

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JEFFERY UGOCHUKWU NWOKOLO

Petitioner

v.

SCARLET GRANT, Warden, Cimarron Correctional Facility; **ROBERT CERNA**, Acting Field Office Director of Dallas Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; and **PAMELA BONDI**, Attorney General of the United States, in their official capacities

Respondents.

Case No. 5:26-cv-00240

**EMERGENCY MOTION
FOR TEMPORARY
RESTRAINING ORDER**

**PETITIONER'S EMERGENCY
MOTION FOR A TEMPORARY RESTRAINING ORDER**

Petitioner, **Jeffery Ugochukwu Nwokolo**, through counsel, respectfully moves this Court for an emergency **Temporary Restraining Order (TRO)** and **Stay of Removal** pending the adjudication of his Petition for Writ of Habeas Corpus.

I. EMERGENCY CIRCUMSTANCES

1. Petitioner is currently in the custody of U.S. Immigration and Customs Enforcement (ICE) and is being moved to an unknown location.
2. Petitioner called his wife yesterday to say he was being moved and that ICE officers would not tell him where he was being moved to.

3. While Petitioner maintains that his removal is **not reasonably foreseeable** due to the lack of travel documents from Nigeria, the Government's current actions would divest this court of jurisdiction and move Petitioner away from his family, who reside in Oklahoma.

4. On February 10, 2026, Petitioner was notified of a facility transfer, and his current whereabouts are unknown to his family and counsel, creating a "disappearance" that prevents administrative relief.

II. NOTICE

Pursuant to Federal Rule of Civil Procedure 65(b), notice should not be required because Petitioner continues to suffer ongoing and irreparable harm through unlawful civil detention without an individualized custody determination.

Any delay caused by providing formal notice would heighten the risk that ICE will transfer Petitioner out of this District before the Court may act, thereby frustrating jurisdiction and the availability of effective relief.

Rule 65(b)(1) authorizes issuance of a TRO without notice where:

- (a) specific facts clearly show that immediate and irreparable injury will result before the adverse party can be heard; and
- (b) counsel certifies efforts made to provide notice and reasons notice should not be required.

In an abundance of caution, undersigned counsel has also provided notice by emailing a copy of this Emergency Motion for Temporary Restraining Order to the United States Attorney's Office for the Western District of Oklahoma, thereby satisfying the certification requirement of Rule 65(b)(1)(B).

III. ARGUMENT

5. **Likelihood of Success on the Merits:** Petitioner has been detained for 216 days, well beyond the 180-day presumptive limit established in *Zadvydas v. Davis*. Because Nigeria has not conducted a consular interview or issued travel documents, removal is not "reasonably foreseeable," rendering his continued detention unconstitutional. Further, Petitioner is the beneficiary of an approved I-130 petition (Approved 09/09/2025), meaning his marriage has been recognized as bona fide by the United States government and he is on the path to lawful status once released from detention

6. **Necessity of a Stay to Protect Jurisdiction:** A Temporary Restraining Order is required not because removal is legally authorized, but to preserve the status quo. Absent a stay, the Government may remove Petitioner—despite the lack of foreseeable travel arrangements—thereby mooting his challenge to the unlawful 216-day detention.

7. **Irreparable Harm:** If removed, Petitioner loses his right to have a Federal Court determine the legality of his half-year of imprisonment. This would permanently sever ties with his two U.S. citizen children and negate the path to status provided by his approved I-130.

8. **Balance of Equities/Public Interest:** There is no evidence Petitioner is a flight risk or a danger to the community; he was detained while voluntarily attending an immigration interview. The public interest is served by ensuring the government follows its own regulations and the U.S. Constitution.

IV. PRAYER FOR RELIEF

- 1) **STAY the execution of removal** of Jeffery Ugochukwu Nwokolo solely to the extent necessary to **preserve this Court's jurisdiction** over the pending 28 U.S.C. § 2241 Petition, as his removal would moot the constitutional challenge to his 216-day detention;

- 2) **ENJOIN Respondents** from transferring Petitioner outside the jurisdiction of the Western District of Oklahoma to ensure his availability for any court-ordered hearings or release procedures; and
- 3) **ORDER Respondents** to show cause within three (3) days why this TRO should not be converted into a Preliminary Injunction while the Court adjudicates whether his continued detention satisfies the "reasonable foreseeability" standard of *Zadvydas v. Davis*.

Respectfully submitted,

s/Melissa M. Henry _____

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Dated: 2/11/2026

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CERTIFICATE OF SERVICE

I hereby certify that on **February 11, 2026** a true and correct copy of the foregoing **Emergency Motion for Temporary Restraining Order** was served through e-mail to the United States Attorney's Office for the Western District of Oklahoma,

I further certify that the Motion was filed electronically using the Court's CM/ECF system.

s/Melissa M. Henry

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