

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GONZALEZ, MAIQUE,
Petitioner,

v.

PAM BONDI, Attorney General of the United States, et al.,
Respondents.

Case No.: 2:26-cv-127-KCD-NPM

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
INJUNCTIVE RELIEF**

Petitioner Gonzalez, Maique, by and through his spouse and Next Friend, Dolly Bello, respectfully moves this Court for an Emergency Temporary Restraining Order ("TRO") and injunctive relief to preserve this Court's jurisdiction and prevent imminent irreparable harm while his Petition for Writ of Habeas Corpus remains pending.

I. INTRODUCTION

This Court has accepted jurisdiction over Petitioner's habeas petition and issued an Order to Show Cause directing Respondents to justify Petitioner's continued detention. Immediately after the habeas petition was filed, Immigration and Customs Enforcement ("ICE") attempted to remove Petitioner from the United States by transporting him to the Mexican border without his consent. Only the refusal of Mexican authorities prevented Petitioner's removal and the effective nullification of this Court's jurisdiction.

II. FACTUAL BACKGROUND

1. Petitioner is currently detained at Florida Soft Side South ("Alcatraz") and is the subject of a pending Petition for Writ of Habeas Corpus before this Court.
2. On January 28, 2026, this Court issued an Order directing Respondents to show cause why the habeas petition should not be granted.
3. Immediately after the habeas petition was filed, ICE removed Petitioner from Florida Soft Side South, transferred him to Port Isabel, Texas, and transported him to the Mexican border.
4. ICE attempted to remove Petitioner to Mexico without his consent by forcing him off a transport bus.
5. Petitioner expressly refused removal to Mexico. Mexican authorities declined to accept him and instructed ICE to return him to United States custody.

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6. ICE returned Petitioner to Florida Soft Side South, where he remains detained.
7. Since his return, Petitioner has not been assigned a detainee identification number, housing designation, or individual phone account.
8. Petitioner has been forced to rely on other detainees' phone access to communicate briefly with family.
9. These conditions severely impair Petitioner's ability to alert the Court or his family if ICE attempts another transfer or removal.

III. LEGAL STANDARD

A temporary restraining order is appropriate where a petitioner demonstrates (1) a substantial likelihood of success on the merits; (2) irreparable injury absent injunctive relief; (3) that the threatened injury outweighs any harm to the opposing party; and (4) that the injunction would not disserve the public interest. Emergency relief is especially appropriate where government action threatens to divest a federal court of jurisdiction over a pending habeas action.

IV. ARGUMENT

ICE's attempted removal of Petitioner after the filing of his habeas petition demonstrates a concrete risk of irreparable harm and interference with this Court's jurisdiction. If removal were to occur, Petitioner would lose access to this Court and the pending habeas proceedings would be rendered moot. Maintaining the status quo is necessary to protect judicial review and the integrity of these proceedings.

V. REQUESTED RELIEF

Petitioner respectfully requests that this Court issue an Order: 1. Temporarily restraining Respondents from transferring, removing, or deporting Petitioner from the United States without prior Court approval; 2. Requiring Respondents to restore Petitioner's access to a detainee identification number and phone account; 3. Maintaining Petitioner at his current facility pending resolution of the habeas petition; and 4. Granting such other relief as the Court deems just and proper.

Respectfully submitted,



Dolly Bello
Next Friend and Spouse of Petitioner
Florida Soft Side South



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order was served by U.S. Mail on Respondents or their counsel on this date.



Dolly Bello

Next Friend and Spouse of Petitioner

Date: 02/01/2026