

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

ROMEIRO CUSTODIO OLIVEIRA, Adriano

Petitioner,

v.

JAMISON, J.L., et al,

Respondents

Case No. **2:26-cv-01904**

**PETITION FOR
WRIT OF HABEAS CORPUS**

**PETITIONER’S MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 2241 and Federal Rules of Civil Procedure 65, Petitioner hereby moves for a temporary restraining order (TRO) and subsequent preliminary injunction to order the release of Petitioner from detention, and restrain and enjoin Respondents from re-detaining Petitioner absent a pre-deprivation hearing that complies with due process. In support of this motion, Petitioner states as follows:

1. As set forth in Petitioner’s Petition for Writ of Habeas Corpus, Respondents unlawfully detained Petitioner on March 23, 2026 in violation of the Fifth Amendment Due Process Clause of the U.S. Constitution. Respondents have also denied Petitioner his statutory right to a bond hearing under the Immigration and Nationality Act (INA) and its regulations.
2. As set forth in the Memorandum of Law in support of this motion, Petitioner has satisfied the four-part test for the issuance of a TRO. Petitioner is likely

to succeed on the merits of his claim that his detention without any individualized determination as to whether he constitutes a danger to the community or a flight risk violates Petitioner's due process rights under the Fifth Amendment of the U.S. Constitution. Petitioner and his family will suffer irreparable harm absent injunctive relief due to the emotional and financial turmoil caused by Respondents' ongoing detention of Petitioner. Moreover, the public interest and the balancing of the equities favor granting relief here, as Respondents have no cognizable interest in detaining Petitioner in violation of his statutory and constitutional rights. In support of these claims, Petitioner will rely on the supporting documentary evidence, Exhibits A-B.

3. Through undersigned counsel, Petitioner gave notice to Assistant U.S. Attorney Gerald Sullivan about the filing of this motion for TRO, and sent him copies of this motion, the accompanying memorandum of law, and proposed order by e-mail. Additionally, Mr. Sullivan receives all documents filed in this matter through the electronic filing system (ECF) system.
4. Petitioner humbly requests that the Court immediately schedule a hearing or issue a TRO enjoining Respondents from continuing to detain Petitioner in violation of his rights under both the INA and the U.S. Constitution. Petitioner

also requests that the Court enjoin Respondents from re-detaining Petitioner without first providing a pre-deprivation hearing.

WHEREFORE, Petitioner respectfully request that the Court enter a temporary restraining order to enjoin Respondents from continuing to detain Petitioner.

Dated: March 31, 2026

Respectfully submitted,

/s/Caitlin Barry

PA 205501

Farmworker Legal Aid Clinic

Villanova University Charles Widger School
of Law

299 N. Spring Mill Rd.

Villanova PA 19085

Pro Bono Counsel for Petitioner

Exhibit List

A. Order of Release on Recognizance, dated December 31, 2021

B. Notice to Appear, dated December 31, 2021

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**MEMORANDUM OF LAW IN SUPPORT OF
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INTRODUCTION

On March 23, 2026, DHS detained Mr. Romeiro Custodio Oliveira in Northeast Philadelphia after stopping a car he was riding in. ICE officials presented no warrant and offered no explanation for their decision to arrest Petitioner. Respondents then detained Mr. Romeiro Custodio Oliveira at the Philadelphia Federal Detention Center. Petitioner filed a Petition for a Writ of Habeas Corpus the day of his arrest, and Respondents filed an Answer on March 24, 2026. The Petition challenges Petitioner's detention by ICE officials without due process of law.

Because Petitioner is likely to succeed on these claims, and as Petitioner's ongoing unlawful detention constitutes irreparable harm, Petitioner now moves the Court for a Temporary Restraining Order and Preliminary Injunction. The Court should grant Petitioner's immediate release from his unlawful detention and enjoin Respondents from re-detaining Petitioner without a hearing that complies with due process.

NOTICE TO RESPONDENTS

Counsel for Petitioner has served Respondents with a copy of the Petition for a Writ of Habeas Corpus. ECF 1. Counsel for Respondents, Assistant U.S. Attorney Gerald Sullivan, is now receiving all filings in this matter through the electronic court filing (ECF) system. On March 31, 2026, Counsel for the Petitioner informed

Mr. Sullivan by email that Petitioner would be filing this Motion for a Temporary Restraining Order and Preliminary Injunction and emailed a copy of this Motion, Memorandum of Law, and Proposed Order to Mr. Sullivan.

