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**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

Dilson Joel Graterol Ruiz

Petitioner,

-against-

Donald J. Trump, in his official capacity as President of the United States; **Patricia Hyde**, in her official capacity as Acting Boston Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations; **David W. Johnston**, Vermont Sub-Office Director of Immigration and Customs Enforcement, Enforcement and Removal Operations; **Todd M. Lyons**, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; **Pete R. Flores**, in his official capacity as Acting Commissioner for U.S. Customs and Border Protections; **Kristi Noem**, in her official capacity as Secretary of the United States Department of Homeland Security; **Marco Rubio**, in his official capacity as Secretary of State; **Pamela Bondi**, in her official capacity as U.S. Attorney General; and **Greg Hale**, Superintendent, Northwest State Correctional Facility.

Respondents.

Case No.:
District Judge:

**EMERGENCY MOTION
FOR TEMPORARY
RESTRAINING ORDER**

**ORAL ARGUMENT
REQUESTED**

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

1. Petitioner Dilson Joel Graterol Ruiz (“Mr. Graterol Ruiz” or “Petitioner”) is a national of Venezuela and has been residing in Massachusetts for nearly two years.
2. Petitioner is currently being held in the custody of Immigration and Customs Enforcement (“ICE”) in the District of Vermont, at the Northwest State Correctional Facility (“NWSCF”).
3. Mr. Graterol Ruiz was taken into custody by ICE on or around January 14, 2026. He has never been convicted of a crime, rendering his sudden arrest and subsequent detention by ICE as having occurred without any legitimate or material change in circumstances that might rationally justify his loss of personal liberty. By all available indicia, his current detention is *prima facie* unlawful.
4. Mr. Graterol Ruiz wishes to continue pursuing his humanitarian relief in the United States. He intends to timely file his Form I-589 Application for Asylum and Withholding of Removal.
5. Because the Government has demonstrated a pattern and practice of removing detainees from Vermont, Petitioner moves for an immediate Temporary Restraining Order (“TRO”) ordering that the Government not move Petitioner out of this District pending further order of the Court.
6. Mr. Graterol Ruiz suffers from a bacterial infection in the bone of his lower leg. This condition requires him to take antibiotics every day. He is at risk of Sepsis and other complications, caused by an inevitable spread of his infection in as little as 72 hours of not taking his prescribed antibiotics.

7. Mr. Graterol Ruiz was already denied his antibiotic medication during his first day of detention because ICE withheld it from him. Only after repeated requests and pleas did the infirmary staff at NWSCF contact Boston Medical, who verified Mr. Graterol Ruiz's urgent need for daily antibiotics. Only then was NWSCF able to obtain and provide his medication. Mr. Graterol Ruiz would likely be irreparably harmed if transferred outside the District of Vermont where he may suffer another, potentially longer lapse in the provision of his prescribed antibiotics.
8. Even if the Court does not believe such an order is necessary on the grounds of preserving jurisdiction, Petitioner still moves for an immediate TRO ordering that the Government not move him out of this District based on the inherent equitable powers of this Court, and the breadth of the All-Writs Act. 28 U.S.C. § 1651.
9. Petitioner being kept in this District will assist him in consulting with his Vermont based attorneys and allow him to appear in Court on his petition for writ of habeas corpus being filed concurrently with this motion in the United States District Court for the District of Vermont. Petitioner will further be assured continued access to his prescribed antibiotics without risk of lapse caused by any logistical delays imposed by being transferred outside the District. The requested TRO is consistent with both principles of judicial efficiency and the principles of any court entertaining a petition for writ of habeas corpus. 28 U.S. Code § 2243 ("Unless the application for the writ and the return present only issues of law the person to whom the writ is directed **shall be required to produce at the hearing the body of the person detained...**" (emphasis added)).
10. If Petitioner is transferred out of this District, it is likely to cause delays in the proceedings due to lack of access to counsel as well as increase costs and time constraints at any

necessary hearings. Petitioner cannot be ensured a meaningful opportunity to have his claims heard, have meaningful access to counsel, or be provided with meaningful relief if he is transferred out of this District. As such, a TRO is necessary to preserve the Court's jurisdictional authority to hear Petitioner's claim and consider the relief sought before this Court.

11. A transfer outside of this District would further risk lapse in the provision of Petitioner's prescribed antibiotics. Any such lapse in the provision of his medication, however minor, risks irreparable harm to Petitioner.
12. Without a TRO, habeas corpus will be rendered ineffective, as it leaves open the door for the Government to enact the very harm the petition seeks to avoid, namely his continued civil detention sans opportunity for an individualized hearing relative to his custody. Petitioner thus faces irreparable harm if transferred outside of this District prior to the conclusion of his habeas proceedings.
13. Accordingly, Petitioner moves that this Court, to preserve its jurisdiction over the attached Petition pursuant to the equitable powers of the Court and the All-Writs Act, 28 U.S.C. § 1651 (*see F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), immediately order that Mr. Graterol Ruiz not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.
14. As set forth in the Petition, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgement), the All-Writs Act, 28 U.S.C. § 1651. It is appropriate for the Court to preserve such jurisdiction by ordering that the Petitioner remain in this district pending further action by the Court.

Respectfully submitted this 25th day of January, 2026.

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