. Chennah from the United States in violation of his constitutional rights constitutes irreparable harm, and each day Mr. Chennah remains detained in violation of his constitutional rights, he faces irreparable harm. *See Elrod v. Burns*, 427 U.S. 347, 373-74 (1976); *Free the Nipple—Fort Collins v. City of Fort Collins*, 916 F.3d 792, 805-06 (10th Cir. 2019) (citing *Awad v. Ziriya*, 670 F.3d 1111, 1131 (10th Cir. 2012)). In the absence of the requested TRO, Mr. Chennah may entirely lose the opportunity to defend his constitutional

rights in this Court.

C. Mr. Chennah is Likely to Succeed on the Merits of His Claims

Mr. Chennah likely to succeed on his claim that his continued detention violates his constitutional Due Process rights because his legal removal is not substantially likely in the reasonably foreseeable future, and Respondents cannot remove him to Cameroon if they comply with the law that a noncitizen may not be removed to a country where his “life or freedom would be threatened” because of the noncitizen’s “race, religion, nationality, membership in a particular social group, or political opinion.” *See* 8 U.S.C. § 1231(b)(3).

“The Due Process Clause applies to all persons within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint — lies at the heart of the liberty that [the Due Process] Clause protects.” *Id.* at 690. The Supreme Court has only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *Id.* at 690-92 (discussing constitutional limitations on civil detention).

Under *Zadvydas*, Mr. Chennah’s continued detention — after his final order for removal to Morocco was withheld on June 25, 2025 — was presumptively reasonable for 180 days, after which his continued detention is only justified if there is a “significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. ICE held Mr. Chennah in detention for 198 days after he was granted withholding without providing him with any information about plans for removal to a third country, despite his repeated inquiries. ECF Doc 1-1, pp 9-18, 27 of 43. Then

when ICE learned of Mr. Chennah's plans to file a petition for habeas corpus, they issued him a notice of removal to Cameroon. Exh. B, C. Mr. Chennah was not told when he will be removed to Cameroon, and Mr. Chennah does not believe he has permission to travel to or reside in Cameroon.

Mr. Chennah immediately expressed a fear of removal to Cameroon. Exh. B, C. Mr. Chennah was granted withholding of removal to Morocco in June 2025 because of the likelihood that he will be persecuted there due to his sexual orientation. (ECF Doc 1-1, pp 4-7 of 43, IJ Order.) Similar conditions for gay men like Mr. Chennah exist in Cameroon. Same sex sexual activity is illegal in Cameroon and punishable by prison, and gay men are subject to widespread violence and mistreatment. Exh. D. The 2023 U.S. State Department human rights report for Cameroon found that “[p]olice often detained LGBTQI+ individuals based solely on their perceived sexual orientation, gender identity, or gender expression, including individuals who had sought police assistance after being the victims of violent crimes.” Exh. D(a). A Human Dignity Trust report dated November 36, 2025 similarly summarized the situation for gay people in Cameroon: “Cameroon criminalises same-sex sexual activity between men and between women. Sentences include a maximum penalty of five years’ imprisonment and a fine. There is substantial evidence of the law being routinely enforced in recent years, and LGBT people are regularly subjected to discrimination and violence.” Exh. D(b).

Due Process entitles Mr. Chennah to an “opportunity to be heard at a meaningful time and in a meaningful manner” on his fear-based claim for protection against removal to Cameroon. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quotation omitted); see *Arostegui-Maldonado v. Baltazar*, 794 F. Supp. 3d 926, 947 (D. Colo. 2025) (describing the “non-

discretionary obligation to provide [a noncitizen] with notice and an opportunity to seek withholding of removal before he is deported to any third country”) (emphasis in original); *Santamaria Orellana v. Baker*, No. CV 25-1788-TDC, 2025 WL 2841886, at *10 (D. Md. Oct. 7, 2025) (recognizing that failure to comply with regulatory procedures for review of fear-based claims violates due process). The Supreme Court has stressed that noncitizen detainees are “entitled to notice and an opportunity to challenge their removal.” *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025); *see also* ECF Doc 1-1, pp 39-43 of 43 (DHS process guidance memos for third country removals issued in 2025).

If the government complies with Due Process, 8 U.S.C. § 1231(b)(3), and its own policies, Mr. Chennah cannot be removed to Cameroon because his life and freedom will be threatened there due to his sexual orientation. *See* 8 U.S.C. § 1231(b)(3). His legal removal from the United States is therefore not significantly likely in the reasonably foreseeable future. Any conclusion that Mr. Chennah’s continued detention is justified by his imminent removal to Cameroon assumes the government will not comply with its due process obligations to fairly evaluate Mr. Chennah’s fear-based claim and grant the protection from removal to which he is entitled under 8 U.S.C. § 1231(b)(3). Moreover, detaining Mr. Chennah so that he can be removed to a place where he will likely be deprived of his life or liberty because of his sexual orientation violates Mr. Chennah’s substantive Due Process rights.

