

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

NELSON ANTONIO LIPE PEREZ,

Petitioner,

v.

**WARDEN of FOLKSTON
DETENTION CENTER, et al,**

Respondents.

Case No: 5:26-cv-242

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

Pursuant to Federal Rule of Civil Procedure 65, Petitioner Jose Miranda Nieto ("Petitioner"), respectfully requests that the Court issue an order requiring the Respondents to immediately release Petitioner. In the alternative, Petitioner requests that the Court issue an order barring Respondents from transferring him outside this District. Petitioner's motion is supported by the accompanying memorandum of law and exhibits. Petitioner respectfully requests a hearing on his emergency motion.

As explained in the accompanying Memorandum of Law in Support of Emergency Motion for a Temporary Restraining Order, Petitioner is likely to succeed on his claims that Respondents, by detaining him despite clear statutory provisions denying detention of individuals with Petitioner's status, violated Petitioner's rights under the Fifth Amendment of the U.S. Constitution. Petitioner's continued detention irreparably harms Petitioner, and the balance of the equities and the public interest heavily favors relief.

For the reasons stated above and in the accompanying documents, Petitioner

respectfully requests that this Court grant the emergency motion for a temporary restraining order.

Respectfully submitted this 19th day of February, 2026.

/s/ Shelby Burnam, Esq.

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, along with all attachments thereto, to this Court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all counsel of record.

Respectfully submitted,

Date: February 19, 2026

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