

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

3:26-cv-01013- MMH-MCR

OSCAR AMADO SALES-LOPEZ,

Petitioner,

V.

WARDEN of the Florida Baker Correctional Institute;
TODD M. LYONS, in his official capacity as Acting
Director of the Immigration and Customs Enforcement,
Enforcement and Removal Operations Washington Field
Office; MARKWAYNE MULLIN, in his official
capacity as Secretary of the Department of Homeland
Security; TODD BLANCHE, in his official capacity as
Attorney General of the United States,

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER, STAY OF REMOVAL
PROCEEDINGS, AND
PRESERVATION OF THIS
COURT'S JURISDICTION**

Respondents.

INTRODUCTION

Petitioner, Oscar Amado Sales-Lopez, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Local Rule 6.01, and the All Writs Act, respectfully moves this Court for immediate temporary injunctive relief preserving the status quo pending adjudication of Petitioner's Petition for Writ of Habeas Corpus, and states.

I. EMERGENCY NATURE OF RELIEF REQUESTED

1. Petitioner is presently detained at Baker Correctional Institution under the custody of Respondents.

2. Petitioner has a scheduled individual merits hearing before the immigration court on May 5, 2026.
3. Absent immediate intervention by this Court, Respondents may proceed with the removal proceedings and obtain rulings that may substantially impair, frustrate, or moot the relief sought in Petitioner's pending habeas action before this Court has an opportunity to adjudicate the constitutional and statutory claims presented.
4. Accordingly, emergency relief is necessary to preserve this Court's jurisdiction.

II. FACTUAL BACKGROUND

5. Petitioner is currently detained by Respondents at Baker Correctional Institution.
6. Petitioner has filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the legality of his continued immigration detention and custody determination.
7. This Court presently has jurisdiction over the habeas petition.
8. Petitioner's individual hearing in immigration court is scheduled for May 5, 2026.
9. If Respondents are permitted to proceed with the scheduled hearing or take further action toward execution of removal, Petitioner's claims may be rendered moot, or this Court's ability to provide meaningful relief may be substantially impaired.

III. LEGAL STANDARD

10. A temporary restraining order is appropriate where the movant demonstrates:
 - (1) substantial likelihood of success on the merits;
 - (2) irreparable injury absent relief;
 - (3) the threatened injury outweighs any harm to Respondents; and
 - (4) The injunction serves the public interest.

IV. ARGUMENT

11. Petitioner Has a Substantial Likelihood of Success on the Merits

12. Petitioner has already presented substantial constitutional and statutory claims in the pending Petition for Writ of Habeas Corpus challenging the legality of Respondents' continued detention and custody determination.

13. As set forth in the Petition, Respondents have continued Petitioner's detention without lawful authority and in violation of due process protections guaranteed by the Fifth Amendment.

14. Petitioner has remained detained without the custody protections required by federal law, and Respondents' actions exceed the authority granted under the immigration detention statutes.

15. Because Petitioner's habeas claims raise substantial constitutional questions and demonstrate that Respondents are acting beyond their lawful detention authority, Petitioner has established a substantial likelihood of success on the merits.

16. Petitioner continues to suffer an ongoing deprivation of liberty each day he remains detained without constitutionally adequate process. The continued loss of physical liberty and deprivation of constitutional rights constitutes irreparable harm.

17. Petitioner Will Suffer Immediate and Irreparable Injury Absent Emergency Relief

18. Petitioner is scheduled to appear for an individual merits hearing before the immigration court on May 5, 2026.

19. Absent immediate intervention, Respondents may proceed with removal-related adjudication or take subsequent enforcement actions before this Court can resolve the pending habeas petition. Once such proceedings advance, Petitioner may suffer irreparable deprivation of liberty, loss of meaningful judicial review, and possible mootness of the claims presently before this Court.

20. The loss of constitutional rights, even temporarily, constitutes irreparable harm.

21. Further, if Respondents obtain a removal order or otherwise alter Petitioner's custody posture before adjudication of the habeas petition, this Court's jurisdiction may be materially impaired.

22. The Threatened Injury to Petitioner Outweighs Any Harm to Respondents

23. The requested relief merely preserves the status quo for a limited period while this Court adjudicates the Petition.

24. Respondents will suffer little or no prejudice from a temporary pause in removal-related proceedings. By contrast, Petitioner faces continued unlawful detention, possible removal-related consequences, and loss of meaningful judicial review absent immediate relief.

25. Accordingly, the balance of equities weighs decisively in Petitioner's favor.

26. Entry of Temporary Relief serves the Public Interest

27. The public has a strong interest in ensuring that executive detention complies with the Constitution and federal law.

28. The public interest is further served by preserving the jurisdiction of federal courts to adjudicate properly filed habeas petitions and by ensuring that government action remains subject to meaningful judicial review.

29. Accordingly, entry of temporary injunctive relief serves the public interest.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner, OSCAR AMADO SALES-LOPEZ, respectfully requests that this Court enter an emergency temporary restraining order:

- A. Enjoining Respondents, their agents, employees, and persons acting in concert with them, from removing Petitioner from the United States;
- B. Enjoining Respondents from transferring Petitioner outside this Court's jurisdiction;

- C. Enjoining Respondents from taking further action in Petitioner's removal proceedings, including proceeding with the currently scheduled individual hearing, pending further order of this Court;
- D. Ordering Respondents to immediately notify the immigration court of this Court's order; and
- E. Granting such further relief as justice requires.

Respectfully Submitted,

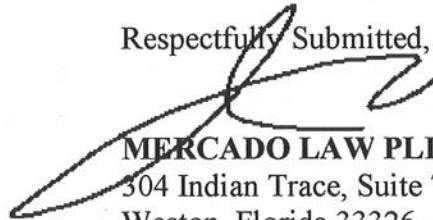
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By: /s/ Juan C. Mercado
JUAN C. MERCADO, JR., ESQUIRE
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VI. CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 04 day of May 2026, I electronically filed the foregoing with the clerk of court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

Respectfully Submitted,



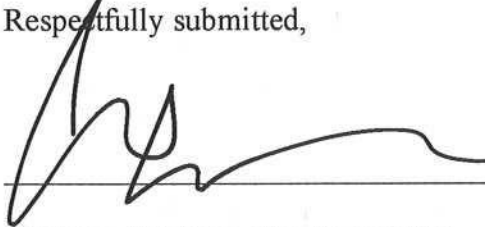
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By: /s/ Juan C. Mercado
JUAN C. MERCADO, JR., ESQUIRE
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VIII. VERIFICATION

I, OSCAR AMADO SALES-LOPEZ, with alien number A# 240113368, declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Oscar Amado Sales-Lopez', written over a horizontal line.

OSCAR AMADO SALES-LOPEZ

A#



Date: 5/4/2026