

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

O.G.G.S.,	)	
	)	
Petitioner,	)	
	)	Case No. 1:26-cv-4948
v.	)	
	)	
MARKWAYNE MULLIN, Secretary of Homeland	)	
Security;	)	
ROBERT F. KENNEDY, JR., Secretary of	)	
Health and Human Services;	)	
ANGIE SALAZAR, Acting Director of the Office	)	
Of Refugee Resettlement;	)	
NINA ALIPRANDI, Associate Executive Director,	)	
Maryville Academy,	)	
	)	
Respondents.	)	
_____	)	

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

1. Petitioner, O.G.G.S., is an “unaccompanied immigrant child,” who has been held in custody by the federal government for almost a year. She filed a Petition for a Writ of Habeas Corpus earlier today, (Dkt. 1), which is incorporated by reference herein. She has been informed that she will be transferred out of the district sometime tomorrow, to a facility in Madison, Wisconsin. She asks the Court for a Temporary Restraining Order prohibiting Respondents from transferring her out of the district.

2. The Trafficking Victims Protection Reauthorization Act (“TVPRA”) mandates that the government “promptly” release the immigrant children in its

custody to the “least restrictive setting that is in the best interest of the child.” 8 U.S.C. § 1232(c)(2). OGGS’s mother can provide that setting. By retaining custody of OGGS and separating her from her mother, who can safely provide for her, Respondents are violating the TVPRA and OGGS’s Fifth Amendment right to due process.

3. The TVPRA requires that the Respondents act on sponsors’ applications quickly—in the case of a parent within at most 10 days. Despite their mother’s suitability, the Respondents have unjustifiably kept the Petitioner in their custody and away from her family for almost a year to the detriment of Petitioners’ mental and emotional health. The Respondents have delayed release based on newly created policies promulgated without notice and comment that require sponsors to furnish U.S.-issued forms of identification.

4. In mid-2025, the Respondents altered regulatory and subregulatory procedures governing the “reunification” of detained immigrant children with family members. The upshot was that release of immigrant children dwindled to a trickle, children were detained for longer and longer periods, and only infrequently reunified with family members. The habeas petition challenges the legality of those new rules.

5. The Petitioner is currently detained in the Maryville facility in the greater Chicago area and has been detained there for almost a year. Petitioner understands that she will be transferred away from that facility within 24 hours.

She has been in the Chicago area for approximately a year, and she has obtained pro bono representation from a nonprofit agency.

6. Courts deciding whether to grant a TRO or preliminary injunction weigh four factors: (i) whether the movant will suffer irreparable harm unless the injunction is issued; (ii) whether the movant has a substantial likelihood of prevailing on the merits; (iii) whether the threatened injury outweighs any harm that the preliminary injunction may cause the opposing party; and (iv) whether the injunction will adversely affect the public interest. *Winter v. Nat'l Res. Defense Council, Inc.*, 555 U.S. 7, 20 (2008). In the Seventh Circuit, once the moving party establishes “some likelihood of succeeding on the merits” and that irreparable harm will occur in the absence of a TRO, the court performs a sliding scale evaluation of the factors which requires a lesser showing on the other factors if an individual demonstrates greater likelihood of success on the merits or that their irreparable harm outweighs any anticipated harm from a TRO. *Cassell v. Snyders*, 900 F.3d 539 (7th Cir. 2021). All four factors weigh heavily in favor of Petitioner.

7. Petitioner has a significant likelihood of prevailing on the merits of her claim. The appropriate standard for likelihood of success on the merits is “some likelihood.” *Mays v. Dart*, 974 F.3d 810, 822 (7th Cir. 2020); *Singer Mgmt. Consultants, Inc. v. Milgram*, 650 F.3d 223, 229 (3d Cir. 2011) (en banc). As she has demonstrated in her Petition for a Writ of Habeas Corpus (Dkt. 1), the statute and regulations impose duties on the Respondents to promptly reunify immigrant children with their parents or family members. The Respondents new rules

obstruct or entirely stop this process, and are inconsistent with these statutory duties. That is why the Petitioner has been detained for a year, awaiting reunification with her mother.

8. Petitioner will suffer irreparable harm from transfer. To be clear, the Court's jurisdiction to consider the habeas petition would not be affected. *Ex Parte Endo*, 323 U.S 283, 304-05 (1944). However, transfer will affect Petitioner's ability to speak with her attorneys and will affect her ability to seek reunification or release. This would tend to slow resolution of her case, extending the already lengthy detention, thus imposing irreparable harm on her. Transfer would also affect her ability to continue to receive free representation from her current counsel, who have been representing her for a lengthy period.

9. The Respondents have detained Petitioner in the Chicago area for approximately one year and are currently detaining numerous other immigrant children in this area. While there may be minor administrative costs to keeping Petitioner in this district, Respondents would suffer no tangible harm from keeping her here.

10. The harm to Petitioner if transferred, however, would be significant. The balance of equities tilts sharply in Petitioner's favor.

REQUEST FOR RELIEF

Petitioner respectfully requests that this court issue a Temporary Restraining Order prohibiting Respondents from moving her out of the Northern District of Illinois without the court's approval.

Respectfully submitted,

/s/ Charles Roth

Charles Roth
National Immigrant Justice Center
111 West Jackson Blvd, Suite 800
Chicago, IL 60604
(312) 660-1613 (tel)
(312) 660-1613 (fax)

Date: April 29, 2026

CERTIFICATE OF SERVICE

I, Charles Roth, hereby certify that on April 29, 2026, I electronically filed the foregoing Motion with the Clerk of the Court for the United States District Court for the Northern District of Illinois by using the CM/ECF System. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Date: April 29, 2026

s/ Charles Roth
Charles Roth