

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

B.A.M.A.,	)	
	)	
Petitioner,	)	
	)	
vs.	)	CASE NO.:
	)	7:26-cv-00095-WLS-ALS
	)	
CODY YOUGHIN, <i>in his official capacity as</i>	)	
<i>Sheriff of Irwin Detention Center; and</i>	)	
LADEON FRANCIS, <i>Field Office Director for ICE</i>	)	
<i>Atlanta Field Office,</i>	)	
TODD LYONS, <i>in his official capacity as Acting</i>	)	
<i>Director of Immigration and Customs Enforcement; and</i>	)	
MARKWAYNE MULLINS, <i>Secretary of Homeland</i>	)	
<i>Security; and</i>	)	
TODD BLANCHE, <i>Acting U.S. Attorney General.</i>	)	
	)	
Respondents.	)	
_____	)	

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY INJUNCTION

I. INTRODUCTION AND RELIEF REQUESTED

Petitioner B.A.M.A. respectfully moves for an emergency temporary restraining order and/or preliminary injunction under Rule 65. Petitioner is detained by ICE at the Irwin County Detention Center in Ocilla, Georgia, and Respondents assert that he is detained under 8 U.S.C. § 1225(b)(2) as an arriving alien—a detention theory that the Eleventh Circuit has now rejected for similarly situated interior arrestees in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026) (holding that § 1225(b)(2)(A) does not govern interior arrests of

noncitizens not 'seeking admission' which is limited to a point in time when the noncitizen is at the border).

Petitioner was inspected and paroled at Eagle Pass, Texas on August 19, 2022 under 8 U.S.C. § 1182(d)(b)(A), later placed into § 240 removal proceedings, and later arrested by ICE in the interior in January 2026. Petitioner is a long-term resident married to a U.S. citizen, with a young U.S.-citizen child and a wife undergoing treatment for a precancerous uterine condition, who now faces continued no-bond detention under an inapplicable statute.

Petitioner seeks narrowly tailored, interim, as-applied relief preserving this Court's jurisdiction and preventing further irreparable injury while the Court adjudicates the pending habeas petition. Specifically, Petitioner requests an order: (1) enjoining Respondents from removing him from the United States, transferring him outside this District, or changing his immediate custodian absent leave of Court; and (2) ordering his immediate release from civil immigration custody or, in the alternative, requiring Respondents to provide a prompt, constitutionally adequate bond hearing under 8 U.S.C. § 1226(a). Section 1226(a) authorizes detention pending a removal decision and permits release on bond or conditional parole. 8 U.S.C. § 1226(a).

The relief requested is individualized and does not seek class-wide or programmatic relief. Section 1252(f)(1) preserves lower-court authority to grant injunctive relief with respect to the application of covered INA provisions to an individual alien against whom proceedings have been initiated. 8 U.S.C. § 1252(f)(1).

II. REQUEST FOR EX PARTE TEMPORARY RESTRAINING ORDER

Petitioner respectfully requests immediate temporary relief, including ex parte relief under Rule 65(b) if necessary, to prevent Respondents from transferring him outside this District, removing him from the United States, or otherwise altering his immediate custodian before the Court can adjudicate the pending habeas petition and this emergency motion. Federal Rule of Civil Procedure 65 authorizes temporary injunctive relief where necessary to prevent imminent irreparable injury before the adverse party can be heard.

The threatened injury is immediate and irreparable because habeas jurisdiction is tied to custody and the identity of the custodian. Petitioner's habeas petition identifies Cody Youghn, the official responsible for the detention facility where Petitioner is held, as Petitioner's immediate physical custodian. Petitioner is detained within the Middle District of Georgia, and venue is premised on his confinement in this District. A transfer outside this District or a change in immediate custodian would risk frustrating the Court's ability to provide effective habeas relief. This limited, time-bound TRO would not restrain Respondents from litigating Petitioner's removal proceedings before EOIR or DHS, nor would it confer any immigration status; it would simply preserve this Court's jurisdiction to decide the legality of present custody.

