

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

<b>Xao Thao,</b>	)	
Petitioner,	)	Case No: 4:26-cv-00057-CDL-ALS
	)	
v.	)	MOTION FOR A PRELIMINARY
	)	INJUNCTION AND TEMPORARY
<b>Jason Streeval,</b> Warden, Stewart Detention	)	RESTRAINING ORDER
Center; <b>George Sterling,</b> Director, Atlanta	)	
Field Office, U.S. Immigration and Customs	)	
Enforcement; <b>Kristi Noem,</b> Secretary,	)	
Department of Homeland Security; and	)	
<b>Pamela Bondi,</b> United States Attorney General,	)	
in their official capacities,	)	
Respondents.	)	
_____	)	

**INTRODUCTION**

1. Petitioner, Xao Thao, appearing *pro se*, respectfully asks the Court for a Preliminary Injunction and Temporary Restraining Order for the following reason: ICE re-detained Petitioner without any Notice, any Notice of the Revocation of her supervision, without stating any lawful basis for re-detention, without a prompt formal or informal interview, and without affording her an opportunity to be heard in violation of ICE's own regulations in 8 C.F.R. §§ 241.4(1) and 241.13(i).

**LEGAL STANDARD**

2. Under Fed. R. Civ. P. 65(b), this Court may issue a temporary restraining order.

**JURISDICTION**

3. Petitioner is detained at the Stewart Detention Center in Lumpkin, Georgia, which is under the jurisdiction of the U.S. District Court, Middle District of Georgia, Columbus Division.

**BACKGROUND**

4. Petitioner is a nonimmigrant who is currently detained at the Stewart Detention Center in Lumpkin, Georgia. Petitioner was unlawfully re-detained on December 10, 2025 at the

ERO ICE office in Charlotte, North Carolina without any Notice, a Notice of Revocation of Supervision, and without an informal prompt interview in violation of ICE's own regulations 8 C.F.R. §§ 241.13(i) and 241.4(1).

5. On January 16, 2026, Petitioner filed a Petition for a Writ of Habeas Corpus with the Columbus Division of the Middle District of Georgia, alleging her unlawful re-detention. It was assigned the case number: 4:26-cv-00057-CDL-ALS. Alongside the habeas petition, she also filed a Motion to Issue an Order to Show Cause, a Memorandum of Law in Support of Habeas Relief, and Exhibits.

6. On January 21, 2026, the Court issued an Order stating: "Having initially reviewed Petitioner's application, the Court finds good cause to extend the time for a response. 28 U.S.C. § 2243. Accordingly, Respondents shall have twenty-one (21) days to file a comprehensive response to said application. Within fourteen (14) days thereafter, Petitioner should file any desired reply. The Court will establish whether to hold an evidentiary hearing once briefing is complete. Motion to Show Cause is denied."

7. On January 30, 2026, Petitioner sent out a Motion to Reconsider the Order Denying Motion to Show Cause, along with this Motion for a Preliminary Injunction and Temporary Restraining Order, Exhibits, and a sworn declaration. It was also sent to the Columbus Division of the Middle District Court of Georgia by certified mail with return receipt. Another copy of all the documents, exhibits, this Motion, and sworn declaration was sent to the U.S. Attorney's Office at the same address, to U.S. Attorney William R. "Will" Keyes, to inform the U.S. Attorney's Office of the intention to file a preliminary injunction and restraining order in accordance to Fed. R. Civ. P. 65(b)(1) to give notice.

8. On January 28, 2026, Petitioner's sister called the U.S. Attorney's Office and spoke to Allison to inform U.S. Attorney William Keyes of Petitioner's intention to file a preliminary

injunction and a temporary restraining order, and to expect the documents to arrive by certified mail in accordance to Fed. R. Civ. P 65(b)(1) to give notice.

9. Petitioner now submits this Motion for a Preliminary Injunction and a Temporary Restraining Order.

**LIKELIHOOD OF SUCCESS ON THE MERITS**

10. Petitioner has a final order of removal since June 20, 2013 (*see* Exhibit D).

11. Petitioner was given an Order of Supervision (OSUP) on September 18, 2013 (*see* Exhibit E).

12. ICE improperly used a form which was only meant to be served to Petitioner no later than thirty (30) days after her final order (*see* Exhibits A1-A3 and Thao Decl. 20).

13. Petitioner has been re-detained since December 10, 2025 without any Notice, any Notice of the Revocation of her supervision, without stating any lawful basis for re-detention, without a prompt formal or informal interview, and without affording her an opportunity to be heard in violation of ICE's own regulations in 8 C.F.R. §§ 241.4(1) and 241.13(i) (*see* Thao Decl. 29).

**PRAYER FOR RELIEF**

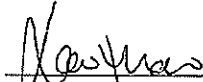
14. Petitioner requests the Court to rule on this Motion for a Preliminary Injunction and Temporary Restraining Order.

15. Petitioner requests that Respondents and their agents, attorneys, employees, officers, servants, and any persons involved in this case be enjoined and restrained from removing Petitioner outside of the jurisdiction of the Columbus Division of the Middle District of Georgia up to and including fourteen (14) days from the date of the Order GRANTED while her habeas petition is pending.

16. Petitioner requests to be immediately released from detention on her previous Order of Supervision to restore the status quo and to stop the manifestation of injustice due to the

unlawfulness of her re-detention.

17. Petitioner requests that Respondents and their agents, attorneys, employees, officers, servants, and any persons involved in this case be temporarily enjoined and restrained from re-detaining her unless Respondents follow 8 C.F.R. § 241.4(i) and § 241.13(i) and all applicable regulations and law.

  
\_\_\_\_\_  
Xiao Thao

1/29/2026  
\_\_\_\_\_  
Date