

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

MAY 29 2026

KEVIN P. WEIMER, Clerk
By:  Deputy Clerk

JOSE EDGAR REINA-MORAN,
Petitioner,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT ("ICE");
TODD M. LYONS, Acting Director of ICE;
MELISSA B. HARPER, Field Office Director;
U.S. DEPARTMENT OF HOMELAND SECURITY ("DHS");
PAM BONDI, Attorney General of the United States;
Respondents.

1:26-CV-3029

Civil Action No. _____

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
IMMEDIATE RELEASE**

Petitioner, JOSE EDGAR REINA-MORAN ("Petitioner"), respectfully moves this Honorable Court for issuance of a Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure ordering Petitioner's immediate release from ICE custody pending adjudication of the accompanying Petition for Writ of Habeas Corpus.

In support thereof, Petitioner states as follows:

I. INTRODUCTION

Petitioner remains confined under civil immigration detention in violation of the Fifth Amendment to the United States Constitution.

The continued deprivation of liberty imposed against Petitioner is unsupported by constitutionally sufficient findings, individualized evidentiary analysis, or clear and convincing evidence establishing necessity for continued detention.

Absent immediate judicial intervention, Petitioner will continue suffering ongoing and irreparable constitutional injury.

Accordingly, emergency injunctive relief is warranted.

II. FACTUAL BACKGROUND

1. Petitioner is currently detained by ICE pursuant to civil immigration detention proceedings.
2. On March 17, 2026, Immigration Judge Ryan Fisher denied Petitioner's request for custody redetermination before the Atlanta Immigration Court.
3. The Immigration Judge concluded that Petitioner was allegedly subject to mandatory detention under the so-called "Laken Riley Act" and further concluded that Petitioner allegedly failed to demonstrate that he was not dangerous and not a flight risk.
4. The Government's own records establish that the alleged felony shoplifting offense was reduced to misdemeanor shoplifting.

5. Official Cobb County Superior Court records further establish that Petitioner's probation was terminated early after Petitioner complied with probation conditions and conducted himself in a law-abiding manner.
6. The Immigration Judge nevertheless failed to meaningfully analyze:
 - less restrictive alternatives to detention;
 - proportionality;
 - individualized constitutional scrutiny;
 - favorable state court findings;
 - actual present dangerousness;
 - actual flight risk.
1. The detention order contains generalized and boilerplate conclusions unsupported by individualized constitutional analysis.

III. LEGAL STANDARD

A Temporary Restraining Order is appropriate where the moving party demonstrates:

1. substantial likelihood of success on the merits;
2. irreparable injury absent injunctive relief;
3. that the threatened injury outweighs any alleged harm to Respondents; and
4. that the requested relief serves the public interest.

IV. ARGUMENT

A. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

Petitioner has demonstrated a substantial likelihood of success because continued detention violates the Due Process Clause of the Fifth Amendment.

The detention determination lacks:

- individualized evidentiary findings;
- clear and convincing evidence;
- meaningful constitutional scrutiny;
- proportionality analysis;
- analysis of alternatives to detention.

The Immigration Judge additionally relied upon generalized allegations and accusations rather than individualized constitutional analysis.

Federal courts retain authority under 28 U.S.C. § 2241 to review unconstitutional immigration detention.

The Constitution does not permit arbitrary civil confinement.

B. PETITIONER SUFFERS IRREPARABLE HARM

Every additional day of unconstitutional confinement constitutes irreparable harm.

Petitioner continues suffering:

- deprivation of liberty;
- emotional hardship;
- psychological distress;
- family separation;
- ongoing constitutional injury.

No monetary remedy can adequately compensate for unlawful incarceration.

C. THE BALANCE OF EQUITIES STRONGLY FAVORS RELEASE

The balance of equities overwhelmingly favors Petitioner because continued detention imposes ongoing constitutional injury.

Conversely, Respondents suffer no legitimate harm from compliance with constitutional requirements.

Less restrictive alternatives remain available, including supervision and reporting requirements.

D. THE PUBLIC INTEREST FAVORS PREVENTION OF UNCONSTITUTIONAL DETENTION

The public interest is always served by preventing unconstitutional incarceration and ensuring compliance with the Constitution.

No governmental interest justifies continued detention unsupported by constitutionally sufficient findings.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. ISSUE a Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure;
2. ORDER Petitioner's immediate release from ICE custody pending adjudication of the habeas proceedings;
3. GRANT expedited consideration due to ongoing irreparable constitutional injury;
4. GRANT such additional relief as this Court deems just and proper.

Respectfully submitted,



JOSE EDGAR REINA-MORAN
Petitioner Pro Se

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