

Petitioner, Ludovic Marcel Mbock (“Petitioner”), by and through undersigned counsel, respectfully moves this Court on an emergency basis, pursuant to Federal Rule of Civil Procedure 65, for a Temporary Restraining Order (“TRO”) and/or Preliminary Injunction to prevent Respondents from (1) removing him from the United States and (2) transferring him outside the District of Maryland (or, at a minimum, outside the Baltimore ICE Field Office area) until this Court adjudicates his Petition for Writ of Habeas Corpus and until the Immigration Court adjudicates his motion to reopen and any associated stay of removal.

In support of this Motion, Petitioner states as follows:

I. INTRODUCTION AND FACTUAL BACKGROUND

1. Petitioner is a noncitizen currently in the custody of U.S. Immigration and Customs Enforcement (“ICE”) at the Baltimore Immigration and Customs Holding Cell located at 31 Hopkins Plaza, Baltimore, Maryland, within this District. He was arrested at a routine ICE check-in on Tuesday, February 17, 2026, under the authority of a removal order that became final following a grant of voluntary departure in 2005.
2. Petitioner is an openly gay man who faces a significant risk of persecution and torture in Cameroon if removed. Since his 2005 removal proceedings, country conditions in Cameroon for LGBTQ individuals have materially worsened, including ongoing criminalization, targeted violence, and the absence of effective state protection. See, e.g., U.S. Dep’t of State, Country Reports on Human Rights Practices: Cameroon (2023) (documenting criminalization and violence against LGBTQ persons).
3. Petitioner is filing as soon as possible a motion to reopen his immigration proceedings based on materially changed country conditions and new evidence relating to his sexual orientation and risk of harm. That motion to reopen, and any associated stay of removal

request, is to be filed before the Immigration Court in Baltimore with jurisdiction over his case.

4. Nonetheless, Respondents intend to rapidly remove or transfer Petitioner, thereby depriving him of any meaningful opportunity to have his motion to reopen and applications for protection (including asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”)) adjudicated. In analogous cases, courts within the Fourth Circuit—including this District—have entered TROs to prevent ICE from removing or transferring detainees in ways that would frustrate habeas jurisdiction and deny petitioners access to statutory and constitutional remedies. See, e.g., *O.A. v. Trump*, 404 F. Supp. 3d 109, 127–28 (D.D.C. 2019) (collecting cases and noting that courts routinely enjoin removal to protect access to asylum procedures); *M.M.V. v. Barr*, 459 F. Supp. 3d 1, 19–22 (D.D.C. 2020) (granting TRO to prevent removal of asylum seekers with pending claims; finding irreparable harm and strong public interest in compliance with non-refoulement obligations); cf. *Hernandez Avalos v. Lynch*, 784 F.3d 944, 948–49 (4th Cir. 2015) (discussing non-refoulement obligations embedded in withholding/CAT framework).

II. LEGAL STANDARD

5. A temporary restraining order or preliminary injunction is warranted when the movant demonstrates: (1) a likelihood of success on the merits; (2) a likelihood of irreparable harm in the absence of relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *The Real Truth About Obama, Inc. v. FEC*, 575 F.3d 342, 346–47 (4th

Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010), adhered to in relevant part, 607 F.3d 355 (4th Cir. 2010) (per curiam).

6. The Fourth Circuit has consistently applied the *Winter* standard in considering preliminary injunctive relief, including in immigration-related cases. See, e.g., *Centro Tepeyac v. Montgomery Cnty.*, 722 F.3d 184, 188 (4th Cir. 2013) (en banc); *Di Biase v. SPX Corp.*, 872 F.3d 224, 230–31 (4th Cir. 2017). Federal courts within this Circuit have granted TROs and preliminary injunctions in § 2241 immigration detention cases to preserve the status quo and prevent removal or transfer that would frustrate the court’s jurisdiction and a petitioner’s access to statutory and constitutional remedies. See, e.g., *Aamer v. Obama*, 742 F.3d 1023, 1038–39 (D.C. Cir. 2014) (cited with approval by district courts in the Fourth Circuit for proposition that habeas courts may issue injunctive relief necessary to protect jurisdiction); *Yafai v. Holder*, No. 1:11-cv-01329, 2011 WL 3439943, at *3–4 (D. Md. Aug. 5, 2011) (applying *Winter* standard to request for preliminary injunctive relief in § 2241 immigration habeas action).