FACTUAL BACKGROUND

Petitioner is briefly detained in 2021 after entering the United States and then released “in accordance with section 236” of the INA.

On December 31, 2021, Mr. Romeiro Custodio Oliveira entered the United States by crossing the southern border and immediately turned himself in to immigration authorities. Mr. Romeiro Custodio Oliveira intended to seek asylum in the United States. The next day, Border Patrol released Mr. Romeiro Custodio Oliveira. The Order of Release on Recognizance states that Mr. Romeiro Custodio Oliveira was being released “in accordance with section 236” of the INA. See Ex. A. Border Patrol also served Mr. Romeiro Custodio Oliveira with a Notice to Appear that stated the date and time of his hearing in the Philadelphia Immigration Court would be determined a future date. See Ex. B.

Petitioner and his family settle in Philadelphia

Mr. Romeiro Custodio Oliveira traveled to Philadelphia and established a home with his wife and children. He found work as a carpenter and supported his family with his income.

Following his release, Mr. Romeiro Custodio Oliveira never received any communication from immigration authorities regarding his court date. Upon

knowledge and belief, Respondents never filed the Notice to Appear with the Philadelphia Immigration Court and no hearings were scheduled in Mr. Romeiro Custodio Oliveira's immigration proceedings until his detention. Mr. Romeiro Custodio Oliveira never failed to comply with any requirements, because Respondents chose not to impose any after Mr. Romeiro Custodio Oliveira's release in 2021.

Without warning, Petitioner is arrested by ICE officers in northeast Philadelphia

On March 23, 2026, Mr. Romeiro Custodio Oliveira was on his way to work when ICE agents stopped the car he was riding in. Without any explanation as to why his previous Order of Release on Recognizance was being revoked, ICE agents detained Mr. Romeiro Custodio Oliveira. The officer who informed Mr. Romeiro Custodio Oliveira that he was being taken into custody gave no rationale for why he was arresting Mr. Romeiro Custodio Oliveira. ICE officials transported Mr. Romeiro Custodio Oliveira to the Federal Detention Center in Philadelphia.

Mr. Romeiro Custodio Oliveira filed his Petition for Writ of Habeas Corpus on March 23, 2026. ECF 1. Respondents filed an Answer to the Habeas Petition on March 24, 2026. ECF 3. Mr. Romeiro Custodio Oliveira was transferred by Respondents to the Moshannon Valley Processing Center on March 27, 2026 where he remains detained.

Mr. Romeiro Custodio Oliveira now moves for a Temporary Restraining Order and Preliminary Injunction due to the irreparable harm that he and his family will face if his unlawful detention continues.

LEGAL STANDARD

On motion for a temporary restraining order, the movant “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Cerro Fabricated Prod. LLC v. Solanick*, 300 F. Supp. 3d 632, 647 n.5 (M.D. Pa. 2018) (“The standard for granting a preliminary injunction under Rule 65 is the same as that for issuing a TRO.”)

ARGUMENT

I. Petitioner has Standing and Habeas Relief is Appropriate.

Petitioner’s 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus is the proper vehicle for his claims. Non-citizens subject to immigration detention can bring as-applied challenges to their confinement through the filing of a Petition for a Writ of Habeas Corpus under Section 2241. *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 208 (3rd Cir. 2020).

II. Petitioner Meets his Burden for a Temporary Restraining Order.

A. Petitioner is Likely to Succeed on the Merits

1. Petitioner is likely to succeed on the merits of his due process claim because Respondents re-detained him without making any individualized determination.

As set forth in Mr. Romeiro Custodio Oliveira Romeiro Custodio Oliveira’s Petition for Writ of Habeas Corpus, Respondents re-detained him at the March 23, 2026 without giving him due process of law. Specifically, Respondents did not make any individualized determination as to whether he is either danger to the community or a flight risk.

The Fifth Amendment’s Due Process Clause prevents the Government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. amend. V. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment—from government custody, detention or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects.” *Zadvydas*, 533 U.S. at 690 (citations omitted). The Supreme Court has stated that these due process protections extend to non-citizens, including those in removal proceedings like Mr. Romeiro Custodio Oliveira. *Id.* at 693 (“[T]he Due Process clause applies to all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.”); *Reno*

v. Flores, 507 U.S. 292, 306 (1993). Our nation’s highest court has recently reiterated this principle. *See Trump v. J.G.G.*, 45 S. Ct. 1003, 1006 (2025) (“It is well established that the Fifth Amendment entitles [non-citizens] to due process of law’ in the context of removal proceedings.”) (citations omitted).

