

STEPHANIE MC CLURE, ESQ.
LAW OFFICE OF S. MCCLURE, LLC
101 Avenue of the Americas; 9th Fl
New York, New York 10013
Tel: 646-417-8380
Email: Stephanie@smclawgroup.com
Attorneys for Petitioner, Mara Morillo

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

Mara Astrid Jaimes-Martinez,

Petitioner

Case No.: 3:26-cv-0013

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**

Motion for Emergent Relief

Pursuant to Fed. R. Civ. Pro. 65

Now comes Mara Morillo, Detained at Baker County Detention Center for fifteen (15) months, through counsel Stephanie Mc Clure, Esq, seeking an Order of Immediate Release on this habeas petition filed over six (6) months ago. This request for emergent relief 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 for this petitioner who has been incarcerated 15 months.**

A motion for emergent relief was filed previously in January under the local court rule. The government never responded and there has been no determination of the issues. It is respectfully requested that this motion be treated pursuant to Fed. R. Civ. Pro. 65 for the reasons stated below and relief be issued forthwith to prevent further irreparable harm to this Petitioner who has been in custody for 15 months without a bond hearing.

EMERGENT NATURE

Petitioner, Mara Morillo, has been the victim of attempted murder, domestic violence, is a child sexual abuse survivor, and is a mother of two U.S. citizen children, one who is only 11 years old. As a result of her incarceration on this immigration matter, the children have been separated and displaced from their home.

Morillo entered the United States lawfully with a visa. She married a U.S. citizen, who abused her severely for many years and [REDACTED] mentally and physically, abuse which is reflected in that charge and others, but that, in reality, was ongoing for years. 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. She is the subject of a removal order which is in the process of being appealed to the BIA. **She has been in jail for 15 months without the opportunity for bond.**

This petition was filed January 23, 2026 and has been fully submitted since March. Your Honor requested a status update in June 4 and on June 9, 2026 the Government advised the court petitioner remained in custody.

In the interim she is suffering irreparable harm from the deprivation of Due Process. “[I]t is well established that the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’ *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

We are seeking either emergent disposition of the habeas petition and/or the issuance preliminary relief on an emergent basis at this point inasmuch as petitioner has been in **15 months without opportunity for a bond hearing** and is now starting an appeal which will no-doubt take months or a year or more.

LEGAL STANDARD

The standard for issuing preliminary relief is the same as the standard for issuing a preliminary injunction. An injunction is a matter of equitable discretion and is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). A plaintiff seeking preliminary injunctive relief must establish “[1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Winter*, 555 U.S. at 20. “[I]f a plaintiff can only show that there are serious questions going to the merits—a lesser showing than likelihood of success on the merits—then a preliminary injunction may still issue if the balance of hardships tips sharply in the plaintiff’s favor, and the other two *Winter* factors are satisfied.” *Friends of the Wild Swan v. Weber*, 767 F.3d 936, 942 (9th Cir. 2014) (internal quotation marks and citations omitted). “[W]hen the Government is the opposing party,” the final two factors “merge.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

POINT ONE

PETITIONER IS BEING HELD IN VIOLATION OF THE FIFTH AMENDMENT, IN VIOLATION OF PROCEDURAL DUE PROCESS AND SUBSTANTIVE DUE PROCESS AND IS ENTITLED TO RELIEF

1. Petitioner has a liberty interest. She resided inside the United States since 1996, a mother of two U.S. citizens, including an 11 year old little girl. Her children have been displaced as a result of her ICE detention.
2. She entered the country legally on a visa as further established in the petition.
3. Because Petitioner has a liberty interest, and as a person in the United States is entitled to the protection of the United States Constitution; procedural due process must be afforded.
4. Under the Fifth Amendment to the Constitution, “[n]o person” shall be “deprived of life, liberty, or property, without due process of law.”
5. “Freedom from imprisonment from imprisonment---from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). “The Due Process Clause applies to all ‘persons’ within the United States including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.
6. This petition was filed January 23, 2026 and has been fully submitted since March 2026.
7. Petitioner has become the subject of a removal order which is being appealed. A Notice of Appeal is being filed forthwith.
8. Petitioner has been in detention **15 months** without due process or opportunity for bond.
9. While *Zadvydas* sets a six-month post-order maximum, that case contemplates a pre-removal order period of several months as reflected in *Denmore v. Kim* 538 U.S. 510 (2003). In that case, the Court repeatedly emphasized that mandatory detention under § 1226(c) was constitutional because it was for the **brief period necessary** to complete

ordinarily lasted approximately **1.5 to 5 months**.

10. **This case concerns custody that is three times longer, than the very maximum time contemplated by *Denmore*. This is unjust and continued detention without due process. It is unconstitutional and is irreparably harming this mother, who has been separated from her children and who have been displaced from their home for 15 months.**
11. The appeal of the final order of removal is being filed forthwith, and will take months if not years to litigate at this point given the sheer volume bearing upon the BIA and Circuit Courts of Appeals. [D]ue process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed. *Zadvydas* at 678. At this point, it can only be concluded that petitioner's detention is punitive.
12. Petitioner has a success on the merits claim for the reasons stated above. She has received no due process at all for over 15 months and with the appeal just starting cannot be said to be imminently facing deportation. Her incarceration at this point in nothing but punitive and she must be given the opportunity for bond at a minimum.

Finally, the balance of the equities and the public interest, which merge in light of the fact that the government is the opposing party, tip sharply in Petitioner-Plaintiff's favor. Regardless of which side of the various immigration-related disputes a person, lawyer, or court may personally or professionally take, all of us will likely agree that the public interest in protecting against punitive detention, and prolonged detention without due process is strong.

CONCLUSION

For these reasons, it is respectfully requested that the court:

- 1) find that immediate relief is warranted; and
- 2) Issue an Order directing respondents to release the petitioner within 24 hours; and provide her with a sufficient opportunity for phone calls necessary to arrange a pick-up; or
- 3) In the alternative set a bond hearing to occur within 5 days after an opportunity to prepare with counsel;
- 4) And any other relief this court may deem proper and just.

Dated: 7/29/26

Respectfully submitted,

/s/ Stephanie Mc Clure
Stephanie Mc Clure, Esq.
Pro Hac Vice Pending
559 Newark Avenue
Jersey City New Jersey 07306
Tel: 201-292-3414
Email: Stephanie@smclawgroup.com

CERTIFICATION OF COUNSEL OF GOOD FAITH EFFORT

This motion is submitted under R. 65, which seeks Emergent Ex Parte Relief. However, as a courtesy to the Government, a call was placed to the United State's Attorney's Office at 904-301-6283. The call rang numerous times and disconnected without an answering machine or voicemail.

Dated: 7/29/26

Respectfully submitted,

/s/ Stephanie Mc Clure
Stephanie Mc Clure, Esq.
559 Newark Avenue
Jersey City New Jersey 07306
Email: Stephanie@smclawgroup.com

CERTIFICATION OF SERVICE

I, Stephanie Mc Clure, hereby certify that on the below date I filed the within motion upon ECF, automatically serving counsel of record electronically to the address registered thereon for service. This service was automatically made and would have been made as a courtesy to opposing counsel nonetheless.

Dated: 7/29/26

Respectfully submitted,

/s/ Stephanie Mc Clure
Stephanie Mc Clure, Esq.
559 Newark Avenue
Jersey City New Jersey 07306
Tel: 201-292-3414
Email: Stephanie@smclawgroup.com