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

NADINE PIERRE,
A#[redacted]

Plaintiff,

v.

JASON STREEVAL, WARDEN, STEWART DET. CTR.;
KRISTEN SULLIVEN, DIRECTOR, ATLANTA ICE FIELD OFFICE;
MARKWAYNE MULLIN, SEC'Y, DEPARTMENT. OF HOMELAND SEC.;
TODD BLANCHE, ACTING ATT'Y GEN.,

Respondents.

Civil Action File No.:
TBA

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL PENDING RESOLUTION OF PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. PETITIONER, NADINE PIERRE, by and through undersigned counsel, respectfully moves this Court for an Emergency Temporary Restraining Order ("TRO") and stay of removal, prohibiting Respondents from executing any removal order against her to Haiti, or any other country, and from transferring her outside the jurisdiction of this Court, pending this Court's

resolution of her concurrently filed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

2. ALARMINGLY, ***on August 23rd 2026***, Counsel for Petitioner was made aware that ICE Officers at Stewart Detention Center (henceforth, "SDC") were attempting to remove Petitioner outside this court's jurisdiction to a Louisiana Facility. Counsel was not notified by the Department, nor is ICE removing Petitioner by way of any lawful rules or regulations. But rather, Counsel for Petitioner was notified by Petitioner's USC family members; undoubtedly distraught.

3. For twelve months now, Petitioner has been unlawfully detained at Stewart Detention Center with no NTA (Form I-862) on file; no Notice of Revocation; the EOIR judicial denial for an opportunity to custody or bond relief; and no true understanding of the legal grounds for her detention—leaving Ms. Pierre imprisoned in a legal void with no process, and no end in sight.[1]

[1] As of 25 June 2026, a form I-862 (NTA charging document) was not on Petitioner's files with the EOIR. Additionally, Petitioner was never served with Notice of Revocation.

4. The factual and legal predicate for this motion is straightforward. Continued, prolonged, indefinite detention, without any individualized inquiry into presenting a danger or flight risk, violate Petitioner's Due Process Clause of the Fifth Amendment and her constitutional liberty interests. Additionally, there is no legitimate interest in the government ignoring its own regulations that intend to ensure discretion afforded to government agents are not exercised arbitrarily: (*Romero, et al. v. Ladwig et al.* 25-1106-JWD-EWD, 7 (M.D. La. Feb 06, 2026) citing *Rombot v. Souza*, 296 F. Supp 3d 383, 389 (D. Mass 2017).

5. ***In addition to paragraph 2 above***, as of mid-August 2026:

i. Ms. Pierre has been approached by ICE officers attempting to coerce her to sign documents she has no understanding of (despite Ms. Pierre already explicitly telling the officers she is has legal representation and counsel being on record) Ex. C, and

ii. Ms. Pierre was told by a guard 'as a favor', 'in secret' that Stewart Detention Center is imminently closing down.

6. The Petitioner's concern that ICE agents are attempting to secure her removal may be imminent.

7. Petitioner entered the United States unlawfully as a young person, and later obtained LPR status (Ex. C; Pet'r's. Aff. ¶ ¶ 7, 35). She has three United States Citizen (hereinafter USC) adult children, each with debilitating ongoing, life- threatening medical concerns; Ms. Pierre being their only caregiver. As a victim of domestic abuse, the Petitioner was wrongfully framed, and compelled to plead guilty to felony charges. (Pet'r's. Aff. ¶¶ 26-28).

8. Following the false charges, Plaintiff successfully applied for, and obtained an Order of Supervision in around 8 August 2015 (Exs. O, N). Terms of the Orders include *inter alia* regular check-ins to ICE, to which Petitioner consistently adhered to up to the moment she was detained in August 2025.

9. Following her custody at SDC, and despite no notice or hearing, Petitioner attempted to secure bond hearing and redetermination (*pro se*) with the EOIR failed (Exs. I, J, K) Ex. J (Tr. Hr'g, IJ at 15; ruling IJ has no jurisdiction to confer bond order"), Ex. C Pet'r's Aff at 40 (Petitioner's attempt to speak with ICE officer whilst in SDC).

