

FILED BY NAK D.C.  
FEB 24 2026  
ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S. D. OF FLA. - FT. LAUD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

JULIO SÁNCHEZ PUPO,



Petitioner,

v.

KRISTI NOEM, Secretary of Homeland Security;  
MERRICK B. GARLAND, Attorney General of the United States;  
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS);  
IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);  
WARDEN, BROWARD TRANSITIONAL CENTER,  
Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PROPOSED ORDER  
(ANTI-REMOVAL / ANTI-TRANSFER / ANTI-THIRD COUNTRY)  
(ULTRA MEGA – FEDERAL JUDGE LEVEL)**

Petitioner Julio Sánchez Pupo, by and through his Next Friend, Marielis Caballero Caballero, respectfully moves this Honorable Court for an Emergency Temporary Restraining Order (“TRO”) pursuant to Rule 65 of the Federal Rules of Civil Procedure and the All Writs Act, 28 U.S.C. § 1651, to preserve this Court’s jurisdiction and prevent irreparable harm while the Petition for Writ of Habeas Corpus and related motions are pending.

**I. JURISDICTION AND AUTHORITY**

This Court has authority to issue a Temporary Restraining Order under Rule 65 of the Federal Rules of Civil Procedure, the All Writs Act, 28 U.S.C. § 1651, and the Court’s inherent power to preserve its jurisdiction. See *Nken v. Holder*, 556 U.S. 418 (2009); *United States v. New York Tel. Co.*, 434 U.S. 159 (1977).

**II. FACTUAL BASIS FOR EMERGENCY RELIEF**

Petitioner is currently detained at Broward Transitional Center following an arrest without warrant or probable cause. He is lawfully paroled into the United States, has a pending Form I-485 under the Cuban Adjustment Act, and has no serious criminal history. Petitioner

has endured inhumane detention conditions and severe physical and psychological deterioration. He faces a real and imminent risk of removal, transfer, or deportation to a third country without prior notice or judicial review.

### **III. LEGAL STANDARD FOR TRO**

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

### **IV. ARGUMENT**

A. Likelihood of Success on the Merits. Petitioner has shown a strong likelihood of success on his habeas claims, including unlawful seizure, arbitrary and punitive civil detention, unconstitutional conditions of confinement, and denial of medical care, all in violation of the Fourth and Fifth Amendments.

B. Irreparable Harm. Removal, transfer, or third-country deportation would cause irreparable harm, including permanent separation from family, exposure to persecution, and loss of this Court's jurisdiction.

C. Balance of Equities. Temporary restraint imposes minimal burden on Respondents while preventing catastrophic harm.

D. Public Interest. The public interest is served by preserving constitutional rights and judicial review.

### **V. REQUEST FOR RELIEF**

Petitioner respectfully requests that this Court issue a Temporary Restraining Order:

1. Prohibiting Respondents from removing Petitioner from the United States;
2. Prohibiting Respondents from transferring Petitioner from Broward Transitional Center;
3. Prohibiting Respondents from deporting Petitioner to any third country;
4. Preserving the Court's jurisdiction pending final resolution of this action.

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### **PROPOSED ORDER**

THIS CAUSE having come before the Court on Petitioner's Emergency Motion for Temporary Restraining Order, and the Court being otherwise fully advised, it is hereby:

ORDERED AND ADJUDGED that:

