

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

Danielli De Souza Ribeiro,

Petitioner,

-against-

Jonathan Turek, Interim-Superintendent, Chittenden Regional Correctional Facility – South Burlington; Donald J. Trump, In His Official Capacity As President Of The United States; Gadyaces Serralta, In His Official Capacity as Director of the United States Marshals Service; Patricia Hyde, In Her Official Capacity As Acting Boston Field Office Director, Immigration And Customs Enforcement, Enforcement And Removal Operations; David W. Johnston, In His Official Capacity as 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; Kristi Noem, In Her Official Capacity As Secretary Of The United States Department Of Homeland Security; And Pamela Bondi, In Her Official Capacity As U.S. Attorney General,
Respondents.

Case No. 2: 26-cv-15

**EMERGENCY
MOTION FOR
TEMPORARY
RESTRAINING
ORDER**

INTRODUCTION

Petitioner Danielli De Souza Ribeiro (“Ms. De Souza Ribero” or “Petitioner”) respectfully moves this Court for a Temporary Restraining Order (“TRO”) to prevent her transfer out of the District of Vermont pending its adjudication of her Petition for Writ of Habeas Corpus.

Ms. De Souza Ribiero is currently detained by the U.S. Marshall Service at Chittenden Regional Correctional Facility in South Burlington (CRCF), Vermont, without probable cause in violation of her Fourth Amendment right against unlawful seizure and her Fifth Amendment right to due process.

To preserve the Court's jurisdiction in this matter, Petitioner moves for an immediate Temporary Restraining Order ("TRO") ordering that the government not move her out of this District pending further order of the Court and to protect Petitioner's constitutional rights by ensuring that she remains within this District, where she has legal representation, where she has legal representation who are preparing multiple applications for relief from removal from the United States.

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 her 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. Keeping the Petitioner in this District will assist her in consulting with her attorneys and allow her to appear in Court. 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.C. § 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)). The requested TRO will not prejudice the Government and the Court should grant this request for the following reasons.

FACTUAL BACKGROUND

Ms. De Souza Ribeiro's country of origin is Brazil. She entered the United States without inspection on November 7, 2025, under the control of human smugglers. Shortly after crossing the border, she was arrested by Border Patrol officers and she has been detained at CRCF ever since.

On November 10, 2025, Ms. De Souza Ribeiro was charged with criminal illegal entry and taken into the custody of the U.S. Marshals Service. On information and belief, Ms. De

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Souza Ribeiro met with the U.S. Attorney's Office for the District of Vermont on January 15, 2026, to provide information about the people who lured her to Canada by means of fraud and then smuggled her across the border into the United States. On January 21, 2026, the criminal charge was dismissed.

As of today's date, Ms. De Souza Ribeiro has not been released from the custody of the U.S. Marshals Service and remains unlawfully detained at Chittenden Regional Correctional Facility, presumably at the request of Immigration and Customs Enforcement. Ms. De Souza Ribeiro remains at risk of being transferred out of this District at any moment without warning to herself or counsel unless this Court grants immediate injunctive relief.

ARGUMENT

Courts recently faced with habeas petitions by individuals detained by immigration authorities based on allegation of due process violations have ordered that the petitioner not be removed from the United States unless and until the court issues a contrary order. *See, e.g., Ozturk v. Trump*, ___ F. Supp.3d ___, Case No. 25-cv-10695-DJC, 2025 WL 1009445, at *2 (D. Mass. April 4, 2025); *Suri v. Trump*, Case No. 1:25-cv-480, 2025 WL 914757, at *1 (E.D. Va. March 20, 2025).

Further, in this District, Judges Crawford and Judge Sessions have issued orders prohibiting the transfer of petitioners in similar proceedings or ordering the government to transfer petitioners back to the District, respectfully, citing the need for petitioners to consult with their attorneys, to appear in court to provide testimony, lack of prejudice to the government, and promote judicial efficiency. *See Mahdawi v. Trump*, Case No. 2:25-cv-00389, Order Extending Temporary Restraining Order, p. 2-3, ECF No. 34 (D.Vt. Apr. 24, 2025); *see also Ozturk v. Trump*, ___ F. Supp.3d ___, Case No. 2:25-cv-374, 2025 WL 1145250 (2025

D.Vt.) (citing the All Writs Act, 28 U.S.C. § 1651(a), empowering courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”).

Indeed, under the inherent equitable powers of the Court and the breadth of All Writs Act, the Court has the power and should exercise it in ordering Petitioner’s requested relief. The relief is appropriate in the aid of the court’s jurisdiction over this case. Also, the government is not prejudiced by a stay order—Petitioner will remain detained in a place certain within the District. Should this Court or Respondents need to produce Mr. Perez Alfaro to provide testimony or any other reason, it will be significantly less costly if she’s held within the District of Vermont. Further, if Petitioner is transferred, it is likely to cause delays in the proceedings due to lack of access to counsel, cost and time constraints to “produce the body” at any necessary hearings; thus, without this safeguard Ms. De Souza Ribeiro cannot be ensured a meaningful opportunity to have her claims heard, have meaningful access to counsel, or be provided meaningful relief if she is transferred out of this district.

Accordingly, Petitioner moves that this Court, to preserve its jurisdiction over the petition and for the reasons mentioned above, 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)), and immediately order that Ms. De Souza Ribeiro not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.

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,

Petitioner,

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Pro Bono Counsel for Petitioner

Pro Hac Vice pending

Dated: January 27, 2026

Respondent,

PROPOSED ORDER

In order to preserve this Court's jurisdiction based on the inherent equitable powers of this Court, and pursuant to the All Writs Act, 28 U.S.C. § 1651, it is ordered that the Petitioner, Danielli De Souza Ribeiro, not be removed from the United States or moved out of the territory of the District of Vermont pending further order of this Court.

U.S. District Judge