

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Carlos Julio MEDINA GARCIA

Petitioner,

No. 8:26-cv-01269-GLR

v.

Kristi Noem, et. al

Respondents.

**PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND
MEMORANDUM IN SUPPORT THEREOF**

MOTION AND MEMORANDUM OF LAW

Petitioner Carlos Julio MEDINA-GARCIA respectfully moves this Honorable Court for an emergency temporary restraining order preventing his continued detention, in violation of, *inter alia*, his constitutional rights.

I. INTRODUCTION

Petitioner is a fifty-six-year-old native and citizen of Colombia who has resided in the United States for decades. Petitioner entered the United States on August 21, 2022, and subsequently applied for asylum, withholding of removal, and protection under the Convention Against Torture.

On October 16, 2025, Petitioner reported to ICE in Baltimore and was detained by ICE officials without a warrant. Petitioner thereafter filed a petition for writ of habeas corpus. He was later released under supervision by ICE, and that habeas petition was voluntarily dismissed.

Following his release, Petitioner complied fully with the conditions of his supervision and consistently reported as directed by ICE and ISAP. He reported to ICE/ISAP on Friday, March 27, 2026, and also had a home visit scheduled for Wednesday, April 1, 2026. However, on March 30, 2026, Petitioner was contacted and instructed to report in person to ICE/ISAP on March 31, 2026. On March 31, 2026, when Petitioner appeared as directed and accompanied by counsel, ICE officers again re-arrested him without a warrant and re-detained him. He is currently being held at the ICE Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland. **Petitioner suffers from medical conditions and takes heart medication, which he does not currently have with him.**

As set forth in his Petition for Writ of Habeas Corpus, Petitioner challenges this unlawful re-arrest and re-detention on multiple grounds, including violations of the Fifth Amendment's Due

Process Clause, the Fourth Amendment, the Administrative Procedure Act, and 28 U.S.C. § 1361. Recent federal court decisions, including *Lemus Cardona v. Noem*, No. 8:26-cv-00606-DLB (D. Md. Mar. 5, 2026), *Funes v. Francis*, 2025 WL 3263896 (S.D.N.Y. Nov. 24, 2025), *Cherisme v. Moniz*, 2025 WL 3759531 (D. Mass. Dec. 30, 2025), *Santamaria Orellana v. Baker*, 2025 WL 2444087 (D. Md. Aug. 25, 2025), *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017), and *Ceesay v. Kurzdoerfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025), have recognized that re-detention after release under supervision, without notice or a meaningful opportunity to be heard, raises grave constitutional concerns and warrants habeas relief. Petitioner therefore seeks an emergency temporary restraining order to halt his ongoing unlawful detention and secure his immediate release.

II. FACTUAL BACKGROUND

A. Petitioner MEDINA-GARCIA's background and case posture

Petitioner Carlos Julio MEDINA GARCIA is a fifty-six-year-old native and citizen of Colombia. He entered the United States on or about August 21, 2022. Thereafter, he applied for asylum, withholding of removal, and protection under the Convention Against Torture. On October 9, 2024, an Immigration Judge in Hyattsville granted him withholding of removal.

On October 16, 2025, Petitioner reported to ICE in Baltimore and was detained by ICE officials without a warrant. He subsequently filed a petition for a writ of habeas corpus challenging that detention. Petitioner was later released under an Order of Supervision, and the habeas petition was voluntarily dismissed.

After his release, Petitioner complied with all conditions imposed by ICE. He consistently appeared for reporting appointments and remained under supervision without incident. He reported to ICE/ISAP on Friday, March 27, 2026, and had also been scheduled for a home visit on

Wednesday, April 1, 2026. Nevertheless, on March 30, 2026, Petitioner was instructed to appear in person at ICE/ISAP the following day, March 31, 2026. When he complied with that instruction and appeared with counsel on March 31, 2026, ICE officers abruptly re-arrested him without a warrant, revoked his supervised release without prior notice and without any hearing, and placed him into detention. He is presently confined at the Baltimore ICE Field Office.

Petitioner suffers from medical conditions and has been prescribed heart medication, which he does not have with him. Petitioner has strong family and community ties in the United States, including his U.S. citizen sister. He also has employment and local counsel in Maryland. Petitioner has no criminal record. Importantly, he has already been granted withholding of removal and has demonstrated compliance with every reporting obligation ICE imposed on him. There is no indication that he presents a danger to the community or a flight risk.

Despite Petitioner's longstanding compliance and significant equities, Respondents abruptly revoked his supervised liberty and re-detained him without advance notice, without an opportunity to be heard, and without any individualized explanation for why detention was suddenly necessary.

III. Executive Orders and Respondents' Blanket Policy

On January 20, 2025, President Donald Trump signed several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order ("EO") setting out a series of interior immigration enforcement actions. This EO instructs the DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures "that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal."

These actions have resulted in Respondents adopting a blanket policy, where ICE is currently arresting, detaining, and removing people like Petitioner, without an individualized consideration of their cases. Under these new policies, ICE/ERO has detained Petitioner.

