IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UMANG VISHNUBHAI PATEL,

Petitioner,

v.-

MICHAEL STREEVAL, in his official capacity as Warden of Stewart Detention Center; TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration And Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Secretary of the Department of Homeland Security; and TODD BLANCHE, in his official capacity as Attorney General of the United States,

Case No: 4:26-cv-01116

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Petitioner, Umang Vishnubhai Patel ("Petitioner"), by and through undersigned counsel, respectfully moves this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for

entry of a Temporary Restraining Order and Preliminary Injunction preserving the status quo pending adjudication of Petitioner's Petition for Writ of Habeas Corpus.

In support thereof, Petitioner states as follows:

INTRODUCTION

1. Contemporaneously with this Motion, Petitioner filed a Petition for Writ of Habeas Corpus pursuant to *28 U.S.C. § 2241* challenging the legality of his continued immigration detention. Petitioner alleges that Respondents are detaining him under the incorrect statutory authority and that his detention is governed by 8 U.S.C. § 1226(a), entitling him to an individualized custody determination before an Immigration Judge.
2. Petitioner does not seek a determination on the merits through this Motion. Rather, Petitioner seeks only temporary relief preserving the status quo until this Court has an opportunity to consider the important statutory and constitutional questions presented in the pending Petition.
3. Absent immediate injunctive relief, Respondents remain free to transfer Petitioner from Stewart Detention Center to another detention facility while this action is pending.
4. Such a transfer would unnecessarily interfere with Petitioner's ability to communicate with counsel, impede the preparation and presentation of his habeas claims, alter the status quo while this Court considers the Petition, and substantially prejudice Petitioner's ability to obtain timely and meaningful judicial review.
5. The requested relief imposes little or no burden upon Respondents. Petitioner seeks only to preserve his present custodial status while this Court considers the legality of his detention.

FACTUAL BACKGROUND

6. Petitioner incorporates by reference each allegation contained in the Petition for Writ of Habeas Corpus as though fully set forth herein.

7. Petitioner has resided in the United States for more than three years

8. During that period, the Department of Homeland Security initiated removal proceedings under section 240 of the Immigration and Nationality Act and permitted Petitioner to remain at liberty while requiring him to report periodically to U.S. Immigration and Customs Enforcement ("ICE").

9. Petitioner complied with every reporting obligation imposed by ICE, appeared for every immigration court hearing, timely appealed the Immigration Judge's decision to the Board of Immigration Appeals, and voluntarily appeared for a scheduled ICE reporting appointment on July 30, 2026.

10. During that scheduled reporting appointment, ICE took Petitioner into custody, where he presently remains detained at Stewart Detention Center. Petitioner's appeal before the Board of Immigration Appeals remains pending.

11. Because Respondents possess the authority to transfer Petitioner at any time during the pendency of this litigation, temporary injunctive relief preserving the status quo is necessary until this Court has an opportunity to adjudicate the Petition.

ARGUMENT

I. Petitioner Is Likely to Succeed on the Merits.

12. A party seeking temporary injunctive relief must demonstrate (1) a substantial likelihood of success on the merits; (2) irreparable injury absent the requested relief; (3) that the threatened injury outweighs any harm the proposed injunction may cause the opposing

party; and (4) that the requested relief would not be adverse to the public interest. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc)

13. As set forth more fully in the accompanying Petition for Writ of Habeas Corpus, Petitioner is likely to succeed on the merits because Respondents are detaining him under the incorrect statutory authority.

14. Petitioner has resided in the United States for more than three years, was placed into removal proceedings under section 240 of the Immigration and Nationality Act, remained at liberty while those proceedings were pending, complied with every reporting requirement imposed by ICE, timely appealed the Immigration Judge's decision to the Board of Immigration Appeals, and voluntarily appeared for a scheduled ICE reporting appointment, where he was taken into custody.

15. As explained in the Petition, Petitioner's detention is governed by 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b). Accordingly, Petitioner is entitled to an individualized custody determination before an Immigration Judge.

16. Petitioner has therefore demonstrated a substantial likelihood of success on the merits.

II. Petitioner Will Suffer Immediate and Irreparable Harm Absent Temporary Relief.

17. Absent temporary injunctive relief, Respondents may transfer Petitioner to another detention facility before this Court has an opportunity to resolve the pending Petition.

18. A transfer would significantly interfere with Petitioner's ability to communicate with counsel, review filings, assist in the preparation of his case, and participate meaningfully in these proceedings.

19. Such a transfer would also alter the status quo while the Court is considering whether Petitioner's detention is lawful, creating unnecessary complications in the orderly administration of this action.

20. These injuries cannot be adequately remedied through monetary damages or after-the-fact relief and therefore constitute irreparable harm warranting temporary injunctive relief.

III. The Balance of Equities Favors Temporary Relief.

21. The balance of equities strongly favors Petitioner.

22. Petitioner seeks only to preserve the status quo until this Court has had an opportunity to decide the legal issues presented in the Petition.

23. Maintaining Petitioner at Stewart Detention Center during the pendency of this action imposes little or no burden upon Respondents.

24. Conversely, denying temporary relief risks unnecessary prejudice to Petitioner's ability to litigate his claims and obtain meaningful judicial review.

IV. The Requested Relief Serves the Public Interest.

25. The public has a strong interest in ensuring that federal agencies comply with the limitations imposed by Congress and that individuals challenging the legality of their detention receive meaningful access to the courts.

26. Preserving the status quo while this Court considers Petitioner's habeas petition promotes the orderly administration of justice and serves the public interest.

V. Security Under Rule 65(c)

27. Rule 65(c) authorizes a court to require security before issuing temporary injunctive relief. Because this action seeks only to preserve Petitioner's present custodial status

pending resolution of a federal habeas petition, implicates substantial questions of statutory and constitutional law, and will not result in monetary injury to Respondents, Petitioner respectfully requests that the Court waive the security requirement or, alternatively, require only nominal security

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Grant Petitioner's Emergency Motion for Temporary Restraining Order and Preliminary Injunction;

B. Enter an Order directing Respondents to maintain Petitioner at Stewart Detention Center, or alternatively within the Middle District of Georgia, pending further Order of this Court;

C. Enjoin Respondents from transferring Petitioner outside the Middle District of Georgia without prior authorization of this Court;

D. Alternatively, require Respondents to provide Petitioner's counsel with no less than forty-eight (48) hours' advance written notice before any transfer outside the Middle District of Georgia;

E. Waive the security requirement of Rule 65(c), or alternatively require only nominal security;

F. Set this matter for expedited consideration;

G. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 17 day of August, 2026.

/s/ Urwah Ahmed

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