The requested ex parte order would preserve the status quo only long enough for the Court to receive Respondents' position and decide whether further preliminary relief is warranted.

Immediate protection is particularly warranted because Respondents' filings assert that Petitioner remains detained under § 1225(b)(2), even though Petitioner's filings state that DHS previously paroled him, placed him into removal proceedings, and later arrested him in the interior. Absent a short jurisdiction-preserving order, Respondents could transfer or remove Petitioner before the Court can render meaningful relief on the pending habeas petition.

III. AUTHORITIES IN SUPPORT OF EMERGENCY RELIEF

This memorandum supports Petitioner's request for interim relief preserving the Court's habeas jurisdiction and preventing continued unlawful custody while the Petition is adjudicated. Petitioner's showing rests on four grounds: likelihood of success on the merits, irreparable harm, the balance of equities, and the public interest. The purpose of this injunctive relief is to "preserve the status quo until the [Court] renders a meaningful decision on the merits." *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1231 (11th Cir. 2005). A TRO is required to "prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits," and "to insure that a remedy will be available." *U.S. v. State of Ala.*, 791 F.2d 1450, 1459 (11th Cir. 1986), *citing Corrigan Dispatch Co. v. Casa Guzman, S. A.*, 569 F.2d 300, 302 (5th Cir. 1978).

Petitioner also invokes the Court's habeas authority to remedy unlawful custody. The Petition asserts jurisdiction under 28 U.S.C. § 2241, federal-question jurisdiction under 28 U.S.C. § 1331, and authority to grant declaratory and injunctive relief as necessary to remedy unlawful civil immigration detention.

IV. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

A temporary restraining order and preliminary injunction are extraordinary equitable remedies designed to preserve the parties' relative positions and prevent irreparable injury before final adjudication.

A movant seeking a temporary restraining order or preliminary injunction must establish all four elements set forth in *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008): (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent preliminary relief; (3) that the balance of equities tips in the movant's favor; and (4) that an injunction is in the public interest. *Id.* at 20, 24; *Gissendaner v. Comm'r, Ga. Dept. of Corr.*, 779 F.3d 1275, 1280 (11th Cir. 2015); *Siegel v. LePore*, 234 F.3d 1163 (11th Cir. 2000) (en banc); *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005); *Schiavo v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005); *Four Seasons Hotels and Resorts, B.V. v. Consorcio Barr, S.A.*, 320 F.3d 1205, 1210 (11th Cir. 2003). A district court has broad discretion to grant injunctive relief if the movant meets the *Winter* factors. *Benjamin v. Oliver*, No. 1:25-CV-04470-VMC, 2025 WL 2542072, at *9 (N.D. Ga. Sept. 4, 2025); *McDonald's Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998). And "a preliminary injunction is customarily granted on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits. A party thus is not required to prove his case in full at a preliminary-injunction hearing." *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981).

Further, courts have long recognized the principle of restoring **the status quo ante as a form of equitable relief**. Where the status quo itself is causing irreparable injury, it may be necessary to alter the situation to prevent further harm, even if this requires affirmative action. *See Aggarao v. MOL Ship Mgmt. Co.*, 675 F.3d 355, 378 (4th Cir. 2012) (“A preliminary injunction can also act to restore, rather than merely preserve, the status quo, even when the nonmoving party has disturbed it.”); *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 576 (5th Cir. 1974). The status quo for the purpose of considering a TRO or PI refers to **the last peaceable uncontested status** existing between the parties before the dispute developed. *Benjamin v. Oliver*, 2025 WL 2542072, at *16; *Nutra Health, Inc. v. HD Holdings Atlanta, Inc.*, No. 1:19-cv-05199-RDC, 2021 WL 5029427, at *2 (N.D. Ga. June 29, 2021) (citing *O Centro Espirita Beneficiente Uniao Do Vegetal v. Ashcroft*, 389 F.3d 973, 1013 (10th Cir. 2004); *Austin v. Univ. of Fla. Bd. of Trs.*, 580 F. Supp. 3d 1137 (N.D. Fla. 2022) (granting a PI to restore the status quo ante, focusing on the prevention of injury and concluding that restoration to the last uncontested status of the parties is appropriate); *See also J.R. v. Bostock*, 796 F. Supp. 3d 684, 690 (W.D. Wash. 2025) (granting TRO and enjoining government from removing the petitioner to a third country while it adjudicated the claim that the Government has violated the APA by failing to carry out non-discretionary statutory duties and provide due process to seek withholding of removal under CAT).

