

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION.

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MDG-CL

ROSIBEL DEL CARMEN MUNOZ PALACIOS,
A# [REDACTED]
Petitioner,

v.

Case N: _____

WARDEN, STEWART DETENTION CENTER, et al.,
Respondents.

MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTIVE RELIEF

Petitioner respectfully moves this Court for a Temporary Restraining Order and Preliminary Injunctive Relief to preserve this Court's jurisdiction, prevent further constitutional injury, and protect Petitioner from transfer, removal, and continued medically dangerous detention while her habeas petition remains pending.

1. Petitioner is detained by ICE at Stewart Detention Center in Lumpkin, Georgia.
2. Petitioner has filed a habeas petition under 28 U.S.C. § 2241 challenging continued civil immigration detention under the Fifth Amendment
3. Petitioner does not seek review of the merits of her immigration case. She challenges the legality and constitutionality of her continued physical detention.
4. Petitioner suffers from serious medical conditions, including spinal injuries, chronic pain, neurological symptoms, and significant partial loss of vision in one eye.
5. Petitioner requires medical specialists and continuing treatment that detention has not adequately provided.
6. Petitioner is also a lesbian woman, which increases her vulnerability in detention and strengthens the need for individualized review, protection, and careful consideration of her safety, dignity, and constitutional rights.
7. Continued detention under these circumstances has caused physical deterioration, emotional distress, fear, anxiety, and ongoing constitutional injury.
8. Immigration detention is civil, not criminal. It may not become punitive in purpose or effect. *Demore v. Kim*, 538 U.S. 510 (2003); *Bell v. Wolfish*, 441 U.S. 520 (1979).
9. Civil detention becomes constitutionally problematic when it is excessive in relation to its purpose. *Zadvydas v. Davis*, 533 U.S. 678 (2001)
10. Petitioner has strong family and community support, available sponsors, and less restrictive alternatives, including supervised release, parole, reporting requirements, GPS monitoring, or other conditions.
11. Petitioner does not present a danger to the community.
12. Petitioner does not present a meaningful flight risk that could not be addressed through supervision.
13. The prior custody process failed to meaningfully evaluate Petitioner's medical deterioration, vulnerability as an LGBTQ woman, less restrictive alternatives, and constitutional liberty interests.
14. A TRO is appropriate because Petitioner is likely to succeed, or at minimum raises serious constitutional questions, regarding whether continued detention violates due process.
15. Petitioner will suffer irreparable harm absent relief because continued detention threatens her health, safety, bodily integrity, access to medical care, and constitutional liberty.
16. The balance of equities favors Petitioner because temporary protection from transfer, removal, and medically dangerous detention outweighs any administrative burden on Respondents.
17. The public interest favors ensuring that civil immigration detention complies with the Constitution and does not become punishment.
18. Narrow relief is appropriate to preserve this Court's jurisdiction and prevent further harm while the habeas petition is adjudicated.

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant this Motion for Temporary Restraining Order and Preliminary Injunctive Relief;

B. Enjoin Respondents from removing Petitioner from the United States while this habeas action remains pending;

C. Enjoin Respondents from transferring Petitioner away from this Court's jurisdiction without prior notice to the Court;

D. Order Respondents to release Petitioner under appropriate conditions of supervision;

E. Alternatively order supervised release, parole, GPS monitoring, reporting requirements, or other less restrictive alternatives;

F. Alternatively order a constitutionally adequate custody review considering Petitioner's medical conditions, LGBTQ vulnerability, family support, lack of dangerousness, and less restrictive alternatives;

G. Order Respondents to ensure access to appropriate medical evaluation and treatment while any detention continues;

H. Grant any additional relief this Court deems just and proper.

Respectfully submitted,

Rosibel

ROSIBEL DEL CARMEN MUNOZ PALACIOS

A# 
Stewart Detention Center
Lumpkin, Georgia

Date: 05-15-26