IV. LEGAL STANDARDS

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008). The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011).

As an alternative to this test, a preliminary injunction is appropriate if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 813 (4th Cir. 1991).

V. ARGUMENT

Petitioner’s Motion for a Temporary Restraining Order should be granted because he is likely to suffer irreparable harm in the absence of preliminary relief, he is likely to succeed on the merits, and the balance of the equities and public interest weigh in favor of emergency relief.

Alternatively, Petitioner has “raised serious questions going to the merits” and the “hardships tip sharply in the Plaintiff’s favor.” *See id.*

A. Petitioner will likely suffer irreparable harm if not granted preliminary relief

If this Court does not grant a temporary restraining order, ill Petitioner will continue to be detained by ICE officials under conditions that pose an immediate and serious risk to his health and constitutional rights.

Most critically, Petitioner takes heart medication, which he does not currently have with him in detention. The deprivation of necessary heart medication presents an urgent and ongoing medical risk. Unlike speculative or future harms, this danger is immediate: Petitioner is presently without access to medication required to manage a cardiac condition. The risk of adverse health consequences, including potentially severe or life-threatening complications, escalates with each passing day that Petitioner remains detained without proper treatment. Courts routinely recognize that the denial of necessary medical care constitutes irreparable harm warranting emergency injunctive relief. Petitioner's continued detention therefore places him in a medically dangerous position solely as a result of his abrupt and unlawful re-detention. Monetary damages or later relief cannot remedy a deterioration in his health or the consequences of untreated cardiac conditions. This alone is sufficient to establish irreparable harm.

Moreover, Respondents' actions already are and will continue to cause irreparable harm to Petitioner (and his family) by unlawfully separating him from his family and community in the United States. Such separation constitutes precisely the type of irreparable harm that warrants immediate judicial intervention. *See e.g., Int'l Refugee Assistance Project v. Trump*, 883 F.3d 233, 320 (4th Cir. 2018), *vacated on other grounds*, 138 S. Ct. 2710, 201 L. Ed. 2d 1094 (2018) (stating that "[p]rolonged and indefinite separation of parents, children, siblings, and partners create not only temporary feelings of anxiety but also lasting strains on the most basic human relationships" and therefore constitutes irreparable harm); *Leiva-Perez v. Holder*, 640 F.3d 962, 969-70 (9th Cir.

2011) (stating that "separation from family members, medical needs, and potential economic hardship" are important factors when assessing irreparable harm).

Additionally, Petitioner's continued detention will also deprive him of proximity to his friends, community support, distance him from access to his local counsel, and impede his ability to engage in these immediate judicial proceedings. *See Arroyo v. United States Dep't of Homeland Sec.*, 2019 WL 2912848, at *17 (C.D. Cal. June 20, 2019) (observing that "a significant burden on the attorney-client relationship, without a showing of underlying prejudice to the removal proceedings, may be sufficient to establish a legal injury sufficient to justify injunctive relief"), citing *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1439 (9th Cir.), amended on other grounds, 807 F.2d 769 (9th Cir. 1986); *see also Escobar-Grijalva v. I.N.S.*, 206 F.3d 1331, 1335 (9th Cir.), amended on other grounds, 213 F.3d 1221 (9th Cir. 2000) ("Deprivation of the statutory right to counsel deprives [a noncitizen] asylum-seeker of the one hope she has to thread a labyrinth almost as impenetrable as the Internal Revenue Code.").

As alleged in Petitioner's habeas petition, Respondents' actions also violate his Constitutional right to due process. It is well established "that a deprivation of a constitutional right, 'for even minimal periods of time, unquestionably constitutes irreparable injury.'" *Miranda v. Garland*, 34 F.4th 338, 365 (4th Cir. 2022), quoting *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976).

B. Petitioner is likely to succeed on the merits of his habeas petition

Petitioner is likely to succeed on the merits of his habeas claims.

First, Petitioner is likely to succeed on his Fifth Amendment due process claim. The Fifth Amendment protects all persons in the United States from deprivation of liberty without due process of law, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Freedom from physical restraint lies at the heart of the liberty protected by the Due Process Clause. *Id.* at 690.

Once the government releases a noncitizen into the community under supervision and the person complies with those conditions, the government may not abruptly revoke that liberty and detain the individual again without basic procedural safeguards.

Recent federal court decisions have recognized precisely that principle. In *Lemus Cardona v. Noem*, No. 8:26-cv-00606-DLB (D. Md. Mar. 5, 2026), this Court recognized that noncitizens who have been living under ICE supervision cannot have that liberty revoked without due process. Similarly, courts in *Funes v. Francis*, *supra*, *Cherisme v. Moniz*, *supra*, *Santamaria Orellana v. Baker*, *supra*, *Rombot v. Souza*, *supra*, and *Ceesay v. Kurzdoerfer*, *supra* have held that re-detention following supervised release, without notice and an opportunity to be heard, raises serious due process concerns and may violate the Constitution.