The same substantive considerations guide temporary restraining order relief where immediate action is necessary to prevent irreparable harm before the Court can fully hear the matter. In the habeas context, interim equitable relief is especially

appropriate where necessary to preserve the Court's ability to decide the legality of present custody and to ensure that any eventual writ is meaningful. Petitioner's underlying filing asserts that habeas corpus is the traditional mechanism for testing unlawful custody and that a court may grant release or other appropriate relief where detention violates federal law or the Constitution. Here, the requested relief is interim and individualized. It seeks to maintain jurisdiction, prevent transfer or removal that could impair habeas review, and remedy or temporarily mitigate present custody while the Court determines the merits.

V. JURISDICTION, VENUE AND HABEAS AUTHORITY

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner challenges his present physical custody by federal immigration officials as unlawful under the Constitution and laws of the United States. The Petition invokes § 2241 as the vehicle for habeas relief and alleges that Petitioner remains detained in immigration custody in this District. This Court also has federal-question jurisdiction under 28 U.S.C. § 1331 over Petitioner's related claims for declaratory and injunctive relief arising under the INA, the APA, and the Due Process Clause.

Venue is proper in this District because Petitioner is detained at the Irwin County Detention Center in Ocilla, Georgia, and the Petition identifies Respondent Cody Youghn as the official responsible for the facility where Petitioner is physically confined. The Petition further alleges that Respondent Youghn is Petitioner's immediate physical

custodian for habeas purposes and that Respondents exercise custody authority over Petitioner in this jurisdiction.

The INA's jurisdiction-channeling provisions do not deprive this Court of authority to adjudicate this detention-only habeas action or to enter interim relief preserving its jurisdiction. Section 1252(g) bars only claims arising from decisions or actions to commence proceedings, adjudicate cases, or execute removal orders, and the statute provides that, except as otherwise provided, no court has jurisdiction over claims arising from those three categories of action. 8 U.S.C. § 1252(g). Petitioner does not seek review of a final removal order; he challenges the legal basis for his current civil detention. That challenge falls squarely within the core of § 2241 habeas jurisdiction recognized in *Hernandez Alvarez*, where the Eleventh Circuit affirmed habeas relief to interior detainees held under the wrong detention statute.

Section 1252(f)(1) likewise preserves individualized injunctive relief "with respect to the application" of covered provisions to an individual noncitizen against whom proceedings have been initiated. 8 U.S.C. § 1252(f)(1).

This Court also has authority to issue interim orders necessary to protect its habeas jurisdiction and ensure that any eventual relief is not rendered ineffectual. Petitioner's filings request as-applied relief preventing transfer, removal, or a change in immediate custodian while the Court adjudicates the legality of custody. That limited relief is ancillary to the Court's habeas jurisdiction and is necessary to preserve meaningful review of Petitioner's present detention.

VI. LIKELIHOOD OF SUCCESS ON THE MERITS

The Eleventh Circuit's intervening decision in *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, No. 25 14065, 2026 WL 1243395 (11th Cir. May 6, 2026), controls the central statutory question. In *Hernandez Alvarez*, the Eleventh Circuit held that § 1225(b)(2)(A) does not authorize no-bond detention of unadmitted noncitizens found in the interior who are not "seeking admission" when arrested, and that § 1226 governs the detention of such interior arrestees, even when they are charged as inadmissible. The court affirmed habeas relief because the petitioners were encountered after traffic stops in the interior, were not at the border "seeking admission," neither petitioner was seeking lawful entry or taking a cognizable step to obtain lawful entry when detained and thus could not be placed into § 1225(b)(2)(A) mandatory detention. Petitioner's case is materially indistinguishable on the dispositive detention issue: ICE arrested him in the interior while removal proceedings were pending and now seeks to hold him without bond under § 1225(b)(2)(A).

