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MIDDLE DISTRICT OF GEORGIA

Petitioner,

WARDEN OF STEWART DETENTION CENTER, et al.,

Respondents. _____

Case No. 4:26-cv-00999-CDL-ALS

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF
REMOVAL

INTRODUCTION

Petitioner, Yovani Amilcar Martin-Chavez, by and through undersigned counsel, respectfully moves this Court on an emergency basis for a Temporary Restraining Order (“TRO”) and an immediate Stay of Removal. Petitioner is facing imminent, unlawful deportation today, July 14, 2026.

Respondents have actively manipulated the Executive Office for Immigration Review (EOIR) scheduling portals to deny Petitioner his Fifth Amendment right to counsel, entered a bad-faith removal order in his attorney's forced absence, and have systematically scrubbed him from public locator databases to execute a physical removal designed to moot this Court's review of his pending Petition for Writ of Habeas Corpus.

Petitioner requests that this Court:

1. Enjoin Respondents from removing Petitioner from the United States or transferring him out of the jurisdiction of the Middle District of Georgia pending further Order of this Court.
2. Stay the execution of any removal orders entered against Petitioner.
3. Order Respondents to immediately disclose Petitioner's physical location and allow confidential legal contact.

I. RELEVANT FACTUAL BACKGROUND

On July 8, 2026, Petitioner filed a Petition for Writ of Habeas Corpus (28 U.S.C. § 2241) in this Honorable Court. The Petition details that Petitioner is a member of the Pending Petition Class in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS (C.D. Cal. May 20, 2026), and is legally protected from civil immigration enforcement due to a pending Form I-914 T-Nonimmigrant Visa petition.

On July 13, 2026, the Immigration Judge (IJ) pretermitted Petitioner's Form I-589 application. Following pretermission, on July 14, 2026, prior to the scheduled 1:30 p.m. EST Individual Hearing (IH), the hearing was abruptly removed from the EOIR public online portal and calendar. Relying on this official system, Counsel for Petitioner understood the hearing to be canceled or rescheduled—particularly in light of the pretermission the day prior. After 1:30 PM ET, Petitioner contacted his spouse, who informed Counsel that the IJ proceeded to hold the hearing in Counsel's absence, deemed counsel a no-show, and entered a removal order.

Immediately following this manufactured no-show order, deportation officers informed Petitioner that he would be deported *today*, July 14, 2026. But Petitioner has 30 days to file an appeal of this pretermission and removal order, which the online filing system for the Executive Office of Immigration Review ("EOIR") dated such removal order as entered on July 13, 2026.

Counsel immediately attempted to trace Petitioner. Petitioner has been completely scrubbed from the ICE Online Detainee Locator System and is no longer linked to the Stewart Detention Center on the ICE ERO e-filing system. Screenshots of these two online data sources are attached hereto as Exhibit A. This indicates that ICE has either physically transferred Petitioner out of the facility, has placed him in transit to an airfield, or is actively attempting to deport him to evade this Court's jurisdiction.

II. ARGUMENT & LEGAL STANDARDS

To obtain a Temporary Restraining Order, the moving party must establish: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm an injunction would cause the opposing party; and (4) that the injunction would not disserve the public interest. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225–26 (11th Cir. 2005).

A. There is a Substantial Likelihood of Success on the Merits

Petitioner is highly likely to succeed on his underlying Habeas Petition.

1. **Violation of Nationwide Injunction:** As a pending T-visa applicant, Petitioner is protected under the nationwide preliminary injunction in *ICWC v. Noem*, which explicitly stays ICE's Blind Removal Policy. Removing him directly violates a federal court order.
2. **Severe Fifth Amendment Due Process Violations:** By deleting the scheduled Individual Hearing from the online calendar, EOIR actively misled counsel, held a trial *in absentia*, and stripped Petitioner of his statutory and constitutional right to counsel. This is a structural due process defect. Petitioner has a right to appeal this removal order, a right that will be permanently destroyed if he is deported today.

B. Petitioner Faces Immediate, Irreparable Harm

Deportation constitutes the ultimate irreparable harm, especially where the government's rapid, clandestine actions are calculated to moot a pending federal habeas case. If removed, Petitioner will be separated from his U.S. citizen spouse and two young children and forced back to Guatemala, where he faces the very dangers identified in his humanitarian applications. Furthermore, physical removal would permanently deprive him of his right to seek administrative and federal review of his pending T-visa and asylum claims.

C. The Balance of Equities and the Public Interest Favors a Stay

There is zero harm to the Government in delaying deportation to allow this Court to resolve a pending, legally sound habeas claim. Conversely, the harm to the Petitioner is absolute. The public interest is profoundly disserved when federal agencies manipulate court dockets and circumvent ongoing judicial proceedings to execute rapid, lawless deportations.

III. CONCLUSION & PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court **IMMEDIATELY**:

1. **GRANT** this Emergency Motion for Temporary Restraining Order;
2. **STAY** the removal of Petitioner from the United States and **ENJOIN** Respondents from transferring him outside the jurisdiction of this Court;
3. **ORDER** Respondents to immediately disclose Petitioner's physical location and current custodial status; and
4. **ORDER** Respondents to allow Petitioner immediate, unhindered telephonic access to his legal counsel.

Dated: July 14, 2026

Respectfully Submitted,

/s/ Margaret W. Wong

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IV. CERTIFICATE OF COMPLIANCE & SERVICE

I hereby certify that on this 14th day of July, 2026, a copy of the foregoing Emergency Motion and a Proposed Order were filed electronically via CM/ECF, which will send notification of such filing to the United States Attorney's Office for the Middle District of Georgia. Because of the extreme, hour-by-hour nature of this emergency, copies have also been transmitted via electronic mail directly to the Lead Attorney for Respondents, Assistant United States Attorney ("AUSA") Michael P. Morrill, at michael.morrill@usdoj.gov.

Dated: July 14, 2026

Respectfully submitted,

/s/ Margaret W. Wong

Margaret W. Wong, Esq.

Attorney for Petitioner