

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JEAN CARLOS CUEVAS MEDINA,
Petitioner,

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;
TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;
GARRETT J. RIPA, in his official capacity
as Field Office Director, Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement (Miami Field
Office);
FACILITY ADMINISTRATOR (OR
WARDEN) OF FLORIDA SOFT SIDE
SOUTH, as Immediate Custodian;
Respondents.

Civil Action No.

2:26-cv-116-SPC-NB

Immigration No. A

PLAINTIFF'S ORIGINAL VERIFIED
PETITION FOR WRIT OF HABEAS
CORPUS PRO SE
UNDER 28 U.S.C. § 2241

JAN 22 2026 AM 11:08
FILED - USDC FLM - FTM

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND NON-TRANSFER ORDER

(All Writs Act, 28 U.S.C. § 1651) — PRO SE

I. INTRODUCTION

1. Petitioner JEAN CARLOS CUEVAS MEDINA ("Petitioner") respectfully moves this Court for an Emergency Temporary Restraining Order ("TRO") and Non-Transfer Order to preserve this Court's jurisdiction over his pending Petition for Writ of Habeas Corpus filed under 28 U.S.C. § 2241.
2. Petitioner is currently detained in ICE custody at Florida Soft Side South, 54575 Tamiami Trl E, Ochopee, Florida 34141. (Ex. A). Because ICE possesses the practical ability to

transfer detainees between facilities without advance notice, there is a real and imminent risk that Petitioner could be moved outside this District while his Habeas Petition is pending—thereby impairing or mooting this Court’s jurisdiction and causing irreparable harm.

3. Immediate injunctive relief is necessary to maintain the status quo while this Court adjudicates the pending Habeas Petition.

II. JURISDICTION AND AUTHORITY

4. This Court has authority to issue the requested TRO and Non-Transfer Order pursuant to the All Writs Act, 28 U.S.C. § 1651, which empowers federal courts to issue orders “necessary or appropriate in aid of their respective jurisdictions.”
5. Courts routinely issue non-transfer orders in habeas matters to prevent custodial transfers that would undermine jurisdiction, frustrate judicial review, or moot pending claims seeking relief from unlawful detention.

III. STANDARD FOR TEMPORARY RESTRAINING ORDER

6. In the Eleventh Circuit, a temporary restraining order is appropriate where the movant demonstrates a substantial likelihood of success on the merits, irreparable injury, that the balance of harms favors relief, and that the injunction serves the public interest. *See Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1097–98 (11th Cir. 2004).
7. A TRO is appropriate where the movant demonstrates:
 1. A substantial likelihood of success on the merits;
 2. A substantial threat of irreparable injury unless the injunction issues;

3. That the threatened injury to the movant outweighs any harm the injunction may cause the opposing party; and
4. That the injunction would not be adverse to the public interest.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

8. Petitioner has filed a Habeas Petition under 28 U.S.C. § 2241 challenging the legality of his civil immigration detention and alleging violations of statutory and constitutional protections, including (1) unlawful detention and denial of an individualized custody redetermination consistent with INA § 236(a), 8 U.S.C. § 1226(a); (2) violations of the Fifth Amendment Due Process Clause; (3) violations of the Fourth Amendment; and (4) unlawful agency action under the APA. Petitioner's underlying filing is supported by evidence demonstrating custody and venue, removal proceedings, and substantial equities. (Ex. A; Ex. H; Ex. I; Ex. J; Ex. K; Ex. L; Ex. M; Ex. N; Ex. O).
9. Because the TRO sought here is limited to preserving jurisdiction and does not require the Court to adjudicate the merits at this stage, Petitioner need only demonstrate that his underlying claims are substantial and non-frivolous and present serious questions appropriate for judicial review. The Habeas Petition meets that threshold.

B. Irreparable Harm Absent Immediate Relief

10. Absent a Non-Transfer Order, ICE may transfer Petitioner outside this District at any time. Petitioner is currently detained within this District. (Ex. A). If Petitioner is moved outside the Middle District of Florida while his § 2241 Petition is pending, the transfer could impair

or defeat this Court's ability to provide meaningful relief, frustrate the litigation, and potentially moot aspects of the case. Loss of habeas jurisdiction and the right to meaningful review constitutes irreparable harm that cannot be remedied after the fact.

C. Balance of Harms Favors Petitioner

11. Granting a Non-Transfer Order merely maintains the status quo by requiring Respondents to keep Petitioner within the district of confinement while the Court considers the pending Habeas Petition. This imposes minimal burden on the Government, while preventing severe and irreversible harm to Petitioner and preserving the Court's jurisdiction.

D. Public Interest

12. The public interest favors ensuring access to the courts, preserving federal jurisdiction, and preventing administrative transfers that would undermine judicial review of detention. Maintaining the status quo while the Court adjudicates the legality of custody serves the integrity of the judicial process and promotes lawful, constitutional administration of civil detention.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue an immediate Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the Middle District of Florida while his Habeas Petition is pending;
- B. Order Respondents to provide advance written notice to the Court and Petitioner prior to any proposed transfer, including the proposed destination and the reasons for transfer;

C. Grant such other and further relief as the Court deems just and proper.

VI. VERIFICATION

I, JEAN CARLOS CUEVAS MEDINA, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 01/17/2026

Signature: Jean Cuevas

JEAN CARLOS CUEVAS MEDINA

A# 

Petitioner, Pro Se

VII. CERTIFICATE OF SERVICE

I certify that on this date I served a true and correct copy of this Emergency Motion for Temporary Restraining Order and Non-Transfer Order by U.S. Mail upon the Respondents and counsel of record, including the U.S. Attorney for the Middle District of Florida.

Date: 01/17/2026

Signature: Jean Cuevas

JEAN CARLOS CUEVAS MEDINA

Petitioner, Pro Se