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

7. As detailed in his concurrently filed Petition for Writ of Habeas Corpus, Petitioner is likely to succeed on his claims that:
 - a. His detention and threatened transfer and/or removal violate the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment by denying him fair process and meaningful access to the review mechanisms available to similarly situated ICE detainees, including a full and fair opportunity to litigate his motion to reopen and related protection claims. See *Zadvydass v. Davis*,

533 U.S. 678, 690 (2001) (recognizing due process limits on immigration detention and emphasizing habeas as a check on unlawful custody); *I.N.S. v. St. Cyr*, 533 U.S. 289, 300–01 (2001) (explaining that habeas jurisdiction exists to ensure noncitizens can invoke statutory relief mechanisms).

- b. Respondents are unlawfully attempting to circumvent 8 U.S.C. § 1229a(c)(7) (statutory right to file a motion to reopen), 8 U.S.C. § 1231(b)(3) (withholding of removal), and the implementing regulations for CAT, see 8 C.F.R. §§ 208.16–208.18, 1208.16–1208.18, by removing him before his motion to reopen and protection claims can be adjudicated. The Fourth Circuit has emphasized that noncitizens are entitled to meaningful procedures to pursue such protection claims, and that the courts must ensure agency compliance with statutory protections. See *Turkson v. Holder*, 667 F.3d 523, 528–29 (4th Cir. 2012) (vacating and remanding CAT denial where BIA applied improper standard and failed to properly evaluate likelihood of torture); *Hernandez Avalos v. Lynch*, 784 F.3d 944, 948–49 (4th Cir. 2015) (reversing and remanding where BIA misapplied nexus requirement in withholding-of-removal analysis).
- c. Removal to Cameroon without adjudication of his fear-based claims would violate the United States’ non-refoulement obligations under domestic law and regulations, including the INA’s withholding provision and CAT regulations, which prohibit returning an individual to a country where it is more likely than not that he would be persecuted or tortured. See 8 U.S.C. § 1231(b)(3); 8 C.F.R. §§ 208.16–.18, 1208.16–.18; *Turkson*, 667 F.3d at 528–29.

8. Petitioner presents a strong prima facie case for asylum, withholding of removal, and/or CAT protection as a gay man from Cameroon, where LGBTQ individuals face criminal penalties, widespread violence, social stigmatization, and a lack of effective state protection. While the Fourth Circuit has not squarely addressed a Cameroonian sexual-orientation asylum claim, it has repeatedly emphasized careful analysis of persecution and nexus requirements in particular social group cases. See *Hernandez Avalos v. Lynch*, 784 F.3d 944, 948–50 (4th Cir. 2015) (reversing and remanding where the BIA misapplied nexus analysis in asylum and withholding context). Other circuits have expressly recognized sexual orientation as a cognizable protected ground. See, e.g., *Ndayshimiye v. Att’y Gen.*, 557 F.3d 124, 130–31 (3d Cir. 2009). At a minimum, Petitioner is entitled to a meaningful opportunity to present those claims through a motion to reopen and related proceedings before being removed. District courts within the Fourth Circuit have recognized that injunctive relief is appropriate where government action would deprive noncitizens of a meaningful opportunity to pursue statutory immigration protections. See, e.g., *Perez v. Cissna*, No. 8:18-cv-03352-PX, 2019 WL 1304197, at *6–7 (D. Md. Mar. 21, 2019) (granting preliminary injunction where agency policy would otherwise foreclose meaningful access to statutory immigration relief).

B. Petitioner Faces Irreparable Harm Absent a TRO

9. If Respondents remove Petitioner to Cameroon, he faces a substantial risk of persecution, physical harm, and/or torture on account of his sexual orientation. Such harms are plainly irreparable and cannot be remedied after the fact. The Supreme Court has acknowledged that removal can cause severe and often irreparable consequences. See *Nken v. Holder*, 556 U.S. 418, 435 (2009). Multiple courts have specifically held that the risk of persecution or

torture abroad constitutes classic irreparable harm. See, e.g., *Leiva-Perez v. Holder*, 640 F.3d 962, 968 (9th Cir. 2011); *M.M.V. v. Barr*, 459 F. Supp. 3d 1, 19–20 (D.D.C. 2020).

10. Removal would also irreparably harm Petitioner by effectively mooting his motion to reopen and foreclosing his statutory rights to seek asylum, withholding of removal, and CAT protection. Courts have recognized that the denial of a meaningful opportunity to pursue immigration relief under these statutes constitutes irreparable harm warranting injunctive relief, particularly where removal would nullify pending or viable claims for protection. See *Nken*, 556 U.S. at 435 (noting that the “mooting” of relief and separation from family may constitute irreparable harm).
11. Transfer to a distant facility would likewise cause irreparable harm by severely impairing Petitioner’s access to counsel and to the courts, particularly at this critical stage when emergency filings, evidentiary development, and prompt communication are required. Courts in this Circuit have enjoined transfers in similar circumstances to preserve habeas jurisdiction and ensure effective access to counsel. See *Aamer v. Obama*, 742 F.3d 1023, 1038–39 (D.C. Cir. 2014) (habeas courts may issue injunctive relief necessary to protect jurisdiction).