10. She has been held for **one year now** with no relief.

11. If Ms. Pierre is removed to Haiti before this Court adjudicates her habeas petition, this Court's decision will be rendered meaningless. Given the

exceptional and extremely unusual hardship to the Petitioner's daughters and/or Haiti's current conditions of severe civil instability and gang violence, Ms. Pierre's removal could be irreversible in its consequences. This motion satisfies all four factors under *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008), and *Nken v. Holder*, 556 U.S. 418, 434 (2009).

12. Petitioner respectfully requests that this Court consider this motion less than ***24 hours filing*** and to immediately issue an *ex parte* TRO and stay of removal order without awaiting Respondents' reply given the risk of imminent removal and significant consequences thereof.

II. JURISDICTION AND AUTHORITY TO GRANT RELIEF

13. This Court has authority to issue a TRO and stay of removal; Petitioner proposes the following independent grounds for relief.

14. First, the Court has inherent authority under 28 U.S.C. §§ 1651, 2241 to issue injunctive relief necessary to preserve the status quo while a habeas petition is pending. See *Ozturk v. Trump*, 777 F. Supp. 3d 26, 44 (D. Mass. 2025) (granting stay "to preserve the status quo" pending habeas adjudication); *Leuthavone v. Salisbury*, C. A. 97-cv-556-JJM (D. R.I. Apr 17, 2025), at *1

(inherent authority under 28 U.S.C. § 1651 to stay removal pending habeas); *Joshua M. v. Barr*, 439 F. Supp. 3d 632 (E.D. Va. 2020).

15. Similarly, the Eleventh Circuit assumes the approach that their district courts have inherent habeas pursuant to 28 U.S.C. §1651: authority to issue status-quo-preserving stays. Particularly where, as in this case, the habeas petition presents claims that this Court has already resolved favorably in materially identical cases (*Delgado-Corea v. INS*, 804 F.2d 261, 263 (11th Cir. 1986)).

16. Third, the stay is properly understood as ancillary relief incident to the Court's habeas jurisdiction. Plaintiff's habeas petition directly contests the statutory authority for her detention and the constitutional adequacy of the process she has been subjected to. A stay preventing her physical removal is the necessary corollary to ensure the Court's ultimate habeas remedy is not mooted before it can be granted. As recognized in *Bolante v. Keisler*, 506 F.3d 618, 620–21 (7th Cir. 2007), inherent judicial authority to grant relief *pendente lite* is a natural incident of habeas corpus.

17. Fourth, under 28 U.S.C. § 1331, this Court may exercise federal question jurisdiction, providing an independent statutory basis for this court to exercise jurisdiction over Petitioner's constitutional and statutory claims.

18. Finally, Fifth Amendment due process protections afford even noncitizens 'notice' requirement. Therefore, detention without service of the NTA is constitutionally defective. Under the statutory scheme, 8 U.S.C. §1229 (a) and 8 CFR §§1003.13 and 1003.14, the NTA must be served on the individual. Service is a mandatory prerequisite, not a formality. This mandatory protection is the same for *Notice of Revocation and Informal Review*. 8 C.F.R. §241

III. STATEMENT OF FACTS

19. Ms. Nadine Pierre is a 52-year-old Haitian National. She entered the U.S. unlawfully at 16 years of age; she had been attempting to locate her father, Mr. Amos Pierre; a now U.S. citizen. Ex. U. Ms. Pierre initially fled Haiti; her mother and father both unknown to her. She eventually located her father, however, as familial discord had it; she was left to fend for herself again at 17 years of age (Pet'r's. Aff. ¶ 16).

