

Michelle Reyes, Esq.
1225 Ave. Ponce de Leon, PH 1141
San Juan, PR 00907
Fla. Bar No. 1004206
Attorney.reyes@reyesfirm.com
813-600-5403
Attorney for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

YANKIEL MARTINEZ ALFONSO,)	
)	Case No. 0:26-cv-60257-SINGHAL
Petitioner,)	
)	PETITION FOR WRIT OF
vs.)	HABEAS CORPUS
)	
WARDEN, et. al.,)	ORAL HEARING REQUESTED
)	
Respondents.)	
_____)	

PETITIONER’S MOTION FOR PRELIMINARY INJUNCTION

Petitioner, by and through undersigned counsel, respectfully moves this Court for entry of a preliminary injunction pursuant to Federal Rule of Civil Procedure 65(a), and states as follows:

I. INTRODUCTION AND PROCEDURAL BACKGROUND

1. This habeas action challenges Respondents’ authority to subject Petitioner to expedited removal under 8 U.S.C. § 1225(b)(1) despite Petitioner’s pending asylum application and continuous physical presence in the United States for more than two years.

2. On February 2, 2026, this Court entered a Temporary Restraining Order enjoining Respondents from expeditiously removing Petitioner after finding that Petitioner appeared ineligible for expedited removal. (ECF No. 7).

3. The Court subsequently extended the Temporary Restraining Order *nunc pro tunc* for an additional fourteen days pursuant to Federal Rule of Civil Procedure 65. (ECF No. 13).

4. On March 4, 2026, the Court denied Petitioner's Second Motion to Continue the Temporary Restraining Order solely on procedural grounds, explaining that Rule 65 limits the duration of a TRO absent consent by the restrained party. (ECF No. 17).

5. Importantly, the Court expressly stated that its Order denying further extension of the TRO was without prejudice to Petitioner moving for a preliminary injunction. (ECF No. 17).

6. The legal and factual circumstances supporting injunctive relief remain unchanged. Absent injunctive relief, Petitioner faces the imminent risk of removal from the United States in violation of the governing statutory framework and without the procedural protections to which he is entitled.

7. Petitioner has demonstrated a substantial likelihood of success on the merits. As the Court previously recognized, Petitioner had a pending asylum application when his removal proceedings were dismissed after DHS orally moved to dismiss at his Master Calendar Hearing when he appeared *pro se*; and, he has been continuously present in the United States for more than two years, rendering him statutorily ineligible for expedited removal under 8 U.S.C. § 1225(b)(1).

8. Petitioner will suffer irreparable harm absent a preliminary injunction. Removal from the United States prior to adjudication of his claims would permanently deprive Petitioner of meaningful judicial review and render this action moot.

9. The threatened injury to Petitioner far outweighs any potential harm to Respondents. A preliminary injunction merely preserves the status quo and ensures that removal proceedings, if any, are conducted in accordance with law.

10. The issuance of a preliminary injunction serves the public interest by ensuring compliance with federal immigration statutes and safeguarding access to judicial review.

11. The Court has set an expedited hearing in this matter for March 6, 2026. (ECF No. 16). Petitioner respectfully requests that the Court consider this Motion for Preliminary Injunction in conjunction with that hearing or at such time as the Court deems appropriate.

12. Because the TRO has expired and additional TRO relief is procedurally unavailable absent Respondents' consent, Petitioner seeks a preliminary injunction to preserve the status quo and prevent irreparable harm pending final adjudication of the habeas petition.

II. LEGAL STANDARD

13. Federal Rule of Civil Procedure 65(a)(1) provides that "[t]he court may issue a preliminary injunction only on notice to the adverse party." Fed. R. Civ. P. 65(a)(1).

14. A party seeking a preliminary injunction must establish: (1) a substantial likelihood of success on the merits; (2) irreparable injury unless the injunction issues; (3) the threatened injury outweighs the harm an injunction may cause the opposing party; and (4) the injunction would not be adverse to the public interest. *Gissendaner v. Comm'r, Ga. Dep't of Corr.*, 779 F.3d 1275, 1280 (11th Cir. 2015).

