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**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

Mara Astrid Jaimes-Martinez,

Petitioner

Case No.:

vs.

**Ronnie Woodall, Warden, Baker
County Correctional Institution;
Garrett J. Ripa, Director of the
Miami Field Office, U.S. Customs
And Immigration Enforcement;
(or current Director in title);
Pamela Jo Bondi, Attorney General
of the United States;
Kristi Noem, Secretary of Homeland
Security; and
Scotty Rhoden, Sheriff Baker County
Florida**

**Notice of Motion
Request for Emergency
Treatment of Habeas
Corpus Petition, Where
Circumstances Threaten
Irreparable Harm to Detained
Petitioner**

Pursuant to Local Rule 3.01(f)

Now comes Mara Morillo, Detained at Baker County Detention Center, through Pro Bono counsel Stephanie Mc Clure, Esq. This motion is being filed simultaneously with movant's Petition for Habeas Corpus. For the reasons stated therein, supported by legal authority, this motion is made under the Emergency Provision of the Local Rule 3.01(f) **specifically due to the irreparable harm that will continue absent emergent relief.** It is respectfully requested that this motion and the underlying Habeas petition be decided on or before **Friday January 22, 2026.**

INTRODUCTION AND EMERGENT NATURE

Petitioner, Mara Morillo, is a domestic violence survivor, a child sexual abuse survivor, and a mother of three U.S. citizen children, including one who is only 11 years old. Mara has no criminal convictions. She was born in Venezuela. She entered the United States lawfully, with a valid visa and was subject to inspection. She married a U.S. citizen, who abused her severely for many years, brutalizing her mentally and physically. After escaping the domestic violence, she planned to pursue adjustment of status through her daughter, Angelina Morillo, when she turned 21 years of age. She did. A lawful I-130 was filed and approved.

Nevertheless, petitioner has been continuously detained for more than **eight months**, displacing her children from their home, notwithstanding the indisputable fact that she is statutorily eligible to adjust status under the Immigration and Nationality Act (“INA”) § 245, 8 U.S.C. § 1255, based on an approved I-130 immigrant visa petition. Her sole ground of removability—overstay of a nonimmigrant visa—is, by statute, automatically forgiven upon adjustment, without necessity for an additional waiver. Congress has already spoken as to her eligibility in this regard, and the forgiveness of the overstay in favor of family unity.

Yet, she remains imprisoned, without bond, as a result of the Government’s wholly unsubstantiated claim that she is a “danger” to society. Their sole basis offered to the court is a **vacated** criminal conviction from 15 years ago, which was vacated specifically due to constitutional deprivations in the underlying proceeding. Not one item of evidence was produced by the Government at a bond hearing (or to date), to substantiate their dangerousness argument or any change of circumstance from the prior custody determination and release order. This is a direct

violation of their obligation under regulatory authority to provide notice of revocation and a pre-detention hearing. Morillo, who had been the subject of a prior removal order relating to the criminal conviction, underwent a custody determination years ago and was RELEASED after a DHS determination that she was **NOT** a danger and custody was not needed in order for her to appear at her check-ins. Ms. Morillo appeared at every check in without issue. In fact, she was taken into custody on or about June 1, 2025 while attending an ordinary check-in appointment. The government has not complied with any single regulation concerning her re-detention as briefed in the petition. Morillo was not given a notice of revocation of release. The government has made no allegations of change in circumstances since their first custody determination that she was NOT dangerous and would appear for her check-ins (corroborated by the fact that she did, in fact, comply). This detention violates the Constitution, ICE's own regulations regarding re-arrest, the Administrative Procedures Act, and serves no permissible regulatory function as briefed in the petition.

In the interim she is suffering irreparable harm. She has been separated from her children, including her 11 year-old fatherless daughter, leaving her children parentless and displaced from their home. **"[I]t is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.' Elrod v. Burns, 427 U.S. 347, 373 (1976)).** Petitioner is being deprived of liberty without any lawful justification. She has an approved I 130 and no bars to becoming a permanent resident and citizen. She has always attended every immigration check-in and never violated any part of a prior release order. She has no admissibility issues and has no criminal convictions. Continued detention is in no way related to the current NTA which charges her only with an overstay of a visa which has been congressionally forgiven by INA 245(a) and will be adjudicated as such once her petition is adjudicated by U.S.C.I.S. Her

I 130 was already approved and that adjudication is underway. Detention has not been justified by a change of circumstance, or any evidence, and is unlawful for a myriad of reasons briefed in the Petition for Habeas Corpus. Until that is decided, her unlawful continued detention, keeping her from her children who are parentless and displaced from their home is causing not only suffering but irreparable harm pursuant to established Supreme Court precedent. See *Elrod*, *surpa*.

Petitioner respectfully relies on the legal authority set forth in detail and *ad nauseum* within the simultaneously filed Petition for Coram Nobis for the relief requested therein, including immediate release, injunctive relief, and termination of the *ultra vires* removal matter.

Dated: 1/21/25

Respectfully Submitted,

/s/ Stephanie Mc Clure, Esq.

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CERTIFICATION OF SERVICE

I hereby certify that on January 22, 2025, I did cause to be served the instant motion, along with the petition for habeas corpus, to be served upon all respondents to their offices via the official email published on their individual official websites, used in the course of business, and by first class mail.

Dated: 1/21/25

Respectfully Submitted,

/s/ Stephanie Mc Clure, Esq.
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