

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

JUNIOR FRANCOIS,

Petitioner,

-against-

GREG HALE, IN HIS OFFICIAL CAPACITY AS SUPERINTENDENT, NORTHWEST STATE CORRECTIONAL FACILITY; DAVID W. JOHNSTON, IN HIS OFFICIAL CAPACITY AS VERMONT SUB-OFFICE DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; PATRICIA HYDE, IN HER OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS; TODD M. LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; AND PAMELA BONDI, IN HER OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL,

Respondents.

Case No.
2:26-cv-13

**EMERGENCY
MOTION FOR
TEMPORARY
RESTRAINING
ORDER**

INTRODUCTION

1. Mr. Junior Francois (Mr. Francois or Petitioner) is an asylum seeker and resident of St. Albans, VT, from Haiti.
2. Petitioner is currently being held in ICE's custody in the District of Vermont at Northwest State Correctional Facility (NWSCF).

3. Based on information and belief, Petitioner was apprehended shortly after entering the United States in July of 2024 and subsequently released on humanitarian parole pursuant to 8 U.S.C. § 1182(d)(5)(A) for the purpose of continuing his removal proceedings from out of custody. Based on information and belief, in the nearly 18 months subsequent to his release, he timely filed an application for asylum with the Executive Office of Immigration Review (EOIR), fulfilled conditions of release as set by ICE, received employment authorization, and anticipated attending an initial Master Calendar hearing scheduled before the Cleveland, Ohio Immigration Court on April 2, 2026.
4. Based on information and belief, on or about January 11, 2026, Mr. Francois was stopped by Customs and Border Protection (CBP) Officers while driving near St. Albans, Vermont. Despite Mr. Francois' understanding and explanation that he had work authorization, a pending asylum application, and parole, CBP re-detained Mr. Francois. Based on information and belief, CBP officers processed Mr. Francois at an agency facility and ultimately transported him to NWSCF, where he remains detained today.
5. Mr. Francois wishes to continue pursuing his humanitarian relief in the United States as he has done since his arrival in the United States.
6. Because the government has demonstrated a pattern and practice of removing detainees from Vermont, particularly to states as far away as Louisiana and Florida, 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.
7. 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.

8. 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. 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...*”).
9. If Petitioner is transferred out of the 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 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. Without a TRO, Habeas will be rendered ineffective as it leaves open the door for the government to enact the very harm the petition seeks to avoid.
10. 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 Petitioner not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.
11. As set forth in the Petition, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241 (habeas corpus); Article I, § 9, cl. 2 of

the United States Constitution (Suspension Clause); 5 U.S.C. § 706 (Administrative Procedure Act ("APA")); 28 U.S.C. § 2201 (Declaratory Judgment); and 28 U.S.C. § 1651 (All Writs Act). 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 26th day of January, 2026.



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Certificate of Service

I hereby certify that on 1/26/2026, a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order was served via electronic ECF filing.

Respectfully submitted,



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