

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Case No. 6:26-cv-00228

ANGEL RUDDY MARQUEZ PEREZ,
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 INJUNCTIVE RELIEF**

Petitioner Angel Ruddy Marquez Perez by and through undersigned counsel, respectfully moves this Court for entry of a Temporary Restraining Order ("TRO") pursuant to Federal Rule of Civil Procedure 65, and states:

I. INTRODUCTION AND PROCEDURAL POSTURE

1. On January 28th, 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.
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 and not a command.

3. Respondents have threatened and attempted to transfer Petitioner to ICE custody, which would irreparably harm Petitioner, alter his custodial status, and risk frustrating this Court's habeas jurisdiction.
4. This Motion is filed to preserve the status quo and prevent irreversible constitutional injury while the Court adjudicates the legality of Petitioner's detention.

II. FACTUAL BACKGROUND (INCORPORATED FROM HABEAS PETITION)

5. Petitioner is a Venezuelan national lawfully present in the United States, paroled after entry, with a pending asylum application, a valid Florida driver's license, and a pending employment authorization application.
6. On or about January 20th, 2026, Petitioner was arrested by law enforcement based on the allegation that he was "undocumented." No criminal charges were filed. No probable cause affidavit exists. No judicial warrant was issued.
7. Petitioner has remained detained at the Orange County Jail without any written notice of the legal basis for his confinement. Upon information and belief, the sole basis for his detention is an ICE detainer issued pursuant to 8 C.F.R. § 287.7.
8. ICE detainers are non-binding administrative requests and do not authorize state or local officials to effectuate civil immigration detention.

III. LEGAL STANDARD (RULE 65)

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

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

11. Petitioner is detained without criminal charges, without probable cause, and without a judicial warrant, 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 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 applications.
15. In *Reyes v. Rose*, 2026 WL 75816 (E.D. Pa. Jan. 9, 2026), the court 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 accepted it.
16. The Middle District of Florida has adopted this reasoning in materially indistinguishable cases, granting TRO relief to prevent transfer and unlawful detention of similarly situated noncitizens.

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 TRO merely preserves the status quo and imposes minimal burden on Respondents.
20. Absent relief, Petitioner faces continued unconstitutional detention and the risk of jurisdictional evasion through transfer.

D. Public Interest

21. The public interest strongly favors ensuring that detention occurs only pursuant to lawful authority and that federal courts retain the ability to adjudicate habeas petitions free from 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 electronic service and direct email to known counsel and custodial authorities.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this 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.) Order Respondents to maintain Petitioner within the Middle District of Florida pending adjudication of the habeas petition;
- c.) Set an expedited schedule for consideration of a preliminary injunction; and
- d.) Grant such other and further relief as justice requires.

CERTIFICATE OF SERVICE

I hereby certify that on January 28th, 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, michele@carpentiere@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