The Third Circuit has held that the *Mathews v. Eldridge* three-factor balancing tests applies when determining the adequacy of legal process necessary to justify civil immigration confinement. *See German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203, 213 (3d Cir. 2020) (citing *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)). The determination of what procedures are required under the Fifth Amendment requires consideration of: (1) the private interest that will be affected by the official action; (2) the risk of erroneous deprivation of that interest through the procedures used; and (3) the Government’s interest, including the fiscal and administrative burdens that the additional or substitute procedures would entail. *Mathews*, 424 U.S. at 335.

In evaluating the first prong of the *Mathews* test, Mr. Romeiro Custodio Oliveira faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). An individual’s liberty cannot be curtailed without “adequate, procedural protections.” *Zadvydas*, 533 U.S. at 690. Mr. Romeiro Custodio Oliveira was arrested by ICE on March 23, 2026, and

has been held without the possibility of bail since that time. Mr. Romeiro Custodio Oliveira's liberty interest is clearly established.

With respect to the second prong of the *Mathews* test, it is evident that Respondents have deprived Mr. Romeiro Custodio Oliveira of his liberty without any individualized assessment of his circumstances. “[P]ending a decision on whether [an non-citizen] is to be removed from the United States,” the Attorney General “may...detain” the non-citizen or “may release” the non-citizen on “bond” or “conditional parole”. 8 U.S.C. § 1226(a). But before Respondents may exercise their discretion to detain non-citizens, “§ 1226(a) and its implementing regulations require ICE officials to make an individualized custody determination.” *Benitez v. Francis*, 2025 WL 2371588, at *10 (S.D.N.Y. Aug. 13, 2025) (quoting *Velesaca v. Decker*, 458 F. Supp. 3d 224, 241 (S.D.N.Y. 2020)).

Critically, “the regulations implementing § 1226(a) delegate to DHS officers the authority to grant bond or condition parole, and pursuant to such authority, a DHS officer must make an individualized determination as to the appropriateness of detention based on two factors—whether the non-citizen is a ‘danger to property or persons’ and is ‘likely to appear for any future proceeding.’” *Benitez*, WL 2371588, at *10 (citing 8 C.F.R. §§ 236.1(c)(8); 1236.1(c)(8)). If DHS takes the non-citizen into custody, this “initial custody determination” made by the DHS officer may be appealed to an immigration judge. 8 C.F.R. §§ 236.1(d)(1); 1236.1(d)(1).

It is evident that Respondents did not provide Mr. Romeiro Custodio Oliveira with the type of pre-custody process set forth in the regulations. Mr. Romeiro Custodio Oliveira was arrested without notice that he would be detained. Moreover, there was no change in Mr. Romeiro Custodio Oliveira's circumstances between the time of his December 31, 2021 release from detention to the March 23, 2026 arrest that might have served as a rationale for Respondents' actions. It is evident that the absence of procedures led to the erroneous deprivation of Mr. Romeiro Custodio Oliveira's liberty here.

Turning to the third and final prong of the *Mathews* analysis, "the Attorney General's discretion to detain individuals under 8 [] U.S.C. [§] 1226(a) is valid where it advances a legitimate government purpose," such as "ensuring the appearance of [non-citizens] at future immigration proceedings and preventing danger to the community." *Valdez*, 2025 WL 1707737, at 84 (quoting *Velasco Lopez*, 978 F.3d at 854; *Zadvydas*, 533 U.S. at 690). Here, there is nothing to suggest that Mr. Romeiro Custodio Oliveira is a flight risk or danger to the community. Rather, the evidence before the Court demonstrates that Mr. Romeiro Custodio Oliveira is not a flight risk or a danger to the community. In their Answer, Respondents provided no evidence of any criminal history or any failure to comply with the requirements of immigration proceedings. Accordingly, Respondents cannot demonstrate that there is a significant interest in Mr. Romeiro Custodio

Oliveira's continued detention.

Respondents' ongoing detention of Mr. Romeiro Custodio Oliveira "with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond violates his due process rights." *J.U. v. Maldonado*, 2025 WL 2772765, at * 10 (E.D.N.Y. Sept. 29, 2025). The Court should order Mr. Romeiro Custodio Oliveira's release and enjoin Respondents from detaining him again without a pre-deprivation hearing. *See Castellanos v. Kaiser*, 2025 WL 2689853, at *4 (N.D. Cal. Sept. 18, 2025) ("[T]he Court finds that the three factors relevant under the *Mathews v. Eldridge* test...weigh in favor of Petitioners being immediately released from custody, and that they be given notice and a pre-detention hearing before a neutral decisionmaker prior to being taken back into custody.")

2. Petitioner is likely to demonstrate that Respondents violated the Immigration and Nationality Act and its regulations in subjecting Petitioner to mandatory detention under 8 U.S.C. § 1225(b)(2).

For nearly three decades prior, Mr. Romeiro Custodio Oliveira would have likely been home with his family after an Immigration Judge granted him bond pursuant to the Attorney General's discretionary detention authority at 8 U.S.C. § 1226(a). Instead, Respondents have adopted a position, enshrined in the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that for the first time deems all non-citizens who are present in the United States without admission subject to the mandatory detention authority at 8 U.S.C. § 1225(b).

Along with hundreds of other federal courts across the country, this Court has rejected Respondent's position in several previous cases and concluded that individuals who have been residing in the United States are not subject to mandatory detention under § 1225(b)(2) because they are not "seeking admission" to the United States at the border. *Lopez Ferreira Souza v. Noem*, No. 2:26-cv-01206-KNS at 2 (E.D. of Pa. March 3, 2026) ("This Court therefore grants Petitioner's request for immediate release, given that his detention under 8 U.S.C. § 1225(b)(2)(A) violates the INA."); *Lotero Cano v. Jamison*, No. 2:26-cv-01140-KNS (E.D. of Pa. March 3, 2026) (same). This is the interpretation that comports with the plain meaning of the statute. This reading not only gives meaning to the words "seeking admission", but it also aligns with the Supreme Court's guidance from *Jennings* where the Court stated that § 1225(b) "applies primarily to [non-citizens] seeking entry into the United States," those who are "seeking admission into the country." *Jennings*, 583 U.S. at 285, 289, 297.

Finally, Mr. Romeiro Custodio Oliveira is likely to succeed because prior to his arrest on March 23, 2026, Respondents treated Mr. Romeiro Custodio Oliveira as a non-citizen subject to § 1226(a)'s discretionary detention authority. After Mr. Romeiro Custodio Oliveira's initial detention in December 2021, Customs and Border Patrol officials released him on an Order of Release on Recognizance. Exh. A. The Order states: "[y]ou have been arrested and placed in removal proceedings.

In accordance with section 236 of the Immigration and Nationality Act....you are being released on your own recognizance provided you comply with the following conditions.” *Id.* Had Respondents initially detained Mr. Romeiro Custodio Oliveira in December 2021 pursuant to § 1225(b)(2), he would not have been released on his own recognizance because release on parole pursuant to 8 U.S.C. § 1182(d)(5) is the only “express exception” to mandatory detention under § 1225(b) and “there are no *other* circumstances under which [non-citizens] detained under § 1225(b) may be released.” *Jennings*, 583 at 300.

Accordingly, the Court should find that Mr. Romeiro Custodio Oliveira is likely to succeed on his claim that his mandatory detention without the possibility of bond conflicts with the Immigration and Nationality Act and its regulations because § 1225(b)(2) applies only to non-citizens who are actively, *i.e.* affirmatively, “seeking admission” to the United States.

B. Petitioner will suffer irreparable harm in the absence of preliminary relief.

The fact that Petitioner remains detained unlawfully is sufficient to establish irreparable harm. *Gudino v. Lowe*, 785 F. Supp. 3d 27, 46 (M.D. Pa. 2025) (“In the immigration context, unlawful detention is a sufficient irreparable injury.”); *Samassa v. Lowe*, No. 1:25-CV-02197, 2025 U.S. Dist. LEXIS 260251, at *6 (M.D. Pa. Dec. 17, 2025) (“The harm threatened here is the deprivation of liberty due to an unlawful detention. That is a sufficient injury for the purposes of a motion for a

TRO.”); *Del Cid v. Bondi*, No. 3:25-cv-00304, 2025 U.S. Dist. LEXIS 209136, at *48 (W.D. Pa. Oct. 23, 2025) (“The Court finds that Petitioners have clearly shown a likelihood of irreparable harm in the absence of injunctive relief.”)

In addition to the deprivation of liberty, absent the granting of this request for injunctive relief, Mr. Romeiro Custodio Oliveira and his family face financial ruin, homelessness, and substantial harm to Mr. Romeiro Custodio Oliveira’s minor children. The toll of sudden and now prolonged family separation has caused considerable turmoil for Mr. Romeiro Custodio Oliveira and his loved ones.

