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Attorney for Petitioner

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF PENNSYLVANIA

[redacted],
Petitioner,

v.

SUPERINTENDENT, ABRAXAS ACADEMY;
WILLIAM JOYCE, Field Office Director, ICE;
SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY;
DIRECTOR, MOSHANNON VALLEY PROCESSING CENTER,
Respondents.

Civil Action No. 26-2238

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND FOR IMMEDIATE RELEASE

Petitioner, by counsel, respectfully moves this Court for a Temporary Restraining Order and immediate relief, and in support thereof states as follows:

INTRODUCTION

This Motion presents an urgent request for emergency relief.

Petitioner is a seventeen-year-old minor suffering from a serious psychiatric disorder who is currently detained in this District under federal immigration authority. This Motion is filed on April 7, 2026. Petitioner will turn eighteen on April 9, 2026—two days from the date of filing—and, upon doing so, Respondents intend to transfer him immediately to Moshannon Valley Processing Center, an adult immigration detention facility.

The administrative record confirms that Petitioner suffers from schizoaffective disorder, depressive type, requiring psychotropic medication, and that he will be transferred into ICE custody before receiving any meaningful psychiatric treatment.

Absent immediate intervention, Petitioner will be subjected to adult detention conditions that pose a grave and immediate risk to his mental health, safety, and stability. The harm is not speculative; it will occur within two days and, once Petitioner is transferred to adult detention, cannot be undone.

LEGAL STANDARD

A temporary restraining order is appropriate where the moving party demonstrates: (1) a likelihood of success on the merits; (2) irreparable harm absent relief; (3) that the balance of equities favors relief; and (4) that relief is in the public interest. See *Reilly v. City of Harrisburg*, 858 F.3d 173, 176 (3d Cir. 2017).

ARGUMENT

I. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

Petitioner is likely to succeed for the reasons set forth in the accompanying Petition.

His detention violates the Fifth Amendment because it is excessive and not reasonably related to any legitimate governmental purpose. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469 (3d Cir. 2015).

The record demonstrates that Respondents failed to conduct any meaningful individualized assessment of Petitioner's circumstances. He was assigned a "medium/high" classification without explanation, and his serious psychiatric condition was not meaningfully considered.

His detention also violates due process because it subjects him to conditions that place him at substantial risk of harm, particularly in light of his mental health vulnerabilities. See *Hope v. Warden York County Prison*, 972 F.3d 310 (3d Cir. 2020).

In addition, Respondents have violated the Flores Settlement Agreement by placing Petitioner in a restrictive setting without individualized justification and by failing to ensure appropriate placement while he remains a minor. The record confirms that Petitioner will be transferred to adult detention before receiving any meaningful treatment.

Accordingly, Petitioner has demonstrated a strong likelihood of success on the merits.

II. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT IMMEDIATE RELIEF

Petitioner faces immediate and irreparable harm.

Within two days, he will be transferred to an adult immigration detention facility despite being a minor with a serious psychiatric disorder who has not received appropriate care.

Courts in this Circuit have recognized that exposure to conditions posing a substantial risk to health or safety constitutes irreparable harm. See *Hope*, 972 F.3d at 329.

The harm here is not merely speculative. It is imminent, concrete, and unavoidable absent intervention. Once Petitioner is transferred to adult detention, the resulting harm—particularly psychiatric deterioration—cannot be undone.

III. THE BALANCE OF EQUITIES FAVORS PETITIONER

The balance of equities overwhelmingly favors Petitioner.

Petitioner faces the risk of serious and immediate harm, including deterioration of his mental health and exposure to unsafe conditions.

By contrast, Respondents face minimal burden in delaying transfer or releasing Petitioner pending resolution of this matter.

IV. THE PUBLIC INTEREST FAVORS RELIEF

The public interest strongly favors enforcement of constitutional protections and the humane treatment of vulnerable individuals in government custody.

Ensuring that minors with serious mental health conditions are not subjected to unlawful and dangerous detention conditions is consistent with fundamental principles of due process and justice.

V. IMMEDIATE RELIEF IS NECESSARY

Time is of the essence. Petitioner will be transferred to adult detention in two days.

No lesser remedy, including continued detention or delayed administrative review, can adequately protect Petitioner from the constitutional violations and imminent harm he faces.

Immediate judicial intervention is required.

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a Temporary Restraining Order enjoining Respondents from transferring Petitioner to Moshannon Valley Processing Center or any adult detention facility;

B. Order Respondents to release Petitioner immediately forthwith, and in no event later than twenty-four (24) hours from the Court's Order;

C. Grant expedited consideration of this Motion;

D. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/S/Evan T.L. Hughes, Esquire

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ATTORNEY VERIFICATION

I, Evan T.L. Hughes, counsel for Petitioner, certify pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief based on review of records, including those attached hereto, and investigation conducted in this matter.

This Petition is filed on an emergency basis due to Petitioner's imminent transfer to adult detention on April 9, 2026.

Date: April 7, 2026

/S/Evan T.L. Hughes, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2026, I caused a copy of the foregoing Emergency Motion to be served via CM/ECF and/or electronic mail upon the Office of the United States Attorney for the Eastern District of Pennsylvania.

/S/Evan T.L. Hughes, Esquire

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CERTIFICATION OF COMPLIANCE WITH L.R. 5.1.2

I certify that this filing complies with Local Rule 5.1.2 and contains no unredacted confidential personal identifiers.

/S/Evan T.L. Hughes, Esquire Date: April 7, 2026

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