

**MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA**

GOMEZ, PABLO

Petitioner

v.

Case No. 2:26-cv-00103-SPC-DNF

PAM BONDI, Attorney General of the
United States;
KRISTI L. NOEM, Secretary,
Department of Homeland Security;
TODD LYONS, Acting Director,
U.S. Immigration and Customs
Enforcement; DAREN MONGALIN,
Director of the Executive Office for
Immigration Review (EOIR); GARRETT
J. RIPA, Field Office Director - Miami
ERO; KEVIN GUTHRIE, Florida
Division of Emergency Management
(FDEM) and Unknown Warden, South
Florida Detention Center,

Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, Pablo Gomez (or “Mr. Gomez”), is refiling a Petition for Habeas Corpus requesting release from his unlawful detention. Petitioner respectfully requests an emergency temporary restraining order (“TRO”), prohibiting Respondents from transferring or deporting Petitioner while his Petition for Habeas Corpus is adjudicated before this Court.

As set forth in Petitioner’s Memorandum of Law in Support of this Motion (“Memorandum”), a TRO is appropriate and necessary in this matter to ensure Petitioner’s due process rights. Petitioner has shown (1) a substantial likelihood of success on the merits; (2) that irreparable injury will occur unless the injunction issues; (3) that the injunction would not substantially harm the other litigant; and (4) that the injunction would not be adverse to the public interest. *See Long v. Sec’y, Dep’t of Corr.*, 924 F.3d 1171 (11th Cir. 2019).

Petitioner previously requested release from immigration detention through a Habeas Petition, which was dismissed without prejudice due to Petitioner’s failure to sign and verify the Petition. (Doc. 2)

Petitioner further requests that the Court waive any security required for an emergency temporary restraining order. This Court has broad discretion as to whether to require a bond. *See BellSouth Telecomms., Inc. v. MCI Metro Access Transmission Servs., Ltd. Liab. Co.*, 425 F.3d 964, 971 (11th Cir. 2005) (“the

amount of security required by the rule is a matter within the discretion of the trial court and the court may elect to require no security at all.”)(citing *City of Atlanta v. Metro. Atlanta Rapid Transit Auth.*, 636 F.2d 1084, 1094 (5th Cir. Unit B 1981). Courts will often consider such factors as any burden upon the defendant and the plaintiff’s financial condition. See *BellSouth Telecomms., Inc.*, 425 F.3d at 971 (“noting the lower court was “well within the bounds of its discretion” in ordering a low bond); see also *Metro. Atlanta Rapid Transit Auth.*, 636 F.2d at 1094 (declining to require a bond based on the plaintiff’s financial condition).

A TRO will not prejudice Respondents, as Petitioner is already detained at South Florida Detention Center (“SFDC”), and maintaining his detention at this location will cause no further burden upon Respondents. Further, Petitioner is indigent and currently in ICE custody, prohibiting his ability to provide security for this Motion.

For the reasons set forth in Petitioner’s Memorandum, attached hereto, Petitioner asks this Court to issue a TRO, waiving bond and any further notice requirements, to ensure that Petitioner can assert his rights to habeas corpus before this Court.

Respectfully submitted this 20th day of February, 2026.

/s/ Katherine H. Blankenship

Katherine H. Blankenship (FL 1031234)

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Attorney for Petitioner

**Certification Pursuant to FRCP Rule 65(b)(1)(B) of Efforts to Give Notice and
Reasons Further Notice Should Not Be Required**

I, Katherine H. Blankenship, legal counsel for Petitioner Pablo Gomez
("Petitioner" or "Mr. Gomez").

I have made the following efforts to provide notice to the Respondents
regarding the Plaintiff's Emergency Motion for a Temporary Restraining Order and
underlying need for habeas relief and release from indefinite detention:

1. I informed ICE agents of Mr. Gomez's Petition for Habeas Corpus and
requested confirmation that Petitioner will not be removed or transferred
while his Petition is pending. Respondents have yet to respond.

No further notice to Respondents should be required because:

2. It is impossible to contact either Respondent Warden or Respondent Guthrie
to discuss Petitioner's detention as the SFDC facility is managed in a manner
between ICE and state officials making it extraordinarily difficult to ascertain
who and how to contact at the facility to provide such notice.
3. Respondents demonstrate a pattern of not responding to requests and notice
from counsel. This lack of response shows that further efforts to
communicate with Respondents will prove unfruitful, and thus, Petitioner
requires intervention from the Court.

4. Immediate and irreparable harm will result to the Petitioner without a TRO securing his presence throughout the adjudication of his Petition. The Petitioner is at imminent risk of being transferred or deported to an unknown third country, which would further delay or obstruct the Plaintiff's ability to pursue his Petition and other legal remedies. Frequent transfers and removals without notice are common in immigration detention. Such a transfer or removal will delay and obstruct Petitioner's due process rights.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 20, 2026

Respectfully submitted,

/s/ Katherine H. Blankenship

Katherine Blankenship

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Attorney for Petitioner

Certificate of Service

I hereby certify that on February 20, 2026, a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order was served via electronic ECF filing.

Respectfully submitted,

/s/ Katherine H. Blankenship
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