Applying the balancing framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner is likely to prevail. Petitioner's private interest, freedom from physical detention, is among the most fundamental liberty interests. The risk of erroneous deprivation is extraordinarily high where ICE revokes supervision and re-detains an individual without prior notice, hearing, or explanation. The government's interest in immediate detention without process is minimal where, as here, Petitioner has complied with reporting requirements, has no criminal record, has already been granted withholding of removal, and has strong family and community ties. Under these circumstances, the absence of procedural safeguards is constitutionally indefensible.

Second, Petitioner is likely to succeed on his Fourth Amendment claim. The Fourth Amendment prohibits unreasonable seizures. Warrantless civil immigration arrests are lawful only where officers have reason to believe the person "is likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). Here, Petitioner appeared voluntarily and exactly where ICE instructed him to appear. He had previously complied with all reporting obligations and remained

under supervision without incident. There was no individualized basis to conclude that he would flee before a warrant could be obtained.

As the court held in *Escobar Molina et al. v. DHS*, Civ. Action No. 25-3417 (D.D.C. Dec. 2, 2025), warrantless civil immigration arrests are unlawful where officers fail to make an individualized, pre-arrest determination that the noncitizen poses an escape risk. That same principle applies here. Arresting a compliant individual at a scheduled check-in, without a warrant and without any showing of exigency or risk of absconding, constitutes an unreasonable seizure.

Third, Petitioner is likely to succeed on his APA claim. Under 5 U.S.C. § 706(2)(A), a court must set aside agency action that is arbitrary and capricious. ICE abruptly revoked Petitioner's supervised release and re-detained him despite his years of compliance, his lack of criminal history, his withholding grant, and his strong family and community ties. Respondents articulated no changed circumstances, no public safety concern, and no individualized basis for detention. This unexplained departure from prior treatment and failure to consider critical facts render the agency's action arbitrary and capricious under *State Farm*, and its progeny. *See Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007); *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

For all of these reasons, Petitioner has demonstrated a strong likelihood of success on the merits.

C. The balance of the equities and public interest factors tip sharply in favor of preliminary relief.

Petitioner has established that “the balance of the equities tip in [his] favor and that an injunction is in the public interest” because he is eligible for relief, he is not a flight risk, and he is not a danger to the community. *See Winter*, 555 U.S. at 20. When the federal government is a party,

the balance of the equities and public interest factors merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

The balance of hardships tips substantially in favor of Petitioner. “[I]n addition to the potential hardships facing [Petitioner] in the absence of the injunction, the court ‘may consider . . . the indirect hardship to their friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017), *quoting Golden Gate Rest. Ass’n v. City & Cty. of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008).

Petitioner’s continued detention would harm not only him, but also his family and community in the United States. Petitioner lives in Laurel, Maryland, has stable employment, and has local counsel. Without immediate intervention from this Court, Petitioner and his community will suffer irreparable harm.

There is also a strong public interest in maintaining Petitioner’s presence in his local community, where his family resides, where his local counsel is, and where he is known as a compassionate and caring member of the community.

The merits of the due process violations that Petitioner has raised in his habeas petition further weigh for the public interest toward emergency relief. Moreover, “it is well-established that the public interest favors protecting constitutional rights.” *Leaders of a Beautiful Struggle v. Balt. Police Dep’t*, 2 F.4th 330, 346 (4th Cir. 2021). In addition, “the public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

Even when considered from a fiscal perspective, the public interest in the efficient allocation of the government’s fiscal resources weighs in favor of emergency relief here. As the

Ninth Circuit has explained, “The costs to the public of immigration detention are “staggering”: \$158 each day per detainee, amounting to a total daily cost of \$6.5 million. Supervised release programs cost much less by comparison: between 17 cents and 17 dollars each day per person.” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017). The interests of the general public will not be served by Petitioner’s continued detention, where he has no criminal record, has been granted withholding of removal, and has medical conditions and no medication to treat them.

By contrast, any public interest favoring Petitioner’s continued detention, is weak or non-existent. Respondents do not appear to have any legitimate reason to suspect that the public safety or national security may somehow be at risk if the motion for a temporary restraining order is granted. Any interest in effectuating Petitioner’s continued detention is outweighed by Petitioner’s exceptional qualities.

VI. CONCLUSION

For the foregoing reasons, Petitioner MEDINA GARCIA respectfully requests that this Honorable Court grant his motion for a temporary restraining order to release Petitioner from detention.

Dated: March 31, 2026

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ORDER

Upon consideration of Petitioner's Motion for a Temporary Restraining Order and Memorandum in support thereof, it is on this _____ day of March 2026, by the United States District Court for the District of Maryland:

ORDERED that Petitioner's Motion for a Temporary Restraining Order BE and HEREBY IS GRANTED; and it is further

ORDERED that Respondents must immediately release Petitioner.

United States District Judge