

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

R.T.,	)	
A# 	)	
	)	
Petitioner,	)	Case No. 4:26-cv-796-CDL-ALS
	)	
v.	)	28 U.S.C. § 2241
	)	
JASON STREEVAL, Warden,	)	
Stewart Detention Center;	)	
	)	
GEORGE STERLING, Field Office	)	
Director, U.S. Immigration and	)	
Customs Enforcement, Atlanta;	)	
	)	
MARK WAYNE MULLIN, Secretary,	)	
U.S. Department of Homeland	)	
Security; and	)	
	)	
TODD BLANCHE, Attorney General	)	
of the United States,	)	
	)	
Respondents.	)	

**PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER
TO PRESERVE THE COURT'S JURISDICTION,
WITH REQUEST FOR EXPEDITED CONSIDERATION**

Petitioner R.T. moves under Federal Rule of Civil Procedure 65(b) and the All Writs Act, 28 U.S.C. § 1651(a), for a temporary restraining order barring Respondents from transferring him outside the Middle District of Georgia while his petition and Respondents' Motion to Dismiss (ECF No. 4) remain pending. On June 18, 2026, Immigration and Customs Enforcement removed Petitioner from Stewart Detention Center on less than twelve hours' notice, without telling Petitioner, his family, or counsel where he was going. Counsel located him later that day at the Irwin County Detention Center in Ocilla, Georgia. That facility lies within this District, so the Court's jurisdiction is intact. The next move may not stay within it. Petitioner does not ask the

Court to undo the June 18 transfer. He asks the Court to ensure that the fully briefed question awaiting decision is not carried out of the District before the Court can answer it.

REQUEST FOR EXPEDITED CONSIDERATION

Petitioner files this motion with notice. Counsel serves it on the United States Attorney's Office through the Court's CM/ECF system and by electronic mail upon filing. (Kholodovsky Decl. ¶ 10.) Petitioner nonetheless asks the Court to take the motion up on an expedited basis. The June 18 transfer shows how these moves happen: notice to Petitioner at 11:00 p.m., execution the next morning, no destination disclosed. If ICE undertakes a second transfer, there will be no time to seek relief before it is complete. (Id. ¶¶ 4-8.)

BACKGROUND

Petitioner filed his Emergency Verified Petition for a Writ of Habeas Corpus on May 7, 2026. (ECF No. 1.) The petition challenges Petitioner's physical confinement at Stewart Detention Center. It does not challenge any order of removal.

On May 8, 2026, the Court reviewed the petition and ordered Respondents to provide Petitioner a bond hearing within seven days or to show cause why the Court's rulings in *J.A.M. v. Streeval*, No. 4:25-CV-342-CDL, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025), and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), do not control. (ECF No. 2.) Respondents did not provide a bond hearing. They moved to dismiss instead. (ECF No. 4.) Petitioner filed his response in opposition on May 22, 2026. (ECF No. 5.) The motion is ripe.

Petitioner's removal proceedings continue. The Immigration Judge held a master calendar hearing on June 24, 2026, and set a final master calendar hearing for July 17, 2026.

On June 17, 2026, at approximately 11:00 p.m., an ICE officer told Petitioner that ICE would transfer him the next morning. The officer did not say where. Petitioner conveyed the statement to his wife, who conveyed it to counsel that night. (Kholodovsky Decl. ¶¶ 4-5.) The next morning, June 18, ICE removed Petitioner from Stewart Detention Center. From approximately 6:00 a.m., the detention communication application his family uses showed his status as released, though he had not been released. (*Id.* ¶ 6.) Neither ICE nor the facility told Petitioner's family or counsel where he had been taken. (*Id.* ¶ 7.) Counsel located Petitioner that afternoon at the Irwin County Detention Center in Ocilla, Georgia. (*Id.* ¶ 8.)

The Irwin County Detention Center lies within the Middle District of Georgia. Petitioner remains detained there. (Kholodovsky Decl. ¶ 9.) The Court has not yet ruled on Respondents' Motion to Dismiss.

LEGAL STANDARD

A court weighs four factors on a motion for a temporary restraining order: a substantial likelihood of success on the merits, irreparable injury absent relief, the balance of harms, and the public interest. *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1247 (11th Cir. 2016); *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005).

The All Writs Act empowers a court to issue all orders necessary to protect its jurisdiction. 28 U.S.C. § 1651(a). That power includes an order restraining the transfer of a habeas petitioner whose removal from the district would frustrate the court's review. A court that has acquired jurisdiction over a habeas petition keeps it when the government moves the petitioner, so long as a custodian responsible for the detention remains within the court's reach. *Ex parte Endo*, 323 U.S. 283, 306-07 (1944).

ARGUMENT

I. The Court Should Preserve Its Jurisdiction to Decide the Pending Motion

This motion does not ask the Court to resolve the merits. It asks the Court to keep the merits before it.