That holding forecloses Respondents' position here. Section 1226(a) authorizes arrest and detention pending a decision on removal and permits release on bond or conditional parole, except where § 1226(c) applies. 8 U.S.C. § 1226(a). By contrast, § 1225(b)(2)(A) applies where an examining immigration officer determines that an applicant for admission who is "seeking admission" is not clearly and beyond a doubt entitled to be admitted. Petitioner was not at a port of entry seeking lawful entry when ICE took him into custody in January 2026; Respondents' own response states that ICE/ERO encountered him in Gastonia, North Carolina, and took him into custody

pending his removal case. Under *Hernandez Alvarez*, that is § 1226(a) custody, not § 1225(b)(2)(A) mandatory detention.

Petitioner is also likely to succeed because Respondents' reading would collapse the INA's separate detention schemes. In *Hernandez Alvarez*, the Eleventh Circuit held that § 1226 supplies the default rule for an alien arrested and detained in the interior, whether the removal charge is framed as inadmissibility or deportability, while § 1225(b)(2)(A) applies to those not yet entered but seeking admission at the border. The court further explained that the Government's broader interpretation would create serious redundancy because every unadmitted noncitizen would be subject to § 1225(b)(2)(A), even though many are separately covered by § 1226(c). Petitioner's case fits the default interior-detention rule recognized in *Hernandez Alvarez*.

Respondents may argue that Petitioner's initial encounter and parole at Eagle Pass mean that he remains an "applicant for admission" such that § 1225(b)(2)(A) governs all subsequent detention. *Hernandez Alvarez* forecloses that reading. The Eleventh Circuit explained that § 1225(b)(2)(A) applies where an examining immigration officer determines that a noncitizen "seeking admission" is not clearly and beyond a doubt entitled to admission; it does not follow the person indefinitely into the interior to displace § 1226(a) whenever ICE chooses to re-arrest him. Once DHS paroled Petitioner and released him into the interior, and ICE later re-arrested him in North Carolina while his § 240 proceedings were pending, he was, for detention purposes, an interior arrestee governed by § 1226(a), not a border applicant "seeking admission" under § 1225(b)(2)(A).

Even if Respondents could somehow characterize Petitioner as within the ambit of § 1225(b)(2)(A) — which *Hernandez Alvarez* precludes — the January 2026 arrest still appears unlawful under § 1226(a)'s warrant requirement and the narrow § 1357(a)(2) warrantless arrest exception. Section 1226(a) provides that an alien may be arrested and detained pending a removal decision “[o]n a warrant issued by the Attorney General,” 8 U.S.C. § 1226(a). Petitioner alleges that ICE arrested him without a warrant during an interior enforcement encounter, and Respondents’ response identifies the January 2026 custody event as an ICE/ERO encounter rather than a border-inspection detention. If Respondents cannot establish compliance with § 1226(a)'s warrant requirement or a valid statutory exception, the custody is unlawful under the statute that actually governs after *Hernandez Alvarez*.

Petitioner is also likely to succeed on his parole-revocation and regulatory claims. Here, as in *Naima Ramirez Andreu v. Baltazar*, No. 26-cv-1271-WJM (D. Colo. Apr. 17, 2026), Respondents have not shown that they complied with 8 C.F.R. § 212.5(e) by issuing Petitioner contemporaneous written notice that his parole was terminated and explaining the reasons for termination before re-detention. The absence of such notice supports Petitioner’s claim that DHS violated its own regulations in re-detaining him, warranting habeas relief under *Accardi*. In *Naima Ramirez Andreu*, the court granted habeas relief where humanitarian parole remained valid and ordered release subject only to pre-existing parole conditions.

