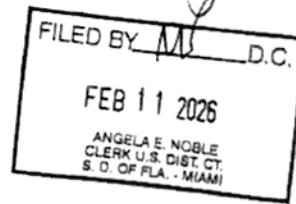


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
NELSON MORALES GARROTE,  
Petitioner,



v.

UNITED STATES DEPARTMENT OF HOMELAND SECURITY;  
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);  
WARDEN, BROWARD TRANSITIONAL CENTER,  
Respondents.

Civil Action No.: \_\_\_\_\_

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PROPOSED ORDER  
(ANTI-REMOVAL, ANTI-TRANSFER, ANTI-THIRD-COUNTRY)  
(28 U.S.C. § 2241 – NEXT FRIEND)

Petitioner Nelson Morales Garrote, by and through his lawful spouse and Next Friend, Yanelkis Aragón, respectfully moves this Honorable Court for the issuance of a Temporary Restraining Order ("TRO") enjoining Respondents from removing, transferring, or otherwise relocating Petitioner, including to any third country, while his Emergency Petition for Writ of Habeas Corpus and related motions are pending.

I. EMERGENCY RELIEF IS NECESSARY

This motion seeks immediate injunctive relief to preserve this Court's jurisdiction and to prevent irreparable harm. Respondents have threatened Petitioner with transfer to a third country, including Honduras, which would place him in grave danger and permanently deprive this Court of meaningful ability to adjudicate his constitutional claims.

II. LEGAL STANDARD

A Temporary Restraining Order is appropriate where the movant demonstrates: (1) a substantial likelihood of success on the merits; (2) irreparable injury absent relief; (3) that the threatened injury outweighs any harm to the opposing party; and (4) that the injunction would not be adverse to the public interest.

III. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner has demonstrated a strong likelihood of success on his claims that his civil

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immigration detention violates the Fifth Amendment Due Process Clause. The conditions of his confinement are punitive, dangerous, and not reasonably related to a legitimate governmental purpose.

**B. Irreparable Harm**

Absent immediate injunctive relief, Petitioner faces imminent and irreparable harm, including unlawful removal, forced transfer, or placement in a third country. Such harm cannot be remedied after the fact and would permanently prejudice Petitioner's rights and this Court's jurisdiction.

**C. Balance of Equities and Public Interest**

The balance of equities strongly favors Petitioner. Maintaining the status quo imposes minimal burden on Respondents while preventing serious constitutional injury. The public interest is served by ensuring that immigration detention complies with constitutional standards and that courts retain the ability to review unlawful detention.

**IV. REQUEST FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States;
  2. Prohibit Respondents from transferring Petitioner to any other detention facility;
  3. Prohibit Respondents from transferring Petitioner to any third country;
  4. Maintain the status quo pending resolution of the Habeas Petition; and
  5. Grant such other relief as the Court deems just and proper.
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