

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No. 6:26-cv-00183

FANDERSON JESUS UZCATEGUI RODRIGUEZ,
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 Fanderson Jesus Uzcategui Rodriguez, by and through undersigned counsel, respectfully moves this Court for entry of a Temporary Restraining Order and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, and in support states:

I. INTRODUCTION AND PROCEDURAL POSTURE

1. On January 24, 2026, Petitioner 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 confined without criminal charges, without a judicial warrant, and without lawful statutory authority, based solely on an ICE immigration detainer, which is an administrative request that does not authorize detention.

3. Respondents have threatened and attempted to transfer Petitioner to ICE custody, which would irreparably harm Petitioner and risk frustrating this Court's habeas jurisdiction before the Court can adjudicate the legality of his detention.
4. This Motion seeks immediate, narrow injunctive relief to preserve the status quo and prevent irreparable constitutional injury pending resolution of the habeas petition.

II. FACTUAL BACKGROUND (INCORPORATED FROM HABEAS PETITION)

5. Petitioner is a national of Venezuela lawfully present in the United States, having been paroled after entry, possessing a valid Florida driver's license, Social Security number, employment authorization, and a pending asylum application, as documented in the exhibits to the habeas petition
6. On or about January 22, 2026, Petitioner was arrested by the Orange County Sheriff's Office on the stated basis that he was allegedly "undocumented." No criminal charges were filed. No probable cause affidavit exists. No judicial warrant was issued.
7. Petitioner has remained confined at the Orange County Jail without any written notice explaining the legal basis for his detention. Upon information and belief, the sole basis for confinement is an ICE immigration detainer issued pursuant to 8 C.F.R. § 287.7.
8. ICE detainers are non-binding administrative requests and do not confer authority on state or local jail officials to effectuate civil immigration detention.

III. LEGAL STANDARD (RULE 65)

9. A temporary restraining order and preliminary injunction may issue where the movant establishes:
 - o (1) a substantial likelihood of success on the merits;
 - o (2) irreparable injury absent injunctive relief;
 - o (3) that the balance of equities favors relief; and
 - o (4) that the injunction serves the public interest.
10. In habeas proceedings, federal courts possess inherent authority to issue injunctive relief necessary to preserve jurisdiction and prevent actions that would moot or frustrate judicial review, including post-filing custodial transfers.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

11. Petitioner's detention without criminal charges, probable cause, or a judicial warrant constitutes an unreasonable seizure in violation of the Fourth Amendment.
12. His continued confinement without notice, hearing, or lawful process violates the Due Process Clause of the Fifth Amendment.

13. Local jail officials lack statutory or constitutional authority to detain individuals solely on the basis of an ICE detainer, rendering Petitioner's detention ultra vires.
14. Federal courts nationwide have overwhelmingly rejected the Government's mass-detention theory as applied to lawfully present noncitizens, including those paroled into the United States or with pending asylum or TPS-related relief.
15. In *Reyes v. Rose*, 2026 WL 75816 (E.D. Pa. Jan. 9, 2026), the court squarely rejected the same detention theory advanced here and documented that 308 judges have ruled against the Government in more than 1,600 cases, while only 14 have sided with the Government.
16. The Middle District of Florida has adopted this reasoning in materially indistinguishable cases, granting TRO relief to noncitizens lawfully present who were detained without a warrant or bond hearing.

B. Irreparable Harm

17. The loss of physical liberty constitutes irreparable harm as a matter of law.
18. Transfer to ICE custody would irreversibly alter Petitioner's custodial status, impair access to counsel, and risk mooted or frustrating this Court's habeas jurisdiction.

C. Balance of Equities

19. The requested injunctive relief merely preserves the status quo and imposes minimal burden on Respondents.
20. Absent relief, Petitioner faces continued unconstitutional detention and the risk of jurisdiction-defeating transfer.

D. Public Interest

21. 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

22. Immediate and irreparable injury will occur before Respondents can be heard in opposition unless a Temporary Restraining Order is issued.
23. Counsel has provided notice of this Motion to Respondents through CM/ECF filing and direct electronic service to known counsel and custodial authorities.

VI. LOCAL RULE 3.01(g) CERTIFICATION

24. Undersigned counsel conferred in good faith with Respondents' counsel prior to filing this Motion. Respondents do not consent to the relief requested.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that the Court:

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

CERTIFICATE OF SERVICE

I hereby certify that on January 24th, 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, and ICE-Orlando Field Office Miami.Outreach@ice.dhs.gov, Orlando.DutyAtty@ice.dhs.gov

THE ARROYO LAW FIRM

390 N Orange Ave. Suite 625

Orlando, FL 32801

Phone: 407-770-9000

Fax: 407-901-0709

/s/ Phillip Arroyo

PHILLIP ARROYO, ESQ.

Florida Bar No. 1022409

Phillip@ChillCallPhil.com

Josephine@ChillCallPhil.com

Attorney for Defendant