UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-60408-CIV-SINGHAL

LAZARO ANTONIO ALONZO-RAMIREZ,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.
_____/

RESPONDENTS' OPPOSITION TO PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Respondents, by and through the undersigned Assistant United States Attorney, maintains that Lazaro Antonio Alonzo-Ramirez's (Petitioner) Petitioner's Emergency Motion for Temporary Restraining Order (Motion) [D.E. 7] should be denied.

I. BACKGROUND

Petitioner is a native a citizen of Guatemala. [D.E. 8-1]. On or about May 29, 2019, Petitioner unlawfully entered the United States from Mexico. [D.E. 8-2]. On or about June 1, 2019, agents with U.S. Customs and Border Protection (CBP) encountered and arrested Petitioner and his father. *Id.* Petitioner and his father were returned to Mexico under INA § 235(b)(2)(C) pending removal proceedings. *Id.* On June 4, 2019, the U.S. Department of Homeland Security (DHS) filed a Notice to Appear (NTA) with the Executive Office for Immigration Review (EOIR) charging Petitioner with inadmissibility under INA § 212(a)(7)(A)(i)(I). *Id.* On September 17, 2019, the immigration judge granted the DHS's motion to terminate proceedings due to procedural defects. *Id.*

On or about April 13, 2021, CBP encountered Petitioner after he again unlawfully entered the United States from Mexico. [D.E. 8-3]. At the time, he was processed as an unaccompanied child (UAC). *Id.* Petitioner was processed for a Notice to Appear under INA § 212(a)(6)(A)(i). *Id.* Upon information and belief, an NTA was not filed with EOIR at that time. [D.E. 8-2]. On or about June 2, 2021, Petitioner was released from custody. *See* Hab. Pet., Document 1-3; *see also* D.E. 8-4.

On November 16, 2025, CBP encountered Petitioner following a vehicle stop for a traffic violation conducted by the Florida Highway Patrol. [D.E. 8-1]. CBP determined that Petitioner was illegally in the United States and took him into custody. *Id.* On or about November 17, 2025, Petitioner was taken into ICE custody. [D.E. 8-4].

On December 8, 2025, DHS filed an NTA with EOIR, charging Petitioner with inadmissibility under INA § 212(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General. *See* Hab. Pet., Document 1-9.

Petitioner requested a custody redetermination before the Krome Immigration Court, and on December 17, 2025, the Immigration Judge denied bond, finding that the court lacked authority under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).[1] *See* Hab. Pet, Document 1-11. On December 29, 2025, the Immigration Judge denied Petitioner's Motion to Terminate, finding that Petitioner is no longer considered a UAC. *See* Hab. Pet., Document 1-12. Petitioner's removal

[1] As this Court is aware, *Matter of Yajure Hurtado* was recently vacated by a District Court in the Central District of California. *See Bautista v. Santacruz*, No. 5:25-cv-01873, 2026 WL 468284 (C.D. Cal. Feb. 18, 2026). However, the vacatur of *Hurtado* does not change this Court's previous finding that 8 U.S.C. 1225(b)(2) is unambiguous and aliens like Petitioner, are properly subject to mandatory detention pursuant to the statute. *See Morales v. Kristi Noem, et al.,* Case No. 25-cv-62598-AHS, D.E. 10 (S.D. Fla. Jan. 29, 2026).

proceedings are ongoing; his next master calendar hearing is scheduled for March 11, 2026. [D.E. 8-2].

Petitioner is currently detained at the Broward Transitional Center in Miami, Florida. D.E. 8-2; *see also* D.E. 8-4.

II. ARGUMENT

In order to obtain the extraordinary remedy of a preliminary injunction, a plaintiff must prove: "(1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered unless the injunction issues; (3) the threatened injury outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest." *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998). Because a preliminary injunction is "an extraordinary and drastic remedy," it should not be granted unless the plaintiff "clearly carries the burden of persuasion as to the four prerequisites." *Zardui-Quintana v. Richard*, 768 F.2d 1213, 1216 (11th Cir. 1985) (citation and internal quotations marks omitted).

A. Substantial Likelihood of Success on the Merits[2]

i. Petitioner is properly detained under 8 U.S.C. § 1225(b)(2).

Petitioner alleges that his detention under 8 U.S.C. § 1225(b)(2) is "unconstitutional and unlawful." [D.E. 7 at p. 14]. Not so. Petitioner has either failed to do his due diligence or just ignored this Court's prior decisions on the issue. As this Court has repeatedly held, noncitizen petitioners in removal proceedings are subject to mandatory detention under 28 U.S.C. § 1225(b)(2) because they were present in the United States without being admitted or paroled,

[2] Petitioner repeats many of the arguments made in his Habeas Petition in this section of his Motion. To the extent not fully addressed herein, Respondents refer this Court to their Response to Order to Show Cause, which fully addresses all arguments raised by Petitioner. *See* D.E. 8.