20. Ms. Pierre is a mother of three (3) USC adult children, Angeline, Windline, and Lovely Saintlot (Pet'r's Aff ¶ 19). All three of her adult daughters suffer from severe life-threatening illnesses, leaving Ms. Pierre as their only lifelong caregiver. Without the Petitioner's ongoing support, her daughters are left to public support or an unspeakable outcome (Exs. D, F, G)

21. Never married, Ms. Pierre survived a volatile relationship and abusive relationship with Mr. Jean Saintlot. The physical, financial, and psychological mistreatment was such that Ms. Pierre had no choice but to flee with her daughters (Pet'r's. Aff. ¶¶ 19-21).

22. Unfortunately, Mr. Saintlot found Ms. Pierre and her daughters, and Ms. Pierre sustained significant physical injuries as a result (Pet'r's. Aff. ¶ 21). She was able to obtain a TPO against Mr. Saintlot (Ex. T). Mr. Saintlot's abuse continued when he conspired and implicated Ms. Pierre (unwittingly) into insurance fraud claim (hereinafter "the 2010 charges") (Pet'r's. Aff. ¶¶ 24-32; Ex. R).

23. As a victim of domestic abuse, the Petitioner was wrongfully framed, and compelled to plead guilty to felony charges. (Pet'r's. Aff. ¶¶ 26-28).

24. Ms. Pierre strongly asserts that Mr. Saintlot conspired to falsely charge and convict Petitioner of the insurance fraud claims (Pet'r's. Aff. ¶¶ 23, 31).

25. Ms. Pierre plead guilty at the advice of her then attorney, Mr. Devoe; to which Mr. Devoe neglected to advise her of the immigration implications (Pet'r's. Aff. ¶¶ 27-28).

26. Once detained in August 2025, Petitioner claims that an ICE agent approached her claimed that her detention was ultimately based on the 2010 wrongful conviction[2].

27. However, Petitioner had successfully applied for Cancellation of Removal in 2018, and continued with ICE check-ins as required since then (Exs. N-O).

PROCEDURAL BACKGROUND

28. In late 2009, Petitioner was wrongfully arrested for insurance fraud (the 2010 charges) (*see above*).

[2] Following numerous written and oral requests for a copy of Petitioner's Notice to Appear, form (I-862) on 25 June 2026 Petitioner's Counsel was finally notified that no NTA was ever filed/produced when Petitioner was detained in August 2025.

29. In June 2010, Petitioner plead guilty to those charges, without receiving appropriate legal advice as to the impact of those charges on her immigration status; (Pet'r's. Aff. ¶ ¶ 27-29) resulting in a five (5) year probation order (Ex. S), and the start of removal proceedings following the expiration of her green card in around 2014 to 2015 (Pet'r's. Aff. ¶¶ 29, 33-38) (Ex. Q).

30. Petitioner also unsuccessfully filed for Asylum, however on 12 November, 2015 a Florida Immigration Judge ordered the Petitioner removed. Subsequently, Ms. Pierre successfully secured a stay of removal on 15 August, 2018 (Exs. N, O, & Q).

31. In around 2020/2021 Petitioner's work authorization had expired and she endeavored to reapply for her EAD (Ex. V).

32. Between 2020 and 2021 Petitioner was unable to physically attend her ICE check-ins due to the COVID-19 pandemic (Ex. V).

33. In around early 2025 the Petitioner and her three daughters moved to Georgia from Florida, (Petitioner notified ICE of her relocation)[3].

[3] Despite best efforts, counsel was unable to obtain supporting evidence.

34. In early August 2025, Petitioner was apprehended by ICE agents and has since been detained in Stewart Detention Center.

35. Petitioner recalls never obtaining a form I-864 (NTA), nor was one ever filed at the Immigration Court. To date, Petitioner has been at SDC with no charging document, or legal remedies available to her.

36. In November 2025 Petitioner unsuccessfully applied for bond and custody hearing before the EOIR (Exs. I & J), then reapplied for a custody redetermination in December 2025; this was also denied (Ex. K).

