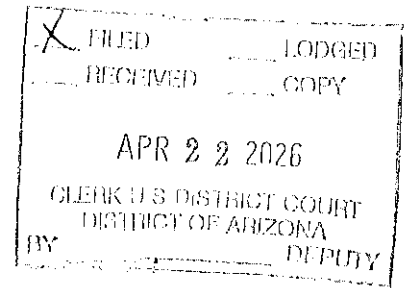


UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA
PHOENIX DIVISION



LUIS ALEJANDRO CHÁVEZ SEMPRÚN, Petitioner,

v.

CV26-02768-PHX-MJM--DMF

WARDEN, FLORENCE CORRECTIONAL CENTER, et al., Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PROPOSED ORDER
(ANTI-TRANSFER / ANTI-REMOVAL / ANTI-THIRD COUNTRY)

I. INTRODUCTION

Petitioner respectfully moves this Court for a Temporary Restraining Order ("TRO") prohibiting Respondents, including ICE and DHS, from transferring, removing, or otherwise altering Petitioner's custody status during the pendency of this action. Immediate relief is necessary to preserve this Court's jurisdiction and to prevent irreparable constitutional harm.

Respondents possess unilateral authority to transfer or remove Petitioner at any moment, which would effectively moot this proceeding and deprive Petitioner of meaningful judicial review. Such action would constitute an unlawful interference with the jurisdiction of this Court and a violation of Petitioner's due process rights.

II. LEGAL STANDARD

A TRO is warranted where the movant demonstrates: (1) likelihood of success on the merits; (2) likelihood of irreparable harm; (3) balance of equities in favor of the movant; and (4) that the injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7 (2008).

Federal courts retain authority to enjoin government action to preserve jurisdiction in habeas proceedings. See *Nken v. Holder*, 556 U.S. 418 (2009); *Land v. Deeds*, 878 F.2d 318 (9th Cir. 1989).

III. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner's detention is unconstitutional, as it was initiated without a judicial warrant or probable cause and continues without a meaningful opportunity for release. Courts have repeatedly held that prolonged detention without due process violates the Fifth Amendment. See *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Jennings v. Rodriguez*, 583 U.S. ____ (2018).

B. Irreparable Harm

Petitioner faces imminent and irreparable harm if transferred or removed. Transfer would disrupt this Court's jurisdiction and impede access to counsel and evidence. Removal—particularly to a third country—would permanently extinguish Petitioner's ability to obtain habeas relief.

Additionally, Petitioner is suffering ongoing physical and psychological harm due to inhumane detention conditions, including denial of food, water, and medical care. Such harm is immediate, severe, and irreparable.

C. Balance of Equities

The balance of equities overwhelmingly favors Petitioner. Respondents suffer no harm from maintaining the status quo, while Petitioner faces severe constitutional violations and potential loss of liberty and life stability. Courts consistently recognize that preventing constitutional violations outweighs administrative convenience.

D. Public Interest

The public interest is served by ensuring that government actors comply with constitutional mandates. Upholding due process and preventing unlawful detention are fundamental principles that strongly support injunctive relief.

IV. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue a Temporary Restraining Order with the following directives:

1. ICE and DHS are immediately ENJOINED from transferring Petitioner outside the District of Arizona;
2. ICE and DHS are immediately ENJOINED from removing Petitioner from the United States;
3. ICE and DHS are immediately ENJOINED from transferring Petitioner to any third country;
4. ICE and DHS are ORDERED to maintain Petitioner at Florence Correctional Center pending resolution of this case;

5. ICE and DHS are ORDERED to provide notice to this Court prior to any attempt to change Petitioner's custody status;
6. This Order shall take effect immediately upon issuance.

Petitioner further requests that this Court grant any additional relief necessary to preserve its jurisdiction and protect Petitioner's constitutional rights.

V. CONCLUSION

Emergency relief is necessary to prevent irreparable harm and to preserve the integrity of this proceeding. Without immediate intervention, Respondents may take actions that would permanently deprive Petitioner of judicial review and fundamental constitutional protections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luis Chávez", is written over a horizontal line.

LUIS ALEJANDRO CHÁVEZ SEMPRÚN

Pro Se Petitioner

PROPOSED ORDER

Upon consideration of Petitioner's Emergency Motion for Temporary Restraining Order, the Court finds that Petitioner has demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favor granting relief.

IT IS HEREBY ORDERED:

1. Respondents, including ICE and DHS, are ENJOINED from transferring Petitioner outside this jurisdiction;
2. Respondents are ENJOINED from removing Petitioner from the United States;
3. Respondents are ENJOINED from transferring Petitioner to any third country;
4. Respondents shall maintain Petitioner's custody within Florence Correctional Center;
5. This Order shall remain in effect pending further order of this Court.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

Date: _____