

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

K.Y.C.C.,	)	
	)	
Petitioner,	)	
	)	Case No. 1:26-cv-2506
v.	)	
	)	
KRISTI NOEM, Secretary of Homeland	)	
Security;	)	
ROBERT F. KENNEDY, JR., Secretary of	)	
Health and Human Services;	)	
ANGIE SALAZAR, Acting Director of the Office	)	
Of Refugee Resettlement;	)	
DAVID SINSKI, Chief Executive and Vision	)	
Officer of Heartland Human Care Services,	)	
	)	
Respondents.	)	

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

1. Petitioner is an “unaccompanied minor,” a noncitizen held in custody by the federal government. He filed a petition for a writ of habeas corpus last night. He is informed that he will be transferred out of the district sometime this afternoon. He asks the Court for an order temporarily restraining Respondents from transferring him out of the district.

2. In mid-2025, the Respondents altered regulatory and subregulatory procedures governing the “reunification” of detained immigrant children with family members. The upshot was that release of immigrant children dwindled to a

trickle, children were detained for longer and longer periods, and only infrequently reunified with family members. The habeas petition challenges the legality of those new rules.

3. The Petitioner is currently detained in a facility in Chicago. Petitioner understands that he will be transferred away from Chicago later today. He has been in the Chicago area for several months, and has obtained pro bono representation from a nonprofit agency.

4. Courts deciding whether to grant a TRO or preliminary injunction weigh four factors: (i) they will suffer irreparable harm unless the injunction is issued; (ii) they have a substantial likelihood of prevailing on the merits; (iii) the threatened injury outweighs any harm that the preliminary injunction may cause the opposing party; and (iv) the injunction will not adversely affect the public interest. *Winter v. Nat'l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). In the Seventh Circuit, once the moving party establishes “some likelihood of succeeding on the merits” and that irreparable harm will occur in the absence of a TRO, the court performs a sliding scale evaluation of the factors which requires a lesser showing on the other factors if an individual demonstrates greater likelihood of success on the merits or that their irreparable harm outweighs any anticipated harm from a TRO. *Cassell v. Snyders*, 900 F.3d 539 (7th Cir. 2021).

5. Petitioner has a significant likelihood of prevailing on the merits of his claim. The appropriate standard for likelihood of success on the merits is “some likelihood.” *Mays v. Dart*, 974 F.3d 810, 822 (7th Cir. 2020); *Singer Mgmt.*

Consultants, Inc. v. Milgram, 650 F.3d 223, 229 (3d Cir. 2011) (en banc). As he demonstrated in his petition, the statute and regulations impose duties on the Respondents to promptly reunify immigrant children with their parents or family members. The Respondents new rules slow or entirely stop this process, and are inconsistent with these statutory duties.

6. Petitioner will suffer irreparable harm from transfer. To be clear, the Court's jurisdiction to entertain the habeas petition would not be affected. *Ex Parte Endo*, 323 U.S 283, 304-05 (1944). However, transfer will affect Petitioner's ability to speak with his attorneys, and will affect his ability to advocate for reunification or release. This would tend to slow resolution of his case, extending his already lengthy detention, thus imposing irreparable harm on him. Transfer would also affect his ability to continue to receive free representation from his current counsel.

7. The Respondents have detained Petitioner in the Chicago area for several months, and are currently detaining numerous other immigrant children in this area. While there may be minor administrative costs to keeping Petitioner in this district, Respondents would suffer no actual harm from keeping him here.

8. The harm to Petitioner if transferred, however, would be significant. The balance of equities tilts sharply in Petitioner's favor.

REQUESTS FOR RELIEF

Petitioner respectfully urge that this court temporarily enjoin the Respondents from moving him out of the district without the court's approval.

Respectfully submitted,

/s/ Charles Roth

Charles Roth

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Date: March 6, 2026

CERTIFICATE OF SERVICE

I, Charles Roth, hereby certify that on March 6, 2026, I electronically filed the foregoing Motion with the Clerk of the Court for the United States District Court for the Northern District of Illinois by using the CM/ECF System. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: March 6, 2026

s/ Charles Roth
Charles Roth