despite having entered illegally many years ago. *Morales v. Noem*, et al., No. 25-62598-CIV SINGHAL, ECF No. 10 (S.D. Fla. Jan. 29, 2026); *Luzardo Doria v. Warden, BTC, et al.*, No. 26-60112-CIV-SINGHAL, ECF 12 (S.D. Fla. February 10, 2026); *Binzha Banchi v. Mitchel Diaz, et al.*, No. 25-62341-CIV-SINGHAL, ECF 23 (S.D. Fla. Feb. 2, 2026). Further, the Fifth Circuit Court of Appeals has since weighed in and found in line with this Court's previous rulings. *See Buenrostro-Mendez v. Bondi,* No. 25-20496, 25-40701, ___F. 4th ___, 2026 WL 323330 (5th Cir. Feb. 6 2026).

Further, Petitioner has failed to show that his detention under 8 U.S.C. § 1225(b)(2) violates due process. As this Court has held, "[a]n alien who has never been lawfully admitted to the United States 'has only those rights regarding admission that Congress has provided by statute.'" *Luzardo Doria v. Warden, BTC, et al.*, No. 26-60112-CIV-SINGHAL, ECF 12 (S.D. Fla. Feb. 10, 2026) (quoting *Dep't of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138-40 (2020). Just as with the Petitioner in *Luzardo Doria*, so the same holds true here, Petitioner cannot establish a statutory right to a bond hearing because § 1225(b)(2) does not provide him one. Thus, "[t]he government's detention of Petitioner does not violate the Constitution." *Id.*

Finally, to the extent that Petitioner argues that he is exempt from mandatory detention requirements of 8 U.S.C. § 1225(b)(2) due to his status as an UAC, Respondents already addressed this argument in their response to the Petition. Petitioner ceased being a UAC when he reached the age of 18 and was not detained by ICE until ***after*** he turned 18 years old, thus, any extra protections granted UACs do not apply to Petitioner.

i. This Court lacks jurisdiction to stay removal

Although not entirely clear, Petitioner also seems to contemplate an order prohibiting his removal from the United States. [D.E. 7 at p. 8]. To the extent Petitioner is asking the Court to stay

any potential removal from the United States, the Immigration and Nationality Act contains a jurisdiction-stripping provision that is as clear as it is potent. It states that "no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter." 8 U.S.C. § 1252(g).

This provision is designed to protect the Government's discretion in three specific areas: commencing proceedings, adjudicating cases, and executing removal orders. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). When a claimant seeks an injunction to stay his removal, he is asking the court to do exactly what the statute forbids: interfere with the Government's decision to execute a removal order. *See Camarena v. Dir., Immigr. & Customs Enf't*, 988 F.3d 1268, 1271 (11th Cir. 2021).

Staying Petitioner's removal would be to forbid the executive from doing what § 1252(g) says cannot be interfered with. "Courts across the country have thus found that they are barred from staying removal, even when the court might otherwise have jurisdiction over the [underlying] claims presented." *Edwin M.-N. v. Green*, No. CV 19-6096 (KM), 2019 WL 13299141, at *2 (D.N.J. Feb. 19, 2019); *see also Rivera-Amador v. Rhoden*, No. 3:25-CV-1460-WWB-SJH, 2025 WL 3687452, at *3 (M.D. Fla. Dec. 19, 2025); *Lopez v. Warden, Stewart Det. Ctr.*, No. 4:18-CV-134-CDL-MSH, 2018 WL 7051097, at *2 (M.D. Ga. Dec. 26, 2018). Because § 1252(g) removes this Court's power to act, Petitioner's request to enjoin removal from the United States must be denied. *See, e.g.*, *Torres-Mejia v. Trump*, No. 1:25-CV-1623, 2025 WL 3684258, at *9 (W.D. Mich. Dec. 19, 2025) ("Because a general request for a stay of removal would concern a decision or action by the Attorney General to...execute removal orders, the Court finds that § 1252(g) precludes [its] jurisdiction over such claims.").

B. Petitioner fails to establish irreparable harm and the remaining equitable factors favor Respondents.

Even if the Court were to look past Petitioner's failure to satisfy the first factor, Petitioner does not satisfy the remaining factors. "To establish irreparable harm, the movant must show that the injury is immediate and is not compensable by monetary damages." *Lead Creation Inc. v. Partnerships & Unincorporated Associations Identified on Schedule A*, No. 8:23-CV-49-CEH-CPT, 2023 WL 1993971, at *4 (M.D. Fla. Feb. 14, 2023) (quotation omitted). However, irreparable injury must be *likely* in the absence of an injunction. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008)(emphasis in original). The movant must also "clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition[.]" FED. R. CIV. P. 65(b)(1)(A); *see also Gentles-Daughtry v. Daughtry*, 2016 WL 8678027, at *2 (S.D. Fla. Jan. 20, 2016) (Cohn, J.) ("Here, the Court will deny Plaintiff's Motion because she has not sufficiently shown that she will suffer an irreparable injury unless the Court enters a temporary restraining order without affording Defendant any opportunity to respond....Plaintiff's motion does not 'convince [the] court that there is immediate and great danger of irreparable injury that necessitates the temporary dispensing of some of the trappings of due process.' " (q*uoting* 11A CHARLES ALAN WRIGHT & ARTHUR R. MILLER, ET AL., FEDERAL PRACTICE AND PROCEDURE § 2952 (3d ed. 1998))).