Finally, Petitioner is likely to succeed on habeas jurisdiction and due process. Petitioner challenges present custody, not the merits of removal. Section 1252(g) bars

claims arising from decisions to commence proceedings, adjudicate cases, or execute removal orders, but Petitioner's claim challenges the legal authority for detention itself. 8 U.S.C. § 1252(g). Because *Hernandez Alvarez* confirms that § 1226(a), not § 1225(b)(2)(A), governs interior detention in these circumstances, Respondents' denial of any bond process rests on an invalid statutory premise. Petitioner has therefore made a strong showing that his continued mandatory detention without § 1226(a) custody process violates the INA, agency procedure, and the Due Process Clause.

If the Court orders a bond hearing as an alternative to immediate release, the hearing must be constitutionally adequate. In *D.Y.E.H. v. Warden, Irwin Detention Center*, No. 7:25-CV-201 (WLS-AGH), 2026 WL 1230386 (M.D. Ga. Apr. 6, 2026), the court granted a motion to enforce a habeas judgment after concluding that a § 1226(a) bond hearing did not satisfy due process where the bond decision was not individualized and the burden of proof was placed on the petitioner. The court held that due process required DHS to bear the burden of establishing by clear and convincing evidence that the petitioner was either a danger to the community or a flight risk. The court also required the immigration judge to consider non-bond alternatives to detention and, if setting bond, the petitioner's financial circumstances and ability to pay. The same safeguards are necessary here in the event the Court does not grant immediate release and grants a bond hearing instead. A bond hearing that places the burden on Petitioner to prove that he is not dangerous and not a flight risk would replicate the constitutional defect identified in *D.Y.E.H.* The appropriate alternative remedy, if the Court does not order immediate release, is a prompt § 1226(a) bond hearing at which DHS bears the burden to prove, by clear and

convincing evidence, that Petitioner's continued detention is necessary because he is a danger to the community or a flight risk, and that no less restrictive condition or combination of conditions can reasonably ensure appearance and public safety. In *D.Y.E.H.*, the Middle District of Georgia ordered a new individualized § 1226(a) bond hearing and required DHS to prove danger or flight risk by clear and convincing evidence, with consideration of non-bond alternatives and ability to pay.

VII. IRREPARABLE HARM

Petitioner will suffer immediate and irreparable harm absent interim relief. He remains in civil immigration custody at Irwin County Detention Center while Respondents continue to classify him as detained under 8 U.S.C. § 1225(b)(2), a classification that forecloses ordinary bond review. Each additional day of detention imposes a noncompensable deprivation of physical liberty that cannot be remedied by money damages or later relief.

The loss of physical liberty is irreparable. As the Supreme Court has recognized, the loss of constitutional freedoms for even minimal periods constitutes irreparable injury, and courts have applied the same principle to erroneous physical detention. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Miranda v. Garland*, 34 F.4th 338, 365 (4th Cir. 2022).

“It is well established that the deprivation of constitutional rights ‘unquestionably constitutes irreparable injury.’ *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). See also *Hernandez v. Sessions*, 872 F.3d

976, 995 (9th Cir. 2017); *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170, at *10 (M.D.N.C. Oct. 7, 2025) (“During his time detained, Petitioner is separated from his wife and family ... This loss of liberty in the absence of a TRO would constitute irreparable harm.”); *Doe 1 v. Bondi*, 780 F. Supp. 3d 1277, 1285 (N.D. Ga. 2025) (finding irreparable harm due to loss of timely academic progress and high levels of stress and anxiety resulting from the uncertainty around their futures).

Petitioner’s continued confinement under a detention statute that *Hernandez Alvarez* now holds inapplicable to similarly situated interior arrestees is therefore not a speculative harm; it is an ongoing deprivation of liberty.