IV. LEGAL STANDARD

37. A TRO and stay of removal pending habeas adjudication is governed by the four-factor test from *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008), and *Nken v. Holder*, 556 U.S. 418, 434 (2009): (1) likelihood of success on the merits; (2) likelihood of irreparable injury absent a stay; (3) whether the stay will substantially injure other parties; and (4) where the public interest lies.

38. The first two factors are the most critical. *Nken*, 556 U.S. at 434. A Plaintiff need not show that success is more likely than not a reasonable probability or fair prospect of prevailing on a substantial legal question

suffices (*See Leiva-Perez v. Holder*, 640 F.3d 962, 966 (9th Cir. 2011); *Antonio v. Garland*, 38 F.4th 524, 526 (6th Cir. 2022)) Plaintiff satisfies all four factors with ease.

V. ARGUMENT

A. Petitioner Has Sound Likelihood of Success on the Merits —

39. This is not a case in which a Petitioner asks this Court to break new ground. The legal predicate at the heart of Petitioner habeas petition is grounded in Constitutional and statutory framework.

1. Controlling Precedent Establishes Petitioner's Statutory and Constitutional Rights to Due process and Overwhelming Liberty Interest

40. Once a noncitizen has been released on an Order of Supervision ("OSUP") under 8 C.F.R. § 241.13, she possesses an "overwhelming" liberty interest in her continued release that cannot be extinguished without due process of law. See *Romero v. Ladwig*, No. 25-1106-JWD-EWD, (M.D. La. Feb. 6, 2026) (a district court sitting within the Fifth Circuit joining "the multitude of courts across the country recognizing that non-citizens have an overwhelming liberty interest in their continued release under an Order of Supervision"); *Gonzalez v. Reno*,

212 F.3d 1338, 1349 (11th Cir. 2000) (recognizing the substantial liberty interest at stake in continued release from immigration detention). Before that interest may be revoked, the regulation requires that the noncitizen receive notice of the revocation and "a prompt interview" with an immigration officer conducted "within twenty-four hours" of being taken back into custody, at which the noncitizen may respond informally to the reasons for revocation. 8 C.F.R. § 241.13(i)(3).

41. Courts have not hesitated to grant habeas relief, including where the government skips these procedures. See *Thuy v. Streeval*, No. 1:26-cv-0063-VMC-JEM (N.D. Ga. May 18, 2026) (granting relief on a near-identical OSUP-revocation record); *Romero*. Petitioner's situation is materially stronger than each of the three Plaintiffs who obtained relief in *Romero*

42. The likelihood of success on this statutory claim is not merely "reasonable" or "fair," it is based on this Court's own holdings in cases involving similar factual circumstances. Plaintiff's case is the clearest

application of *Romero and Thuy* arguing that Petitioner's situation is materially stronger than each of the Plaintiffs who obtained relief.

2. Independent Constitutional Claims Further Support Likelihood of Success.

43. This Court has previously ordered relief for SDC detainees on prolonged detention due process grounds, opining that restraints such as the Due Process Clause, restrict the Government's power to detain noncitizens; that individuals in deportation proceedings are entitled to due process of law under the Fifth Amendment (citing *Reno v. Flores*, 507 U.S. 292, 306, 113 S. Ct. 1439, 123 L.Ed.2d 1 (1993) *J.G. v. Warden, Irwin Cnty. Detention Ctr.*, 501 F. Supp. 3d 1331, 1342 (M.D. Ga. 2020))

44. Petitioner presents a compelling argument for relief under both the procedural due process clause and the established constitutional limitations on prolonged immigration detention (*Mathews v Eldridge,* 424, U.S. 319 (1976) prolonged detention without meaningful process; *Reid v. Donelan*, 17 F 4th 1 (1st Cir. 2021) prolonged detention without adequate due process is constitutionally infirm, even if initial detention is permissible)).

