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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Juan Carlos Trejo-Bautista**

Petitioner,

-against-

**Donald J. Trump**, in his official capacity as President of the United States; **Todd M. Lyons**, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; **Pete R. Flores**, in his official capacity as Acting Commissioner for U.S. Customs and Border Protections; **Kristi Noem**, in her official capacity as Secretary of the United States Department of Homeland Security; **Marco Rubio**, in his official capacity as Secretary of State; **Pamela Bondi**, in her official capacity as U.S. Attorney General; **Garret J. Rippa**, in his official capacity as Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations' Miami Field Office.

Respondents.

Case No.:  
District Judge:

**MOTION FOR  
TEMPORARY  
RESTRAINING ORDER**

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

## INTRODUCTION

1. Petitioner Juan Carlos Trejo-Bautista (“Mr. Trejo-Bautista” or “Petitioner”) is a 50-year-old national of Mexico and has been residing in Florida for nearly 15 years. He has three U.S. Citizen children, born from his marriage to Phyllis J. Mitchell, also a U.S. Citizen (now deceased).
2. Petitioner is currently being held in the custody of Immigration and Customs Enforcement (“ICE”) in the Southern District of Florida, at the Krome North Service Processing Center.
3. Mr. Trejo-Bautista was taken into custody by ICE on or around November 4, 2025. His arrest and subsequent custody occurred on his way out of court, immediately after he was found not guilty by a jury of his peers relative to a criminal matter, initially charged in May of 2025.
4. Mr. Trejo-Bautista’s has never been convicted of a crime, rendering his sudden arrest and subsequent detention by ICE as having occurred without any legitimate or material change in circumstances that might rationally justify his loss of personal liberty. By all available indicia, his current detention is *prima facie* unlawful.
5. Mr. Trejo-Bautista wishes to continue pursuing his humanitarian relief in the United States, as he has done so far by attending all scheduled appointments and court dates and filing his Form EOIR-42B, Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents.
6. Because the Government has demonstrated a pattern and practice of removing detainees from Florida, Petitioner moves for an immediate Temporary Restraining Order (“TRO”)

ordering that the Government not move Petitioner out of this District pending further order of the Court.

7. Even if the Court does not believe such an order is necessary on the grounds of preserving jurisdiction, Petitioner still moves for an immediate TRO ordering that the Government not move him out of this District based on the inherent equitable powers of this Court, and the breadth of the All-Writs Act. 28 U.S.C. § 1651.
8. Petitioner being kept in this District will assist him in consulting with his Florida based attorneys and allow him to appear in Court on his petition for writ of habeas corpus being filed concurrently with this motion in the United States District Court for the Southern District of Florida. The requested TRO is consistent with both principles of judicial efficiency and the principles of any court entertaining a petition for writ of habeas corpus. 28 U.S. Code § 2243 (“Unless the application for the writ and the return present only issues of law the person to whom the writ is directed **shall be required to produce at the hearing the body of the person detained...**” (emphasis added)).
9. If Petitioner is transferred out of this District, it is likely to cause delays in the proceedings due to lack of access to counsel as well as increase costs and time constraints at any necessary hearings. Petitioner cannot be ensured a meaningful opportunity to have his claims heard, have meaningful access to counsel, or be provided with meaningful relief if he is transferred out of this District. As such, a TRO is necessary to preserve the Court’s jurisdictional authority to hear Petitioner’s claim and consider the relief sought before this Court.
10. Without a TRO, habeas corpus will be rendered ineffective, as it leaves open the door for the Government to enact the very harm the petition seeks to avoid, namely his continued

civil detention sans opportunity for an individualized hearing relative to his custody. Petitioner thus faces irreparable harm if transferred outside of this District prior to the conclusion of his habeas proceedings.

11. Accordingly, Petitioner moves that this Court, to preserve its jurisdiction over the attached Petition pursuant to the equitable powers of the Court and the All-Writs Act, 28 U.S.C. § 1651 (*see F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), immediately order that Mr. Trejo-Bautista not be removed from the United States, or moved outside of the territory of the Southern District of Florida, pending further order of this Court.
12. As set forth in the Petition, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgement), the All-Writs Act, 28 U.S.C. § 1651. It is appropriate for the Court to preserve such jurisdiction by ordering that the Petitioner remain in this district pending further action by the Court.

Respectfully submitted this 22<sup>nd</sup> day of January, 2026.

/s/ Sylvia Duluc-Silva  
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**CERTIFICATE OF SERVICE**

I, Sylvia Duluc-Silva, hereby certify that on January 22, 2026, I caused a copy of the foregoing MOTION FOR TEMPORARY RESTRAINING ORDER to be served on Respondents through the use of the CM/ECF system, which will send notifications to all counsel of record.

/s/ Sylvia Duluc-Silva  
**Sylvia Duluc-Silva, Esq.**