III. ARGUMENT

A. Petitioner Is Substantially Likely to Succeed on the Merits.

15. Petitioner is substantially likely to succeed on the merits because Respondents' reliance on expedited removal under 8 U.S.C. § 1225(b)(1) appears unlawful as applied to Petitioner in light of his pending asylum application and continuous physical presence exceeding two years.

16. The Court has already made a merits-based, preliminary determination that Petitioner appears to maintain a pending asylum application and have been continuously present in the United States for more than two years, and thus ineligible for expedited removal, and entered injunctive relief preventing expeditious removal under § 1225(b)(1). (ECF No. 7).

17. The Court's later Order denying a second TRO extension did not disturb that substantive assessment; it denied relief solely because Rule 65 limits the duration and extension of TROs absent consent, and it expressly invited Petitioner to seek preliminary injunctive relief. (ECF No. 17).

B. Petitioner Will Suffer Irreparable Harm Absent a Preliminary Injunction.

18. Petitioner faces irreparable harm if removed before the Court adjudicates his habeas claims. Removal would substantially impair Petitioner's ability to pursue relief and could effectively moot this action before final review.

19. In removal contexts, courts recognize the serious and potentially irreparable consequences of removal while review is pending. *See Nken v. Holder*, 556 U.S. 418, 434–35 (2009) (discussing the traditional equitable factors for stays in removal matters and the significant consequences at issue).

20. As set forth in the attached declaration, DHS has not withdrawn the expedited removal authority being applied to Petitioner and Petitioner has received no assurance that removal will not occur absent an order of this Court. (See Declaration of Michelle Reyes, Esq., Exhibit A).

C. The Balance of Equities Weighs Sharply in Petitioner's Favor.

21. The threatened injury to Petitioner, removal to a country from which he has applied for protection under asylum, and loss of meaningful review, far outweighs any administrative inconvenience to Respondents of maintaining the status quo pending adjudication.

22. A preliminary injunction will preserve the status quo reflected in the Court's earlier TRO (ECF No. 7) while the Court resolves the merits, and will not disrupt the Court's expedited schedule.

D. The Public Interest Supports Injunctive Relief.

23. The public interest favors ensuring that government action conforms to governing statutes and that courts can provide meaningful judicial review.

IV. RULE 65(c) SECURITY

24. Rule 65(c) provides that the court may issue a preliminary injunction only if the movant gives security in an amount the court considers proper to pay costs and damages sustained by any party found to have been wrongfully enjoined or restrained. Fed. R. Civ. P. 65(c).

25. Petitioner respectfully requests waiver of security or, alternatively, that the Court require only nominal security, because the requested injunction preserves the status quo and prevents irreparable harm while the Court resolves the habeas petition.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Court enter a preliminary injunction enjoining Respondents, their agents, and all persons acting in concert with them from removing Petitioner from the United States pursuant to 8 U.S.C. § 1225(b)(1) during the pendency of this action, and for such other and further relief as the Court deems just and proper.

Dated: March 5, 2026

Respectfully submitted,

/s/ Michelle M. Reyes
Michelle M. Reyes, Esq.
Fla. Bar No. 1004206
Law Firm of Michelle Reyes
1225 Ave. Ponce de Leon
PH 1141
San Juan, PR 00907
Tel. (813) 600-5403
Email: attorney.reyes@reyesfirm.com
Counsel for Petitioner

CERTIFICATE OF CONFERRAL (S.D. FLA. L.R. 7.1(a)(3))

Pursuant to S.D. Fla. L.R. 7.1(a)(3), undersigned counsel certifies that she conferred with counsel for Respondents in a good-faith effort to resolve the issues raised in this Motion. Specifically, on March 5, 2026, at 12:49 p.m. (undersigned counsel's local time), undersigned counsel conferred with Ms. Natalie Diaz, Esq. counsel for Respondents, by email. Respondents oppose the relief requested in this Motion.

/s/ Michelle M. Reyes
Michelle M. Reyes, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2026, I electronically filed the foregoing Motion for Preliminary Injunction with the Clerk of Court using the CM/ECF system. I further certify that all counsel of record are registered CM/ECF users and will be served by the CM/ECF system.

/s/ Michelle M. Reyes
Michelle M. Reyes, Esq.