

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No. 6:26-cv-00180

REYNEL BAUTISTA ARZOLA
Petitioner

v.

LOUIS A. QUINONES, JR., in his official
capacity as Warden of the Orange County Jail;

IMMIGRATION AND CUSTOMS ENFORCEMENT;

ICE FIELD OFFICE DIRECTOR,
ORLANDO FIELD OFFICE,

UNITED STATES DEPARTMENT
OF HOMELAND SECURITY;

Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Petitioner, Diego Trujillo Claros, by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 65, respectfully moves this Court for entry of a Temporary Restraining Order and Preliminary Injunction, and in support states as follows:

I. INTRODUCTION AND PROCEDURAL POSTURE

1. Petitioner has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his ongoing and unlawful civil detention at the Orange County Jail in Orlando, Florida.
2. Petitioner is not charged with any crime, is not held pursuant to a judicial warrant, and is not detained under any lawful statutory authority.

3. Upon information and belief, Petitioner is being held solely on the basis of an ICE immigration detainer, which is a non-binding administrative request that confers no authority on state or local officials to detain an individual.
4. Respondents have threatened and/or attempted to transfer Petitioner to ICE custody, which would cause immediate and irreparable harm and would frustrate this Court's habeas jurisdiction before the legality of Petitioner's detention can be adjudicated.
5. Emergency injunctive relief is necessary to preserve the status quo, protect Petitioner's constitutional rights, and prevent a jurisdiction-defeating transfer.

II. FACTUAL BACKGROUND

(Incorporated from the Habeas Petition)

6. Petitioner is currently confined at the Orange County Jail without criminal charges, without a probable cause affidavit, and without any judicial determination authorizing detention.
7. No state or federal judge has issued a warrant for Petitioner's arrest or detention.
8. The sole basis asserted for Petitioner's confinement is an ICE detainer issued pursuant to 8 C.F.R. § 287.7.
9. ICE detainers are requests, not commands, and do not create independent legal authority for detention by local jail officials.
10. Absent immediate court intervention, Respondents may transfer Petitioner to ICE custody, irreversibly altering his custodial status, impairing access to counsel, and risking mootness or frustration of this Court's jurisdiction.

III. LEGAL STANDARD

11. A Temporary Restraining Order and Preliminary Injunction may issue where the movant establishes:
 - a.) substantial likelihood of success on the merits;
 - b.) Irreparable injury absent injunctive relief;
 - c.) That the balance of equities favors relief; and
 - d.) That the injunction serves the public interest.
12. Federal courts possess inherent authority in habeas proceedings to issue injunctive relief necessary to preserve jurisdiction and prevent custodial transfers that would undermine judicial review.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

13. Petitioner's detention without charges, probable cause, or a judicial warrant constitutes an unreasonable seizure in violation of the Fourth Amendment.
14. Continued confinement without notice, hearing, or lawful process violates the Due Process Clause of the Fifth Amendment.
15. State and local jail officials lack statutory or constitutional authority to detain individuals solely on the basis of ICE detainers, rendering Petitioner's detention ultra vires.
16. Courts nationwide have overwhelmingly rejected the government's theory of mass civil detention based solely on immigration detainers.
17. In *Reyes v. Rose*, 2026 WL 75816 (E.D. Pa. Jan. 9, 2026), the court rejected the same detention theory at issue here, noting that over 300 judges have ruled against the government in more than 1,600 cases, with only a handful ruling otherwise.
18. Federal courts within the Middle District of Florida have granted TRO relief in materially indistinguishable cases, where noncitizens were detained without warrants or lawful authority. See 6:26-cv-00066-RBD-NWH *Javier Gimenez Rivero v. Mina et al*

B. Irreparable Harm

19. The loss of physical liberty constitutes irreparable harm as a matter of law.
20. Transfer to ICE custody would permanently alter Petitioner's custodial status, impair attorney-client access, and risk mooted or frustrating this Court's habeas jurisdiction.

C. Balance of Equities

21. The requested relief merely preserves the status quo and imposes minimal burden on Respondents.
22. Without relief, Petitioner faces continued unconstitutional detention and the imminent risk of jurisdiction-defeating transfer.

D. Public Interest

23. The public interest is served by ensuring that detention occurs only pursuant to lawful authority, that constitutional safeguards are honored, and that federal courts retain the ability to adjudicate habeas petitions without executive circumvention.

V. RULE 65(b)(1) CERTIFICATION

24. Immediate and irreparable injury will occur before Respondents can be heard in opposition unless a Temporary Restraining Order is issued.

25. Counsel has provided notice of this Motion through electronic filing and direct service upon known counsel and custodial authorities.

VI. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- a.) Enter a Temporary Restraining Order prohibiting Respondents from transferring Petitioner from the custody of the Orange County Jail or otherwise altering his custodial status;
- b.) Enter a Preliminary Injunction continuing such relief pending resolution of the habeas petition;
- c.) Set an expedited hearing pursuant to Rule 65; and
- d.) Grant such other and further relief as justice requires.

CERTIFICATE OF SERVICE

I hereby certify that on January 26th, 2026, I electronically served a copy of the foregoing on the Warden, Orange County Jail, 3723 Vision Blvd., Orlando, FL 32839 and ccd@ocfl.net, OCCDRecords@ocfl.net, michele.carpentiere@ocfl.net and ICE-Orlando Field Office Miami.Outreach@ice.dhs.gov , Orlando.DutyAtty@ice.dhs.gov .

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