Petitioner has not shown immediate and irreparable injury. Petitioner himself lists "potential injuries" such as being moved to a different detention facility, but such claims are not clear, rather they are speculative.

The final two factors – the harm to opposing party and the public interest – merge when the Government is the opposing party and further support the denial of Petitioner's motion. 556 U.S. at 435. "There is always a public interest in prompt execution of removal orders[.]" *Id.* at

436; And a stay in this case would "detrimentally impact [DHS] by causing it to suspend execution of its [removal orders[.]" *Jenkins v. INS*, 32 F.3d 11, 15 (2d Cir. 1994), *overruled on other grounds* by *Aguirre v. INS,* 79 F.3d 315, 316 (2d Cir. 1996). Congress has recognized the importance of this governmental and public interest. *Lucacela v. Reno*, 161 F.3d 1055, 1059 (7th Cir. 1998) (noting the "clear public interest (as expressed by Congress) in deporting illegal aliens without delay").

Specifically, Congress has expressed its disapproval of the unwarranted delays that sometimes exist in the effort to promptly remove aliens. "Existing procedures to deny entry to and to remove illegal aliens from the United States are cumbersome and duplicative. Removal of aliens who enter the United States illegally, even those who are ordered deported after a full due process hearing, is an all-too-rare event." H. R. Rep. No. 104-469(I), at 107 (1996), 1996 WL 168955. As a result, Congress has stated its desire that "[a]liens who violate U.S. immigration law should be removed from this country as soon as possible. Exceptions should be provided only in extraordinary cases specified in the statute and approved by the Attorney General." S. Rep. No. 104-249, at 7 (1996), 1996 WL 180026 (emphasis added); *see Andreiu v. Ashcroft*, 253 F.3d 477, 484 (9th Cir. 2001) (noting that "Congress did not intend for courts to grant stays of removal every time an alien files a petition for review").

Thus, Congress has determined that the public interest is served by the prompt departure of removable aliens. *See Ofosu v. McElroy*, 98 F.3d 694, 702 (2d Cir. 1996) ("There is a strong public interest in compliance with the immigration laws by aliens who seek the protection of those laws."); *Sofinet v. INS*, 188 F.3d 703, 708 (7th Cir. 1999) (recognizing "the public interest in the speedy and effective enforcement of the immigration laws as applied to aliens who have not made a satisfactory showing of entitlement to asylum"); *see also Nken*, 556 U.S. at 436. To merit an

injunction interfering with this process, Petitioner must point to some factor to overcome the presumption that it is in the public's interest to remove them promptly. Petitioner has not shown that the public interest "tips sharply in his favor," the standard that must be met, where, as here, no likelihood of success has been demonstrated. *Leiva-Perez v. Holder*, 640 F.3d 962, 966-967 (9th Cir. 2011). "The continued presence of a[] [noncitizen] lawfully deemed removable undermines the streamlined removal proceedings [the Illegal Immigration Reform and Immigrant Responsibility Act of 1996] established, and 'permit[s] and prolong[s] a continuing violation of United States law.'" *Nken,* 556 U.S. at 436 (*quoting Reno v. American-Arab Anti-Discrimination Comm.,* 525 U.S. 471, 490 (1999)). Petitioner's prompt removal is therefore in the public interest, and he has otherwise failed to satisfy his burden of demonstrating eligibility for the "extraordinary remedy" of a stay of removal or grant of a TRO. *Nken*, 556 U.S. at 437 (Kennedy, J., concurring).

Finally, as the Supreme Court noted in *Demore*, deportation proceedings "would be vain if those accused could not be held in custody pending the inquiry into their true character." *Wong Wing v. United States,* 163 U.S. 228, 235, 16 S.Ct. 977, 41 L.Ed. 140 (1896); see also *Flores, supra,* at 305–306, 113 S.Ct. 1439; *Zadvydas,* 533 U.S., at 697, 121 S.Ct. 2491 (distinguishing constitutionally questioned detention there at issue from "detention pending a determination of removability"); *id.,* at 711, 121 S.Ct. 2491 (KENNEDY, J., dissenting) ("Congress' power to detain aliens in connection with removal or exclusion ... is part of the Legislature's considerable authority over immigration matters"). Notably, prior to 1907, there was no provision permitting bail for *any* aliens during the pendency of their removal proceedings. *See Demore v. Kim*, 538 U.S. 510, fn. 7. (2003).

CONCLUSION

For the foregoing reasons, the Court should deny Petitioner's emergency motion as Petitioner has clearly not met his burden under the law.

Respectfully Submitted,

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