45. Even if statutory grounds were somehow disputed, Petitioner's due process claims independently warrant relief. She has been detained for with no charging document being filed, and over ten months without a constitutionally adequate bond hearing. Here, the IJ's refusal to exercise jurisdiction during the Petitioner first bond proceeding, leaving her without any forum to challenge her custody is an independent constitutional violation that further supports her habeas claims and this Court's issuance of a stay order (Ex. I; Hr'g Tr. 1:13).

B. Plaintiff Will Suffer Irreparable Harm Absent a Stay.

1. Removal Would Moot the Habeas Petition and Eliminate Meaningful Judicial Review.

46. If Petitioner is removed to Haiti while this habeas petition is pending, the relief she seeks, a bond hearing and release from unlawful detention, will be extinguished as a practical matter. While habeas jurisdiction technically survives removal where collateral consequences remain, see *Zegarra-Gomez v. INS*, 314 F.3d 1124, 1125 (9th Cir. 2003), the primary remedy Ms. Pierre seeks cannot be provided to someone who

has already been removed. This Court's ability to uphold its own holdings would be directly undermined if Plaintiff is removed before this petition is adjudicated.

2. Separation from Dependent Adult Children with Life-Threatening Illnesses- exceptional and extremely unusual hardship-

47. Plaintiff is the sole full-time caregiver of three adult children with serious, life-threatening medical conditions requiring daily assistance and supervision. The risk of harm upon the Petition's return to Haiti extends to her three adult children, being U.S. Citizen adults; unable to rely on the attention and protection by the only person in their lives willing to take on the arduous task of 'lifetime caregiver,' being removed to a country they could never survive, nor expect their mother to return from, all three daughters would each suffer exceptional and extremely unusual hardship should Ms. Pierre be removed with no recourse or relief.

48. Her removal to Haiti would leave these individuals without any caregiver during the pendency of their lifetimes. This is not a contingent or speculative harm; it is an immediate, concrete, and irreversible consequence

of removal. Forced family separation of this character constitutes well-recognized irreparable harm in the stay-of-removal context (See *Sanchez v. Sessions*, 857 F.3d 757, 759 (7th Cir. 2017); *Tesfamichael v. Gonzales*, 411 F.3d 169 (5th Cir. 2005)).

3. Risk of Harm Upon Return to Haiti.

49. The Petitioner left Haiti at a tender age of 16 years old. She only ever returned for approximately one week to meet her estranged mother. Should she be removed to Haiti, it would be akin to sending a U.S. National to a foreign country.

50. Additionally, Haiti not only currently presents conditions of severe civil instability; widespread gang control over large portions of the country; collapsed governmental infrastructure; and humanitarian crisis, the country conditions have also changed.

51. Plaintiff's forced return to Haiti under these conditions, after decades of absence, would expose her to significant personal serious risk of harm. The risk of physical danger upon removal is a cognizable component of

the irreparable harm inquiry (See *Leiva-Perez v. Holder*, 640 F.3d 962, 969 (9th Cir. 2011); *Antonio v. Garland*, 38 F.4th at 526).

52. The main risk of harm should the Petitioner be returned to Haiti would be to her three USC adult children. Not only would the concept of having their mother and only caregiver be taken from them be enough to overwhelm each of them, but the long-term implications to each individual is undefinable.

C. The Balance of Equities Strongly Favors Plaintiff.

53. The *Nken* Court found that the third and fourth factors merge in immigration cases because the government is both the opposing party and the public interest representative. 556 U.S. at 435–36.

54. The Government's interest in the prompt execution of removal orders must be weighed against the public interest in lawful administration of immigration detention, an interest that this Court has corrected repeatedly by granting bond hearings to SDC detainees detained without statutory authority. A stay imposes minimal administrative burden on Respondents.

55. Plaintiff is not alleged to pose any current danger to the community. Her criminal history is over a decade old, arose from circumstances in which she was herself the victim of domestic violence and fraud, and was adjudicated through a constitutionally defective plea process. She complied with all prior supervision requirements, has strong family ties, and caregiving responsibilities to U.S. citizens that will suffer exceptional and extremely unusual hardship a powerful incentive to appear at court appearances and adhere to orders (Exs. C-H). The equities decisively favor a stay to permit review of claims that, under this Court's own precedent, that are likely to succeed.