C. The Balance of Equities Favors Petitioner

12. The balance of equities tips heavily in Petitioner’s favor. Without a TRO, he faces potential persecution or torture and the loss of his statutory and constitutional rights. By contrast, Respondents need only maintain the status quo for a limited period while this Court and the immigration authorities consider his claims. The Fourth Circuit has repeatedly held that when the government’s injury amounts only to administrative inconvenience and delay, while the plaintiff faces serious constitutional and humanitarian harm, the equities favor

injunctive relief. See, e.g., *Centro Tepeyac*, 722 F.3d at 190–91; *International Refugee Assistance Project v. Trump* (“*IRAP*”), 857 F.3d 554, 603–04 (4th Cir. 2017) (en banc), vacated on other grounds, 138 S. Ct. 353 (2017).

13. Respondents cannot credibly claim substantial prejudice from a brief delay in executing a removal order that has been outstanding since 2005, particularly where that delay is necessary to ensure compliance with the Constitution, the INA, CAT regulations, and related international obligations. See *IRAP*, 857 F.3d at 603–04 (concluding that preserving constitutional and statutory rights outweighs the government’s interest in immediate enforcement of immigration-related policies).

D. The Public Interest Supports Injunctive Relief

14. The public interest is served by ensuring that the government adheres to the Constitution, the INA, and CAT regulations, and does not return individuals to countries where they may face persecution or torture, in violation of non-refoulement obligations. The Fourth Circuit has held in comparable contexts that “upholding constitutional rights serves the public interest,” as does ensuring compliance with federal statutes. See *IRAP*, 857 F.3d at 603; *Centro Tepeyac*, 722 F.3d at 191.
15. The public interest also favors the orderly functioning of the immigration courts and the preservation of this Court’s jurisdiction to adjudicate pending habeas claims, as recognized in other § 2241/TRO decisions involving immigration detainees. See *Zadvydas*, 533 U.S. at 695 (emphasizing the role of habeas in limiting unlawful detention). Enjoining Petitioner’s removal and transfer while his claims are adjudicated promotes judicial economy, respect for statutory procedures, and confidence in the rule of law.

IV. REQUESTED RELIEF

16. Petitioner respectfully requests that this Court issue a Temporary Restraining Order that:
- a. Prohibits Respondents, their agents, and anyone acting in concert with them from removing Petitioner from the United States;
 - b. Prohibits Respondents from transferring Petitioner outside of the District of Maryland, or at a minimum outside the Baltimore ICE Field Office area, while his habeas petition and his motion to reopen and any associated stay requests are pending; and
 - c. Requires Respondents to provide Petitioner's counsel with at least five (5) days' advance written notice of any intended transfer or removal.
17. Petitioner further requests that the Court set a prompt hearing on this Motion and, after such hearing, convert the TRO into a preliminary injunction that remains in effect pending final resolution of this case and the completion of Petitioner's immigration proceedings, including any reopened proceedings.

V. REQUEST FOR WAIVER OF SECURITY

18. Petitioner respectfully requests that the Court waive any security requirement under Federal Rule of Civil Procedure 65(c), as he is an indigent immigration detainee and is not seeking to enjoin a commercial transaction but rather the government's execution of a removal order affecting his fundamental statutory and constitutional rights. Federal courts, including within the Fourth Circuit, routinely waive or set only a nominal bond in analogous public-interest and civil-rights cases. *See, e.g., Pashby v. Delia*, 709 F.3d 307, 332 (4th Cir. 2013) (affirming negligible bond where injunction enforced federal rights);

IRAP, 857 F.3d at 604 (approving district court's decision not to require bond where injunction protected constitutional rights).

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction and enter the proposed order submitted simultaneously herewith.

DATED: February 19, 2026

Respectfully submitted,

/s/ Edward W. Neufville, III
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CERTIFICATE OF SERVICE

I, Edward W. Neufville, III, hereby certify that, pursuant to Federal Rule of Civil Procedure 4(i) and applicable local rules, on February 19, 2026, I caused to be served the foregoing Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction, together with any supporting documents, in the above-captioned matter, by USPS certified mail, return receipt requested, upon:

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 19, 2026, at Silver Spring, Maryland.

/s/ Edward W. Neufville, III
Edward W. Neufville, III