Mr. Chennah should therefore be released under *Zadvydas*. His release may be conditioned “on any of the various forms of supervised release that are appropriate in the circumstances.” 533 U.S. at 700. There is no significant likelihood of removal in the reasonably foreseeable future because Mr. Chennah cannot be deported to his country of citizenship, he has

no ties to other countries, and he has strong grounds to challenge removal to any third country ICE is likely to designate, including Cameroon. *See Zadvydas*, 533 U.S. at 701.

D. The Balance of Equities and Public Interest Weigh Heavily in Mr. Chennah’s Favor

The balance of hardships and the public interest both tip strongly in Mr. Chennah’s favor. Where, as here, the government is a party to a case, the final two injunction factors — i.e., the balance of equities and the public interest — merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). When assessing whether a TRO is warranted, the Court “must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief, paying particular regard to the public consequences.” *Winter v. Natural Resources Defense Council*, 555 U.S.7, 24 (2008).

The government cannot suffer harm from an injunction that prevents it from engaging in an unlawful practice, and the public interest is best served by ensuring that constitutional rights and statutes are upheld. Federal legislative enactments, as “democratic determinations of the public interest,” offer useful guidance to courts analyzing the public interest prong of the preliminary injunction inquiry. *Fish v. Kobach*, 840 F.3d 710, 755 (10th Cir. 2016) (citation omitted); *see also Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983) (“[T]he INS cannot reasonably assert that it is harmed in any legally cognizable sense by being enjoined from constitutional violations.”); *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017) (“The public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention because of bonds established by a likely unconstitutional process.”); *Andujo-Andujo v. Longshore*, 2014 WL 2781163 at *6 (D. Colo.

June 19, 2014) (reasoning that ICE’s “compliance with the law serves the public interest”).

Therefore, the government cannot allege harm arising from having to comply with the Constitution, the INA, or regulations. If a TRO is not entered, the government would effectively be granted permission to deport Mr. Chennah in violation of law.

Furthermore, any burden imposed by requiring the government to refrain from detaining and deporting Mr. Chennah is both de minimis and clearly outweighed by the substantial harm he will suffer as if he continues to be detained or is deported. *See Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983) (“Society’s interest lies on the side of affording fair procedures to all persons, even though the expenditure of governmental funds is required.”). Courts granting TROs in immigration habeas cases have routinely found that these factors weigh in a petitioner’s favor. *See, e.g., Arostegui-Maldonado*, 794 F. Supp. 3d at 943 (D. Colo. 2025) (“[T]here may be a generalized public interest in the enforcement of the country’s immigration laws. But that cannot mean that Respondents enjoy an unfettered right to detain noncitizens in contravention with their Fifth Amendment rights.”). Therefore, the balance of equities and public interest both overwhelmingly favor granting a TRO to enjoin Respondents from transferring Mr. Chennah outside the District of Colorado — including removing him from the United States — during the pendency of his underlying habeas case.

CONCLUSION

For all the above reasons, this Court should find that Mr. Chennah warrants an TRO enjoining Respondents from transferring him from the District of Colorado and removing him from the United States. If Respondents have already transferred Mr. Chennah outside of the District of Colorado this Court should order his immediate return.


Dated: January 11, 2026

s/ Alison Suthers

Alison Suthers
8275 East 11th Avenue #200744
Denver, CO 80220
alison@suthers-law.com

Pro Bono Counsel for Petitioner

EXHIBITS

- A. RE: [EXTERNAL] intent to file habeas petition – Karim Chennah (Email thread Jan. 8-11, 2026)
- B. Text Message from Petitioner dated January 9, 2026
- C. Karim Chennah () (Emails to ICE dated Jan. 9 and 11, 2026)
- D. Human Rights Reports for Cameroon
 - a. United States Department of State, Cameroon 2023 Human Rights Report
 - b. Human Dignity Trust, Cameroon (Nov. 26, 2025)
 - c. Human Rights Watch, Cameroon: Rising Violence Against LGBTI People (May 11, 2022)

CERTIFICATE OF SERVICE

I, Alison Suthers, hereby certify that on January 11, 2026, I filed the foregoing with the Clerk of Court using the CM/ECF system and provided a courtesy copy via email to the following:

Kevin Traskos
Chief, Civil Division
U.S. Attorney's Office
District of Colorado
kevin.traskos@usdoj.gov

s/ Alison Suthers
Pro Bono Counsel for Petitioner