Other courts that have recently considered similar claims in which non-citizens have been denied bond hearings have found that the suffering resulting from unjustified family separation constitutes irreparable harm sufficient to grant injunctive relief. *See E.C v. Noem*, WL 2916264, at *2 (D. Nev. Oct. 14, 2025) (“Because the Court further finds that Petitioner’s prolonged detention without a bond hearing is causing immediate irreparable harm to Petitioner and his family, and the balance of the equities and public interest tip sharply in his favor, the Court grants Petitioner’s Motion and enjoins Respondents from continuing to deprive him of the opportunity for release on bond on the basis that he is subject to mandatory detention under § 1225(b)(2) or § 1226(c).”); *Guerrero Orellana v. Moniz*, 2025 WL 2809996, at *9 (D. Mass. Oct. 3, 2025) (“During this time, he would be separated from his wife and child, whom he supports financially. The toll of this detention and family

separation was evident at the preliminary injunction hearing, where Guerrero Orellana became emotional. This loss of liberty in the absence of preliminary injunctive relief would constitute irreparable harm.”); *S.D.B.B. v. Johnson*, 2025 WL 2845170, at *10 (M.D.N.C. Oct. 7, 2025) (“He faces a period of mandatory detention without a bond hearing, likely in violation of the statutory scheme. During his time detained, Petitioner is separated from his wife and family, whom he supports financially, and he confronts ongoing risks to his safety and health. This loss of liberty in the absence of a TRO would constitute irreparable harm.”); *Garcia Domingo v. Castro*, 2025 WL 2941217, at *4 (D.N.M. Oct. 15, 2025) (“Indeed, Petitioner has shown that his children suffer greatly from his sudden absence in their lives. Moreover, it is well-established that “the infringement of a constitutional right” is enough to show irreparable harm. As such, ‘no further showing of irreparable injury’ is necessary.”).

C. The Public Interest and the Balance of the Equities Weigh in Favor of Granting Injunctive Relief.

Finally, the third and fourth preliminary injunction factors – the balance of the equities and the public interest – “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). “It is always in the public interest to prevent the violation of a party’s constitutional rights.” *Buck v. Stankovic*, 485 F. Supp. 2d 576, 586-587 (M.D. Pa. 2007) (internal quotation marks and citations omitted).

Here, the harm to Respondents is minimal because there cannot be a significant public interest in upholding an unlawful policy that arbitrarily restrict the liberty of a large class of individuals. *Rico-Tapia v. Smith*, , 2025 WL 2950089, at *9 (D. Haw. Oct. 10, 2025) (“Public interest also weighs in Rico-Tapia's favor, as an injunction ensures that Respondents’ actions comply with the Constitution.”). While Respondents undoubtedly have some interest in exercising their immigration enforcement powers, that prerogative cannot be at the expense of the constitutional and statutory rights of non-citizens like Mr. Romeiro Custodio Oliveira. *See Alvarez Chavez v. Kaiser*, 2025 WL 2909526, at *6 (N.D. Cal. Oct. 9, 2025) (“The public interest favors due process and family unity over unchecked detention.”)

Mr. Romeiro Custodio Oliveira also presents significant equities in his favor, particularly the emotional turmoil and financial hardship that Respondents have imposed on Mr. Romeiro Custodio Oliveira and his family. For these reasons, both the public interest and the balancing of the equities favor granting Mr. Romeiro Custodio Oliveira’s request for injunctive relief.

D. The Court Should Not Require Petitioner to Provide Security Prior to Issuing a Temporary Restraining Order.

Federal Rule of Civil Procedure 65(c) provides that “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.”

However, Rule 65(c) invests the district court with discretion as to the amount of security required and whether to waive the requirement altogether. *Temple Univ. v. White*, 941 F.2d 201, 219 (3d Cir. 1991).

In deciding whether to waive the security requirement in noncommercial cases, the Third Circuit considers the possible loss to the enjoined party, the hardship that a bond requirement would impose on the applicant, and the special nature of suits to enforce important federal rights or public interests. *Id.* District courts routinely exercise this discretion to require no security in cases brought by indigent and/or incarcerated people. *See, e.g., S. Camden Citizens in Action v. N.J. Dep't of Env'tl. Prot.*, 145 F. Supp. 446, 504 (D.N.J. 2001) (indigent and non-profit plaintiffs enforcing civil rights); *Simcox v. Delaware County*, No. 91-6874, 1992 WL 97896, at *6 (E.D. Pa. May 5, 1992). This Court should do the same here.

