

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

FILED
U.S. DISTRICT COURT
JUN 1 2026
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CLERK OF COURT

EMILIA ARCOS AVILA

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Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

Petitioner,

v. Civil Action No. _____

1. WARDEN, STEWART DETENTION CENTER
2. ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
3. SECRETARY, U.S. DEPARTMENT OF HOMELAND SECURITY
4. ATTORNEY GENERAL OF THE UNITED STATES

Respondents.
-----,

MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, EMILIA ARCOS AVILA, respectfully moves this Court for a Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure, seeking immediate release from unlawful and dangerous detention

I. EMERGENCY BASIS

This motion presents a true emergency.

Petitioner was arrested on or about April 4, 2026 in Savannah, Georgia and is currently detained at Stewart Detention Center.

Since her detention, Petitioner has experienced rapid deterioration of her physical and mental health, including:

- Severe anxiety, depression, and panic attacks
- Insomnia and emotional instability
- Chest pain and heart-related symptoms
- Extreme psychological distress

Additionally, Petitioner has been subjected to:

- Hostile and degrading treatment
- Racially discriminatory comments by guards
- Unsafe and harmful detention conditions

Without immediate intervention, Petitioner faces irreparable harm to her health, dignity, and constitutional rights

II. LIKELIHOOD OF SUCCESS ON THE MERITS

Petitioner is likely to succeed on her habeas claims.

A. Violation of Due Process (Fifth Amendment)

Civil immigration detention must comply with due process protections.

Zadvydas v. Davis, 533 U.S. 678 (2001)

Demore v. Kim, 538 U.S. 510 (2003)

Detention becomes unconstitutional when it is:

- Arbitrary
- Excessive
- Lacking meaningful review

Here:

- Petitioner has not received meaningful custody review
- She has no legal representation
- She has not been afforded adequate procedural safeguards

This violates fundamental liberty interests protected by the Fifth Amendment

B. Unconstitutional Conditions of Confinement

Civil detainees cannot be punished.

Bell v. Wolfish, 441 U.S. 520 (1979)

Conditions that are punitive or harmful violate due process.

Petitioner has experienced:

- Emotional abuse and discrimination
 - Psychological deterioration
 - Unsafe and degrading conditions
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These conditions are excessive and unconstitutional

C. Failure to Protect Medical Needs

Deliberate indifference to serious medical needs violates constitutional protections.

Estelle v. Gamble, 429 U.S. 97 (1976)

Petitioner is suffering

:

- Heart-related symptoms
- Severe mental health decline
- Anxiety and panic disorder

Detention officials have failed to adequately address these conditions

III. IRREPARABLE HARM

Irreparable harm is clear and ongoing.

Elrod v. Burns, 427 U.S. 347 (1976)

Petitioner faces:

- Ongoing physical and mental harm
- Emotional collapse
- Risk of worsening medical condition

Additionally, her family is suffering:

- Her daughter and two grandchildren depend on her financially

- One grandchild is a young child emotionally dependent on Petitioner
- The family has lost its primary provider
- The household is facing economic instability

This harm cannot be undone

IV. BALANCE OF EQUITIES

The balance strongly favors release.

Petitioner:

- Has lived in the United States for over a decade
- Has strong family ties
- Has no history of violence
- Has cooperated with authorities

The Government has no legitimate interest in continued detention under these circumstances.

V. PUBLIC INTEREST

The public interest supports release.

Protecting constitutional rights and preventing unlawful detention serves the public interest.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. GRANT this Emergency Motion for Temporary Restraining Order
2. ORDER immediate release from custody
3. In the alternative, ORDER a bond hearing without delay

4. GRANT any further relief the Court deems just and proper

Respectfully submitted,

Emilia Arcos Avila

EMILIA ARCOS AVILA

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Pro Se Petitioner

CURRENT PLACE OF DETENTION:

Stewart Detention Center

146 CCA Road

Lumpkin, Georgia 31815

Date: 05-03-26