The Court has already found Petitioner's claim substantial enough to require a response. On May 8, the Court ordered Respondents either to grant a bond hearing or to justify withholding one. (ECF No. 2.) That order issued under Standing Order No. 2026-01, which directs this relief on preliminary review of habeas petitions that challenge detention at Stewart. The parties have briefed the question in full. Respondents' motion to dismiss and Petitioner's opposition await decision.

Jurisdiction attached when Petitioner filed. A habeas court's jurisdiction is determined at the time the petition is filed, and a later transfer does not defeat it. *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004); *Ex parte Endo*, 323 U.S. 283, 306-07 (1944). The June 18 transfer therefore did not divest the Court of jurisdiction. Petitioner remains within the District, and a custodian responsible for his detention remains answerable to the Court: Respondent Sterling, the ICE Field Office Director in Atlanta, directs Petitioner's detention from within this District, and Respondents Mullin and Blanche supervise it from Washington. Each remains subject to the Court's process, and each can produce Petitioner.

The Court's practical capacity to grant relief is the concern. *Ex parte Endo* holds that the office of the writ must not "be impaired or defeated by the removal of the prisoner." *Id.* at 306. A transfer on the eve of decision threatens exactly that impairment. The first factor is met because Petitioner shows a substantial question, one this Court has already deemed worthy of a response, joined to a concrete threat to the Court's ability to decide it.

II. Transfer Would Irreparably Harm Petitioner and the Court's Review

Two irreparable harms follow from a transfer, and either is sufficient.

First, the June 18 transfer shows what the next one will look like. ICE told Petitioner at 11:00 p.m. that he would be moved the next morning. It did not disclose the destination to Petitioner, his family, or counsel. The communication application his family uses listed him as released while he was in transit. Counsel found him only after the fact. Chance alone kept this case in the District: had the June 18 transfer crossed the district line, the fully briefed motion now awaiting decision would have been stranded. On ICE's demonstrated timetable, no motion filed after the next 11:00 p.m. notice could reach the Court in time. That is why Petitioner moves now.

A transfer outside this District would strip Petitioner of the forum that is about to rule. If ICE moves Petitioner to a facility in another circuit, his detention claim becomes subject to the law of that circuit, which may not follow the Eleventh Circuit's decision in *Hernandez Alvarez v. Warden*, No. 25-14065, 2026 WL 1243395 (11th Cir. May 6, 2026). A petitioner forced to start over in a new district loses this Court's May 8 order, the law of this Circuit, and the progress of the litigation to date. The loss of a favorable forum through unilateral executive action, on the eve of decision, is an injury no later ruling can undo.

Second, the transfer would inflict the very harm the writ exists to prevent. The Supreme Court has recognized that government action depriving a detainee of a meaningful opportunity to pursue habeas relief is irreparable. *See A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1367-68 (2025) (per curiam). A transfer that scatters jurisdiction and forces relitigation denies Petitioner the prompt adjudication the writ guarantees.

These harms are neither remote nor speculative; they are actual and imminent, and no award of money can repair them. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

III. The Balance of Harms and the Public Interest Favor Relief

The remaining factors merge where the government is the respondent, and both favor Petitioner. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

The harm to Petitioner is severe. The burden on Respondents is slight. The order asks only that Respondents keep Petitioner within this District, where he already sits, until the Court rules on a fully briefed motion. Respondents retain every other tool of detention and case management, including transfers among facilities inside the District. They lose nothing but the ability to move one detainee across the district line on the eve of a decision.

The public interest favors a court's power to decide the cases properly before it. The orderly administration of justice depends on the principle that a party cannot defeat a court's jurisdiction by moving the subject of the litigation beyond its reach. An injunction that holds the status quo vindicates that interest. It also serves the public's interest in the faithful operation of the immigration laws.

Section 1252(f)(1) of Title 8 does not bar this relief. That provision restrains only classwide injunctions against the operation of the detention statutes. It does not reach an order entered in the case of a single noncitizen. *Garland v. Gonzalez*, 596 U.S. 543, 549-50 (2022). Petitioner seeks individual relief in his own case. The bar does not apply.

NO SECURITY SHOULD BE REQUIRED

Rule 65(c) permits a court to set security in an amount it considers proper, and a court may require no security where an injunction works no monetary harm on the respondent. An order holding Petitioner at Stewart imposes no cost on Respondents. The Court should waive security.

CONCLUSION

The Court should enter a temporary restraining order barring Respondents from transferring Petitioner outside the Middle District of Georgia until the Court rules on Respondents' Motion to Dismiss. Petitioner respectfully requests expedited consideration, and any further proceedings the Court deems appropriate.

Respectfully submitted, this 8th day of July, 2026.

/s/ Brian Kholodovsky
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CERTIFICATE OF SERVICE

I certify that on July 2, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will serve all counsel of record, and that I additionally served the foregoing by electronic mail on counsel for Respondents:

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/s/ Brian Kholodovsky
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