

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

LOPES-FERREIRA SOUZA, CLEITON,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,
Secretary of the U.S. Department of
Homeland Security;

PAMELA BONDI, in her Official Capacity,
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official
Capacity, Philadelphia Office Director for
Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as
Warden of Federal Department of Corrections
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. _____

Magistrate Judge: _____

No request for jury trial

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE**

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Immigration Habeas Case

INTRODUCTION

Petitioner, by and through undersigned counsel, respectfully moves this Court pursuant to Fed. R. Civ. P. 65(b), 28 U.S.C. § 2241, and Local Civil Rule 65.1 for an Emergency Temporary Restraining Order to prevent imminent and irreparable harm arising from Petitioner's unlawful detention and/or transfer or removal while the accompanying Petition for Writ of Habeas Corpus is pending.

FACTUAL BACKGROUND

1. Petitioner is a citizen and a national of Brazil, currently detained in Philadelphia, Pennsylvania, within the jurisdiction of this Court.
2. Petitioner's prior immigration case was closed in 2023.
3. Petitioner is currently married to a USC spouse and has two USC minor children.
4. Since he entered the U.S., and to this day, Petitioner has not committed any crimes.
5. ICE arrested Petitioner this morning as he was preparing his 13-year-old son for school.
6. Removal before adjudication of the habeas petition will cause irreparable harm, including the possibility/probability of being subjected to violence, loss of legal rights, and potential persecution.

LEGAL STANDARD

Under Fed. R. Civ. P. 65(b) and E.D. Pa. Local Civil Rule 65.1, a TRO may issue without notice to the adverse party if specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury will result before the adverse party can be heard. The Third Circuit applies the four-factor test:

1. Likelihood of success on the merits.
2. Irreparable harm absent relief.
3. Balance of equities; and
4. Public interest. *See Kos Pharm., Inc. v. Andrx Corp.*, 369 F.3d 700 (3d Cir. 2004).

ARGUMENT

1. Likelihood of Success – Petitioner's detention/removal violates statutory and constitutional protections, including due process under the Fifth. and the Fourteenth amendments
2. Irreparable Harm – Deportation before judicial review would permanently deprive Petitioner of the ability to pursue lawful relief.
3. Balance of Equities – The harm to Petitioner outweighs any administrative burden on Respondents.

4. Public Interest – Upholding constitutional rights and ensuring lawful process serves the public interest.

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Order the IMMEDIATE release of Petitioner.
2. Issue a Temporary Restraining Order Enjoining Respondents from removing Petitioner from New Jersey until final resolution of the Habeas petition.
3. Order Respondents to show cause why a preliminary injunction should not be issued; and
4. Grant such other relief as the Court deems just and proper.

PROPOSED ORDER

AND NOW, this ____ day of _____, 2026, upon consideration of Petitioner's Emergency Motion for Temporary Restraining Order, it is hereby ORDERED that:

1. Respondents, and all persons acting on their behalf, are temporarily restrained from removing Petitioner from Philadelphia, Pennsylvania, pending further order of this Court;
2. Respondents shall appear before this Court on the ____ day of _____, 2026, at : __. m., to show cause why a preliminary injunction should not issue; and
3. This Order shall remain in effect until further order of the Court.

Dated: February 25, 2026

J. _____

CERTIFICATE OF SERVICE

On February 25, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 25, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
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Philadelphia, PA 19140
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