D. A Stay Is in the Public Interest.

56. The public has a strong interest in ensuring that the Government does not remove a noncitizen in violation of controlling judicial precedent. The public also has interest in ensuring that the government continues to follow its own regulations. If removal can moot a habeas petition before the court acts on claims it has already found meritorious in materially identical

cases, the judicial authority to enforce constitutional and statutory rights against executive detention becomes illusory.

57. There is also a compelling public interest in protecting the integrity of the habeas writ as a check on executive power. See *Boumediene v. Bush*, 553 U.S. 723, 765–66 (2008) (the writ "*must not be subject to manipulation by those whose power it is designed to restrain*"). Permitting removal to moot a pending habeas petition, in a case where the Plaintiff's legal entitlement to a bond hearing is established by this Court's own prior decisions, would constitute precisely that manipulation.

VI. THIS COURT MAY ISSUE A TRO WITHOUT PRIOR NOTICE TO RESPONDENTS

58. Federal Rule of Civil Procedure 65(b)(1) authorizes a TRO without written or oral notice to the adverse party where specific facts in an affidavit or verified complaint clearly show that immediate and irreparable injury will result before the adverse party can be heard, and counsel certifies in writing any efforts to give notice and reasons why it should not be required.

59. Petitioner's counsel certifies that the risk of imminent removal, and the absence of any advance notice requirement under Eleventh Circuit practice, necessitates immediate *ex parte* relief to preserve the status quo pending service upon Respondents. ICE is not obligated to provide advance notice of removal scheduling in this Circuit, and removal could be executed at any time. Once effected, removal renders meaningful habeas review impossible and moots Petitioner's claims that, under this Court's own controlling precedent, are virtually certain to succeed.

60. Moreover, it is well documented that ICE agents have removed detainees under the protection of automatic stay orders, and/or other forms of relief; relevantly, in the case at hand.

61. Since the outset of her detention at SDC, every time Ms. Pierre attempted to reach out to her assigned officer in an attempt to request parole, or other forms of relief, the officer's only answer has been something to the effect of: "*that is not possible, I am preparing your removal documents,*" revealing to Petitioner that removal may come without warning; making her detention unbearable.

62. Therefore, the injury to Petitioner in notifying ICE during the pendency of this TRO, greatly outweighs, the benefits of advanced notice. Petitioner ***respectfully requests that this Court issue the TRO immediately and direct service upon Respondents contemporaneously with issuance of the Order.***

VII. PRAYER FOR RELIEF

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

(1) Issue an immediate Temporary Restraining Order, without prior notice to Respondents pursuant to Fed. R. Civ. P. 65(b), prohibiting Respondents, their agents, officers, employees, and all persons acting in concert with them from:

a. Removing, deporting, or otherwise transferring Petitioner from the United States to Haiti or any other country;

b. Transferring Petitioner outside the territorial jurisdiction of the Middle District of Georgia; and

c. Taking any action to execute any removal order against Petitioner.

(2) Award Petitioner her costs and fees; and

(3) *Grant such other and further relief as this Court deems just, necessary, and proper.*

-Attorney Signature next page-

Respectfully submitted this 23rd day of August 2026.

/s/ Monar Amie Ead
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CERTIFICATE OF COUNSEL REGARDING NOTICE

I, Monar Amie Ead, counsel for Plaintiff, hereby certify pursuant to Federal Rule of Civil Procedure 65(b)(1)(B) that notice upon Respondents is not practicable because Plaintiff faces imminent risk of removal. Respondents have previously taken action against Plaintiff without notice or just cause. A TRO without prior notice is warranted because the risk of Plaintiff's removal to Haiti before this Court can adjudicate habeas will materialize if Respondents are given advance notice of this filing.

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Monar Amie Ead
Dated: 23rd day of August, 2026