

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-cv-20294-MOORE

RAMON PERALTA-DORMES,

Petitioner,

v.

TODD LYONS et al.

Respondents.

**RESPONDENTS' OPPOSITION TO PETITIONER'S EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER**

Charles Parra, Field Office Director, et al. (Respondents), through the undersigned counsel, maintains that Ramon Peralta-Dormes' (Petitioner) Emergency Motion for Temporary Restraining Order (Motion) (ECF No. 7) should be denied.

I. BACKGROUND

Petitioner's relevant immigration history is accurately set forth in Paragraphs 24 through 29 of the Petition (ECF No. 1), insofar as he is a native and citizen of Honduras who entered the United States without inspection, he is detained at BTC, filed a request for a custody redetermination, and such was denied by the immigration judge pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

On January 15, 2026, Petitioner filed this habeas petition, challenging his continued detention under 8 U.S.C. § 1225(b). (DE 1)

II. ARGUMENT

In order to obtain the extraordinary remedy of a preliminary injunction, a plaintiff must prove: "(1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered

unless the injunction issues; (3) the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.” *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998). Because a preliminary injunction is “an extraordinary and drastic remedy,” it should not be granted unless the plaintiff “clearly carries the burden of persuasion as to the four prerequisites.” *Zardui-Quintana v. Richard*, 768 F.2d 1213, 1216 (11th Cir. 1985) (citation and internal quotations marks omitted).

A. Substantial Likelihood of Success on the Merits

The government hereby incorporates arguments advanced in support of its Return and Memorandum of Law relating to Petitioner’s habeas petition. (ECF No. 18 and 1) In light of the fact that the Court lacks jurisdiction under § 1252(g), the Petitioner lacks standing to bring his Administrative Procedures Act Claim, and Petitioner is properly detained under U.S.C. Section 1225(b)(2)(A), the government submits that Petitioner’s success on the merits is unlikely.

B. Irreparable injury will be suffered unless the injunction issues.

Petitioner cannot prove an irreparable injury because Respondents have complied with § 241.4(l)(2) and have notified Petitioner of their intent to remove him to Mexico.

C. The threatened injury outweighs whatever damage the proposed injunction may cause the opposing party.

An injunction will interfere with Respondents’ statutory ability to execute Petitioner’s removal order.

D. If issued, the injunction would not be adverse to the public interest.

An issuance of an injunction preventing Respondents from executing the removal order would be averse to the public interest because enforcing federal immigration law furthers the public’s interest. *See Garcia v. Martin*, 18-62724-CIV-ALTONAGA, 379 F. Supp. 3d 1301, 1308

(S.D. Fla. Nov. 18, 2018) (denying a preliminary injunction requesting a stay of removal because an execution of a removal order “is commensurate with the public’s interest in enforcing federal law.”).

Respectfully submitted,

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