CONCLUSION

For the reasons stated, the Court should grant Petitioner's Motion for a Temporary Restraining Order and Preliminary Injunction and order that Respondents immediately release Petitioner and enjoin Respondents from re-detaining Petitioner without a pre-deprivation hearing. In the alternative, the Court should order that a bond hearing be held.

Dated: March 31, 2026

Respectfully submitted,

s/Caitlin Barry

PA 205501

Farmworker Legal Aid Clinic

Villanova University Charles Widger School
of Law

299 N. Spring Mill Rd.

Villanova PA 19085

Pro Bono Counsel for Petitioner

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Case No. **2:26-cv-01904**

**PETITION FOR
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**[PROPOSED] ORDER GRANTING PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

COME NOW, this _____ day of _____, 2026 after consideration of Petitioner's Petition for Writ Habeas Corpus, Motion for Temporary Restraining Order, Petitioners' Memorandum of Law in Support of Petitioner's Motion for Temporary Restraining Order, and the Exhibits submitted in support of the Petition and Motion; and it appearing that Petitioner will suffer immediate and irreparable harm, injury, and damage from Respondents' conduct unless they are enjoined and restrained as requested in Petitioners' Motion, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The Court makes the following findings:
 - a. Petitioner is likely to succeed on the merits of his claim that his March 23, 2026 detention by Respondents without an individual

determination into whether he poses a danger to the community or a flight risk violates the Fifth Amendment of the U.S. Constitution;

- b. Petitioner is likely to succeed on the merits of his claim that his continued civil immigration detention without a bond hearing violates the Immigration and Nationality Act and its regulations;
- c. Petitioner will suffer substantial and irreparable injury unless this Order is entered;
- d. Greater injury will be inflicted upon Petitioner by the denial of the requested relief than will be inflicted upon Respondents by the granting of the requested relief;
- e. Petitioner has no adequate remedy at law; and
- f. The public interested will be served by the Order.

2. IT IS THEREFORE ORDERED THAT

- a. Respondents, together with their representatives, agent, servants, and all others acting on their behalf or in concert with them, are hereby ENJOINED and RESTRAINED, until further Order of the Court, from continuing to detain Petitioner;
- b. Respondents, together with their representatives, agent, servants, and all others acting on their behalf or in concert with them, SHALL IMMEDIATELY RELEASE PETITIONER.

- c. Respondents, together with their representatives, agent, servants, and all others acting on their behalf or in concert with them, are hereby ENJOINED and RESTRAINED, until further Order of the Court, from re-detaining Petitioner absent a pre-deprivation hearing that complies with due process.
3. Petitioner, by his attorneys, agents, or other designees may serve copies of this Order upon any person acting in concert or participating with them in the activities referred to above.

BY THE COURT

United States District Judge

U.S. Department of Homeland Security

Order of Release on Recognizance

File No: 
 Date: December 31, 2021
 Event No: 

Name: ADRIANO ANTONIO ROMEIRO CUSTODIO OLIVEIRA

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

☒ You must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review.

☒ You must surrender for removal from the United States if so ordered.

☐ You must report in (~~writing~~) (person) to _____

(Name and Title of Case Officer)

at _____

(Location of DHS Office)

on _____

(Day of each week or month)

at _____

(Time)

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

☒ You must not change your place of residence without first securing written permission from the immigration officer listed above.

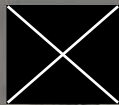
☒ You must not violate any local, State, or Federal laws or ordinances.

☒ You must assist the Department of Homeland Security in obtaining any necessary travel documents.

☐ Other: _____

☐ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by the Department of Homeland Security.



(Signature of DHS Official)

EFRAIN BLAS

(A) WATCH COMMANDER

(Printed Name and Title of Official)

Alien's Acknowledgment of Conditions of Release on Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the PORTUGUESE language) and understand the conditions of my release as set forth in this order. I further understand that if I do not comply with these conditions, the Department of Homeland Security may revoke my release without further notice.

JACOB GLEASON

(Signature of Immigration Officer Serving Order)

Adriano Antonio Romeiro Custodio Oliveira

(Signature of Alien)

12/31/2021

(Date)

Cancellation of Order

I hereby cancel this order of release because: ☐ The alien failed to comply with the conditions of release.

☐ The alien was taken into custody for removal.

(Signature of Immigration Officer Canceling Order)

(Date)

