

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA**

ERWIN FERNANDO RIVERA CARRASCO,

Petitioner,

v.

WARDEN, STEWART DETENTION
CENTER;
FIELD OFFICE DIRECTOR, ICE
ATLANTA;
SECRETARY, U.S. DEPARTMENT OF
HOMELAND SECURITY,

Respondents.

Civil Action No.

Immigration No. A



**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

I. INTRODUCTION

1. Petitioner respectfully moves this Court for a Temporary Restraining Order (“TRO”) and Preliminary Injunction ordering his immediate release, or in the alternative, an expedited individualized bond hearing.
2. Petitioner remains detained without any meaningful opportunity to challenge his custody, in violation of the Due Process Clause.

II. LEGAL STANDARD

3. A TRO is appropriate where the movant demonstrates:
 - a. A substantial likelihood of success on the merits;
 - b. Irreparable harm absent relief;
 - c. The balance of equities favors relief;

- d. An injunction is in the public interest.

III. ARGUMENT

A. Likelihood of Success on the Merits

4. Petitioner is detained without a bond hearing under §1225(b), based solely on statutory classification.
5. However, prolonged civil detention without individualized review raises serious constitutional concerns.
6. Courts recognize that due process limits immigration detention, even where statutes authorize custody.

B. Irreparable Harm

7. Unlawful detention constitutes irreparable harm per se.
8. Every day of continued confinement deprives Petitioner of liberty.

C. Balance of Equities

9. Petitioner: (1) has no violent history, (2) previously lived in the community and (3) complied with immigration authorities. The Government suffers no harm from release under supervision.

D. Public Interest

10. The public interest is served by ensuring that detention complies with constitutional limits.

IV. REQUEST FOR RELIEF

11. Petitioner respectfully requests that this Court:

- a. Issue a Temporary Restraining Order ordering his immediate release; or
- b. Order Respondents to provide an individualized bond hearing within 7 days;

c. Grant expedited consideration of this motion.

V. REQUEST TO RETAIN JURISDICTION

12. Petitioner respectfully requests that this Court retain jurisdiction over this matter to ensure compliance with any order issued.
13. In the event Respondents fail to comply with the Court's order, Petitioner requests leave to file a motion to enforce or for further relief without the need to initiate a new action.

VI. CONCLUSION

14. Petitioner respectfully requests that the Court grant the requested emergency relief.

X. VERIFICATION

I, **Erwin Fernando Rivera Carrasco**, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on: April 20, 2026

Signature: Erwin F. Rivera Carrasco

Erwin Fernando Rivera Carrasco

XI. CERTIFICATE OF SERVICE

I certify that a copy of this Petition was served on the United States Attorney's Office for the Middle District of Georgia and the Department of Homeland Security.

Date: April 20, 2026

Signature: Erwin F. Rivera Carrasco

Erwin Fernando Rivera Carrasco

Petitioner, Pro Se

U.S. Attorney's Office – Middle District of Georgia

Civil Process Clerk
U.S. Attorney's Office
Middle District of Georgia
P.O. Box 1702
Macon, GA 31202-1702

ICE Field Office Director (Atlanta)

ICE – Enforcement and Removal Operations
Atlanta Field Office
180 Ted Turner Drive SW
Suite 522
Atlanta, GA 30303

Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Stewart Detention Center

Warden
Stewart Detention Center
146 CCA Road
Lumpkin, GA 31815