The harm is compounded by the risk that Respondents may transfer Petitioner outside this District or otherwise alter his immediate custodian while this habeas action remains pending. Petitioner’s habeas petition identifies this District as the district of confinement and identifies Respondent Cody Youghn as the official responsible for the facility where Petitioner is physically confined. Transfer or removal would impair Petitioner’s ability to obtain meaningful habeas review, complicate access to counsel, and risk rendering any later order ineffectual.

The only way to prevent ongoing harm is immediate injunctive relief. *See Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 2732717, at *2 (M.D. Fla. Sept. 25, 2025) (“Without interim relief to maintain the status quo, [Plaintiff] could be deported or removed from this [c]ourt’s jurisdiction, effectively foreclosing any recourse.”); *see also Ajugwe v. Noem*, No. 8:25-CV-982-MSS-AEP, 2025 WL 1148689, at *3 (M.D. Fla. Apr. 18, 2025) (granting a TRO in respect to ICE’s termination of the plaintiff’s Student and

Exchange Visitor Information System (SEVIS) record because the plaintiff “face[d] the risk of immediate detention or removal from the United States” even when there was no evidence that the plaintiff’s F 1 visa was terminated).

Petitioner’s family circumstances further underscore the irreparable nature of the injury. The Petition alleges that Petitioner is married to a U.S. citizen, has a young U.S.-citizen child, and that his wife is undergoing medical treatment 

 The Petition further alleges that Petitioner has provided emotional and logistical support for his wife’s medical treatment and that his detention leaves her to manage that condition while caring for their child. These are ongoing, personal, and nonmonetary harms.

Finally, the requested jurisdiction-preserving relief is necessary because the Petition challenges present custody, not merely a collateral administrative issue. Without immediate relief, Petitioner faces continued detention under a mandatory-detention theory that prevents individualized custody review while this Court considers the legality of that custody.

VIII. BALANCE OF EQUITIES AND PUBLIC INTEREST

Where the government is the opposing party, balancing of the equities and the public interest merge. *See Swain v. Junior*, 958 F.3d 1081, 1091 (11th Cir. 2020) (“[W]here the government is the party opposing the preliminary injunction, its interest and harm merge with the public interest.”); *Nken v. Holder*, 556 U.S. 418, 435 (2009). Thus, the Court asks

whether any significant “public consequences” would result from issuing the preliminary injunction. *Winter*, 555 U.S. at 24.

Here, the balance of equities tips sharply in Petitioner’s favor. Petitioner faces continued physical detention, separation from family, and the risk that transfer or removal will impair this Court’s ability to provide meaningful habeas relief. Respondents, by contrast, have no legitimate interest in continuing detention under an inapplicable mandatory-detention framework or in transferring Petitioner in a manner that could frustrate this Court’s jurisdiction.

The requested relief is narrow and individualized. Petitioner does not seek to enjoin the operation of the INA on a class-wide or programmatic basis; he seeks only as-applied relief preserving the Court’s jurisdiction and ensuring lawful custody procedures in his own case. Section 1252(f)(1) permits individualized injunctive relief with respect to the application of covered INA provisions to an individual alien against whom proceedings have been initiated. 8 U.S.C. § 1252(f)(1).

The public interest likewise favors interim relief. The public has a strong interest in lawful immigration detention, accurate application of the INA, and judicial review of unlawful custody claims. In *Hernandez Alvarez v. Warden, Federal Detention Center Miami*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026), the Eleventh Circuit held that § 1225(b)(2)(A) does not authorize no-bond detention of interior detainees who are not “seeking admission” when arrested. Interim relief enforcing that statutory boundary serves, rather than undermines, the public interest.

Nor would the requested relief prevent Respondents from enforcing the immigration laws. If Petitioner is properly detained under § 1226(a), that statute permits the government to seek continued detention or release on conditions through the applicable custody framework. 8 U.S.C. § 1226(a). The requested order would simply require Respondents to proceed under lawful authority and preserve this Court's ability to adjudicate the pending habeas petition.

