Jeison Joel Uzcategui Labarca
Country Of Birth: Venezuela
A-Number: [redacted]
Irwin County Detention Center
132 Cotton Drive
Ocilla, Ga 31774
Visitor Information: (229) 468-4121
Pro Se

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

Jeison Joel Uzcategui Labarca
A-Number: [redacted]
Proceeding Pro Se,
Petitioner,
v.
WARDEN/FACILITY ADMINISTRATOR, Irwin County Detention Center;
_____, FIELD OFFICE DIRECTOR, U.S. Immigration and Customs Enforcement, Atlanta Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Case No.:

PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

I. NOTICE OF PRO SE FILING

Petitioner Jeison Joel Uzcategui Labarca files this Application *pro se*. He respectfully requests that the Court construe his pleadings liberally. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972).

II. INTRODUCTION

Petitioner seeks an ex parte temporary restraining order ("TRO") pursuant to Federal Rule of Civil Procedure 65(b) to prevent irreparable harm while the Court considers his accompanying Petition for Writ of Habeas Corpus. Specifically, Petitioner seeks: (1) an order prohibiting Respondents from transferring him outside the Middle District of Georgia or removing him from the United

States while the habeas Petition is pending; and (2) an order requiring Respondents to release Petitioner immediately and restore him to the noncustodial status that existed before his July 18, 2026 redetention.

III. LEGAL STANDARD

A party seeking a temporary restraining order or preliminary injunction must establish: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) that the injunction, if issued, would not be adverse to the public interest.

Under Fed. R. Civ. P. 65(b)(1)(A), the court may issue a TRO without notice if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." The deprivation of liberty unquestionably constitutes irreparable harm.

IV. FACTUAL BACKGROUND

The facts supporting this Application are set forth in Petitioner's contemporaneously filed verified Petition for Writ of Habeas Corpus, which are incorporated herein by reference. In summary:

- Following his initial processing in November 2023, Petitioner was released into the community.
- For approximately two years and eight months, he resided in Georgia, obtained a state identification card and a federal Employment Authorization Document (EAD), and worked to support himself and his family.
- On July 18, 2026, ICE agents arrested Petitioner in the Atlanta, Georgia area. The redetention occurred without a new arrest warrant, a notice of custody determination (Form

I-286), a formal revocation of his prior release, or any explanation of the statutory basis for this new confinement.

- As of August 6, 2026, Petitioner has been detained for 19 days at the Irwin County Detention Center. Respondents have not provided him with an individualized bond hearing.
- His immigration removal proceedings are still pending, with a Master Calendar Hearing scheduled for August 18, 2026. There is no final order of removal in his case.
- He is the father of a 4-year-old son in Miami and has been providing financial support. He
- has a pending application for asylum

V. ARGUMENT

A. Petitioner Has Shown a Likelihood of Success on the Merits

Petitioner has raised serious questions going to the merits of his habeas claims. The Government is detaining him without a bond hearing by apparently misclassifying him under 8 U.S.C. § 1225(b), which applies to "arriving aliens" seeking admission at the border. The Eleventh Circuit has squarely rejected this legal theory for individuals arrested in the interior of the country. *See Hernandez Alvarez v. Warden, FDC Miami*, 175 F.4th 1258 (11th Cir. 2026). The Government's own documents—the original arrest warrant from 2023 citing INA § 236 (8 U.S.C. § 1226) and the Notice to Appear classifying him as a person "present in the United States"—confirm he is entitled to a bond hearing under § 1226(a). Furthermore, he possessed a protected liberty interest after nearly three years of freedom, which was revoked without any notice or process in violation of the Fifth Amendment. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

B. Petitioner Will Suffer Irreparable Harm Absent a TRO

Petitioner is suffering ongoing deprivation of physical liberty—the most fundamental form of irreparable harm. Each day he remains detained without the bond hearing he is statutorily entitled to is a new, irreparable injury. Petitioner also faces other immediate and severe irreparable harms,

including:

- **Family Separation:** The detention has severed his ability to provide emotional and economic support to his 4-year-old son in Miami.
- **Economic Harm:** He has lost his employment and income, which he used to support himself and his family.
- **Impediment to Legal Process:** His detention significantly impairs his ability to gather evidence and prepare for his Master Calendar Hearing on August 18, 2026.
- **Risk of Mootness:** There is an imminent risk that Respondents may transfer him to a remote facility outside this District or attempt to remove him, which would severely impede his ability to litigate this Petition and could render it moot.

C. The Balance of Equities Tips Sharply in Petitioner's Favor

The balance of equities tips sharply in Petitioner's favor. He has no criminal convictions, a documented history of living peacefully in the community for nearly three years, a valid work permit, and community ties. He cooperated fully during his arrest. The Government's interest in his detention is minimal, especially since it previously determined he was suitable for release. In contrast, Petitioner faces ongoing unlawful confinement and separation from his family. The administrative burden of either releasing him or providing a bond hearing is negligible compared to the profound and ongoing deprivation of his liberty.

D. The Public Interest Favors a TRO

The public has a strong interest in preventing unlawful executive detention and ensuring that government agencies follow constitutional and statutory requirements. The public interest is served when the Government provides due process and does not detain persons without a lawful basis. As courts have recognized, the government cannot suffer harm from being enjoined from an unconstitutional or unlawful practice.

E. Ex Parte Relief Is Necessary and Appropriate

Ex parte relief is necessary to prevent immediate and irreparable harm. There is an imminent risk that Respondents may transfer Petitioner to another facility outside this District before the Government can be heard, which would moot his Petition and cause irreversible harm. The upcoming Master Hearing on August 18, 2026, creates an urgent need to resolve his custody status. Each day of continued unlawful detention without a bond hearing constitutes an ongoing and severe injury, and any delay would defeat the purpose of the Great Writ.

F. The TRO Preserves the Status Quo Ante

This application does not seek to alter the status quo; it seeks to restore and preserve the *status quo ante*—Petitioner's noncustodial liberty that existed before his unlawful redetention on July 18, 2026. Restoring Petitioner to his prior liberty is consistent with the purpose of a TRO to maintain the existing state of affairs pending a hearing on the merits.

VI. RELIEF REQUESTED

Petitioner respectfully requests that the Court issue an ex parte Temporary Restraining Order:

A. Prohibiting Respondents from transferring Petitioner outside the Middle District of Georgia or removing him from the United States while the habeas Petition remains pending;

B. Requiring Respondents to release Petitioner immediately from physical custody and restore him to the noncustodial status that existed before his July 18, 2026 redetention;

C. Alternatively, if the Court declines to order immediate release, requiring Respondents to maintain Petitioner at the Irwin County Detention Center and to show cause within seven (7) days why the writ should not issue;

D. Requiring Respondents to file a response to this Application and the underlying Petition within seven (7) days; E. Setting an expedited hearing date on the Petition for Writ of Habeas Corpus; and F. Granting such other relief as the Court deems just and proper.

VII. CONCLUSION

The balance of equities and the severity of irreparable harm—particularly the ongoing deprivation of liberty in violation of federal statute and binding circuit precedent—justify ex parte relief. Petitioner has raised serious questions about the lawfulness of his detention without a bond hearing, and each day of continued custody causes harm that cannot be undone.

Dated: August 6, 2026

Respectfully submitted,

Jeison Uzcategui

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