

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RICARDO DE LEON TREJO, <i>Petitioner,</i>	)	Case No.: [to be provided by clerk]
	)	
	)	
V.	)	Agency Case No.: A 
	)	
SCOTT LADWIG, Acting Director of the New Orleans Field Office of ICE, in his official capacity; TOM SPANGLER, Sheriff of Knox County, Tennessee, in his official capacity,	)	28 U.S.C. § 2241
	)	
<i>Respondents.</i>	)	DEMAND FOR IMMEDIATE RELEASE AND/OR STAY OF TRANSFER
	)	

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Petitioner, RICARDO DE LEON TREJO, by and through undersigned counsel, respectfully moves this Honorable Court for an immediate Temporary Restraining Order (TRO) and Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, the All Writs Act, 28 U.S.C. § 1651, and the inherent equitable powers of this Court.

I. STATEMENT OF IRREPARABLE HARM

- **Per Se Constitutional Injury:** The loss of constitutional “freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). The Sixth Circuit agrees: “[w]hen a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated.” *Bonnell v. Lorenzo*, 241 F.3d 800, 809 (6th Cir. 2001). *Newsom v. Norris*, 888 F.2d 371, 378 (6th Cir. 1989), explicitly states that even a “temporary deprivation” of a constitutional right (like liberty or due process) is sufficient to establish irreparable harm for a preliminary injunction or

TRO. An hourly loss of constitutional liberty resulting from an illegal detention that is void *ab initio* constitutes irreparable harm that money damages cannot remedy.

- **Severance of Family Unity:** Petitioner is the father of three U.S. citizen children and the partner of a U.S. citizen. Transferring Petitioner hundreds of miles away to the Jena, Louisiana facility would cause an immediate and irreparable severance of these vital family bonds.
- **Loss of Counsel Access:** Petitioner's counsel is based in Tennessee. Transfer outside the jurisdiction would effectively terminate Petitioner's ability to consult with his legal representative in real-time, especially in light of his upcoming February 18 hearing.

II. LIKELIHOOD OF SUCCESS ON THE MERITS

Petitioner has demonstrated a high likelihood of success on the merits for the following reasons:

- **Statutory Misclassification:** The Government is detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A) as if he were at the border, despite his status as an interior resident. While Petitioner is an "applicant for admission" under § 1225(a)(1), the mandatory detention trigger in § 1225(b)(2)(A) requires the additional condition that he be "seeking admission." "Seeking admission" is a present-tense activity that does not apply to residents in the interior. As a Tennessee sister court held in *Rios Pena v. Ladwig*, No. 2:25-cv-03082, 2025 WL 3679766 (W.D. Tenn. Dec. 18, 2025), "you can't go into a place where you already are."
- **Local Precedent:** This Court has already rejected the Government's reinterpretation of mandatory detention in *Patino v. Ladwig*, No. 3:25-cv-00569 (E.D. Tenn. Dec. 15, 2025).

- **Violation of Maldonado Bautista:** Petitioner is a member of the "Bond Eligible Class". The December 18, 2025 Final Judgment in *Maldonado Bautista v. Santacruz* vacated the policy Respondents are currently using to justify Petitioner's detention.

III. BALANCE OF EQUITIES AND PUBLIC INTEREST

The balance of equities tips sharply in Petitioner's favor. The Government has no legitimate interest in enforcing a policy that has been vacated by a federal court. Conversely, the public interest is served by upholding the Rule of Law and preventing the "DOJ Loop" of futile incarceration. The presence of Petitioner's U.S. citizen partner and children further underscores the public interest in maintaining family integrity while legal proceedings are pending.

IV. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays that this Court:

1. **IMMEDIATELY ENJOIN** Respondents from transferring Petitioner outside the Eastern District of Tennessee.
2. **ORDER** Petitioner's immediate release from custody.
3. **WAIVE** any security bond requirement pursuant to Fed. R. Civ. P. 65(c).

Respectfully submitted, this February 2, 2026

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CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.1(a) of the United States District Court for the Eastern District of Tennessee, I hereby certify that:

1. On February 2, 2026, I attempted in good faith to confer with the Civil Chief of the U.S. Attorney's Office for the Eastern District of Tennessee regarding the relief sought in this Emergency Motion for Temporary Restraining Order.
2. I provided notice of this filing via email to the U.S. Attorney's Office.
3. Due to the emergency nature of the Petitioner's imminent transfer to the New Orleans Field Office's jurisdiction (Jena, LA), which could deprive this Court of jurisdiction and sever Petitioner's access to his family and counsel, the parties have been unable to reach an accord prior to this filing.
4. Consequently, judicial intervention is required immediately to preserve the *status quo* and the Court's jurisdiction over the underlying Habeas Petition.

Respectfully submitted, this February 2, 2026

/ s / David Goldman, Esq.

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CERTIFICATE OF SERVICE PURSUANT TO FRCP 65(b)

I hereby certify that, immediately upon filing this Emergency Motion with the Clerk of Court, I caused a copy of this Motion to be served, along with the underlying Petition for Writ of Habeas Corpus, via electronic mail and/or facsimile upon the following parties, providing them with notice of this emergency filing and the impending hearing request:

- The U.S. Attorney's Office for the Eastern District of Tennessee (Respondents' Counsel);
- Scott Ladwig, The Acting Director of the New Orleans Field Office of ICE;
- Tom Spangle, Sheriff of Knox County, Tennessee.

I further certify that I have contacted the Clerk's Office to request the scheduling of an emergency hearing on this matter, as required by the Local Rules of this Court.

Respectfully submitted, this February 2, 2026

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