IX. BOND OR SECURITY

Petitioner respectfully requests that the Court waive any bond requirement under Federal Rule of Civil Procedure 65(c), or alternatively impose only a nominal bond. No security bond is required under Federal Rule of Civil Procedure 65(c) because Respondents face no realistic likelihood of harm from enjoining their conduct. *Lopez v. Hardin*, No. 2:25-CV-830-KCD-NPM, 2025 WL 2732717, at *3 (M.D. Fla. Sept. 25, 2025) ("The Court also exercises its discretion to dispense with Rule 65(c)'s bond requirement. There is no realistic likelihood of harm to the Respondents from the relief ordered."); *see also Ajugwe v. Noem*, No. 8:25-CV-982-MSS-AEP, 2025 WL 1370212, at *10 (M.D. Fla. May 12, 2025). The requested relief is as-applied, non-monetary, and directed to government officials in their official capacities. Respondents face no cognizable monetary injury from complying with an order preserving jurisdiction and requiring lawful custody procedures. Petitioner is detained and lacks meaningful ability to post security. Requiring more than nominal security would unnecessarily burden access to emergency habeas relief and would not serve Rule 65(c)'s protective purpose.

X. REQUESTED INTERIM INJUNCTIVE RELIEF

Petitioner respectfully requests that the Court enter a temporary restraining order and/or preliminary injunction providing the following interim relief pending final resolution of the Petition:

- 1) **Jurisdiction-Preserving Relief.** Enjoin Respondents, and all persons acting in concert with them, from:
 - a. removing Petitioner from the United States;
 - b. transferring Petitioner outside the Middle District of Georgia;
 - c. changing Petitioner's immediate custodian; or
 - d. taking any action that would frustrate this Court's habeas jurisdiction or render its eventual judgment ineffectual, absent prior leave of Court.
- 2) **Custody Relief.** Order Respondents to release Petitioner immediately from civil immigration custody.
- 3) **Alternative Bond-Hearing Relief.** If the Court declines to order immediate release, order Respondents to provide Petitioner with a prompt, constitutionally adequate bond hearing under 8 U.S.C. § 1226(a), consistent with *Hernandez Alvarez* and *D.Y.E.H.*, within forty-eight (48) hours of the Court's order, before a neutral decisionmaker.
- 4) **Procedural Safeguards at Any Bond Hearing.** At any bond hearing ordered by the Court, require Respondents to bear the burden of proving, by clear and convincing evidence, that Petitioner is either a danger to the community or a flight risk and that no less restrictive condition or combination of conditions

can reasonably ensure Petitioner's appearance and protect public safety. The Immigration Judge must make an individualized determination based on the evidence presented, must consider non bond alternatives to detention, and, if setting a monetary bond, must consider Petitioner's financial circumstances and ability to pay.

- 5) **Conditions of Release.** If Petitioner is released, prohibit Respondents from imposing electronic monitoring, GPS monitoring, ISAP enrollment, or other custody-like restraints unless Respondents first make an individualized, evidence-based written determination that such conditions are necessary and that less restrictive alternatives are inadequate.
- 6) **Expedited Schedule.** Issue an order directing Respondents to respond to this Motion and the Petition on an expedited schedule and set this matter for hearing at the earliest practicable date.

XI. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant this Emergency Motion and enter a temporary restraining order and/or preliminary injunction. Petitioner seeks only interim, individualized, as-applied relief necessary to preserve this Court's jurisdiction, prevent irreparable injury, and ensure that his detention proceeds only under lawful authority.

Respectfully Submitted,

This 11th Day of May, 2026

/s/ Karen Weinstock

Karen Weinstock

Weinstock Immigration Lawyers, P.C.

1827 Independence Square

Atlanta, GA 30338

Phone: (770) 913 0800

Fax: (770) 913-0888

kweinstock@visa-pros.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that on the 11th of May, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Karen Weinstock

Karen Weinstock

Weinstock Immigration Lawyers, P.C.

1827 Independence Square

Atlanta, GA 30338

Phone: (770) 913-0800

Fax: (770) 913-0888

kweinstock@visa-pros.com

Attorney for Petitioner