

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE No. 1:25-cv-23792-BB

**PIERRE REGINALD BOULOS,**

Petitioner,

v.

**DIRECTOR, U.S. DHS ICE ERO**  
Miami Field Office, *et al.*,

Respondents.

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

COMES NOW the Petitioner, by and through undersigned counsel, and hereby files the instant Emergency Motion and respectfully states as follows:

1. The Petitioner/Plaintiff incorporates by reference the facts and procedural history as set forth in his Verified Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and Complaint for Declaratory and Injunctive Relief. *See* D.E. 1.
2. The Petitioner respectfully requests that this Honorable Court enter an order preventing the Respondents from transferring the Petitioner to a detention center outside of this district.
3. In other recent cases involving deportability charges under 8 U.S.C. §1227(a)(4)(C)(i), the Respondents have transferred other petitioners to detention centers far from

the districts with jurisdiction over the petitioners. *See Khalil v. Joyce*, 771 F. Supp. 3d 268, 272-74, 286-91 (S.D.N.Y. 2025) (moving petitioner to Louisiana when District of New Jersey Court had jurisdiction over habeas corpus petition); *Mahdawi v. Trump*, 136 F.4th 443, 446-47 (2d Cir. 2025) (attempt to move petitioner from Vermont to Louisiana); *Öztürk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (moving petitioner to Louisiana when District of Vermont Court had jurisdiction over habeas corpus petition); *Suri v. Trump*, 25-1560, 2025 WL 1806692, at \*\*1-2 (4th Cir. July 1, 2025) (moving petitioner to Louisiana and Texas when Eastern District of Virginia Court had jurisdiction over habeas corpus petition).

4. The Petitioner seeks to “preserve the status quo during the course of litigation in order to prevent irreparable injury to the moving party and in order to preserve the ability of the court to render complete relief.” *Federal Leasing, Inc. v. Underwriters at Lloyds*, 487 F. Supp. 1248, 1259 (D. Md. 1980), *aff’d*, 650 F.2d 495 (4th Cir. 1981).

5. A temporary restraining order and/or a preliminary injunction is warranted where, as here, plaintiffs establish: (1) a substantial likelihood that they will prevail on the merits; (2) a substantial threat of irreparable injury if the injunction is not granted; (3) greater injustice to the plaintiffs if the injunction is denied than harm caused by granting the injunction; and (4) no substantial disservice to the public interest. *Osmose, Inc. v. Viance, LLC*, 612 F.3d 1298, 1307 (11th Cir. 2010); *Scott v. Roberts*, 612 F.3d 1279, 1290 (11th Cir. 2010); *see* Fed. R. Civ. P. 65.

6. This standard is not rigidly applied by assigning a fixed quantitative value to each of the four factors. Rather, a flexible scale – which balances each consideration and arrives at the

most equitable result, given the particular circumstances of each case – is used. *Texas v. Seatrain International, S.A.*, 518 F.2d 785, 787 (5th Cir. 1975)<sup>1</sup>.

7. The Petitioner is likely to succeed on the merits, as other petitioners presenting similar facts have all prevailed recently on claims of Constitutional and statutory violations. *See, e.g., Khalil*, 771 F. Supp. 3d. 268; *Mahdawi*, 136 F.4th 443; *Öztürk*, 136 F.4th 382; *Suri*, 25-1560, 2025 WL 1806692.

8. As the Court noted in *Suri v. Trump*, --- F. Supp. 3d. ----, 2025 WL 1310745, \*13 (E.D. Va. May 6, 2025), “there has been a pattern of similar movement of immigration detainees in similar cases” where “[e]ach [Petitioner] was charged with removability under 8 U.S.C. § 1227(a)(4)(C), and the Government attempted to move each outside their jurisdictions to Louisiana or Texas.”

9. The Petitioner will likely suffer irreparable harm in the absence of preliminary relief from transfer as it would interfere with his statutory rights to counsel and to present evidence in his removal proceedings and Constitutional Due Process Rights. *See* 8 U.S.C. § 1362 (INA right to counsel); 5 U.S.C. § 555(b) (APA right to counsel); *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1509 (C.D. Cal. 1988), *aff’d*, 919 F.2d 549, 566 (9th Cir. 1990).

10. Additionally, the Petitioner’s health care providers at Raptis Medicine, M.D., P.A., in Boca Raton, Florida, have advised that the Petitioner manages “several chronic medical conditions” that “require close follow up and access to medication.” *See* copy of letter dated July 18, 2025, from Taylor Delio, PA-C, at Exh. 1.

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<sup>1</sup> In *Bonner v. Prichard*, 661 F.2d 1206, 1209 (11<sup>th</sup> Cir. 1981) (en banc), the U.S. Court of Appeals for the Eleventh Circuit adopted as binding precedent decisions of the former U.S. Court of Appeals for the Fifth Circuit handed down prior to October 1, 1981.

11. The Petitioner's doctors noted that he has the following chronic diagnoses: [REDACTED]

[REDACTED]

[REDACTED]. The doctors noted that "[m]ost notably is the [REDACTED] which can have very severe consequences if patient cannot access his medications appropriately. *Id.*

12. The Petitioner would face irreparable harm if the Respondents transferred him to another detention center that fails to provide proper medical care, like the detention center where the Respondents transferred the petitioner in the *Öztürk* case. *See* copy of letter dated April 17, 2025, to the Respondent Secretary of State from United States Senators Elizabeth Warren and Edward J. Markey and Member of Congress Ayanna Pressley at Exh. 2, at \*1, n.1 and n.3 (citing to news reports regarding Respondents' failure to provide treatment for asthma).

13. The Petitioner has complied with Fed. R. Civ. Pro. Rule 65 requirements for purposes of granting a Temporary Restraining Order. Pursuant to this Rule, the Court may issue a temporary restraining order without written or oral notice to the adverse party, but only if (a) specific facts in an affidavit clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (b) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

14. As undersigned counsel has set forth in his supporting Affidavit, undersigned counsel has provided via email provided the U.S. Attorney's office with a copy of the instant motion and a copy of the instant motion with a copy of the Petition and Exhibits.

15. Under the circumstances of this case, the movant should not need to post a security pursuant to Fed. R. Civ. Pro. 65(c) because the Respondents will incur no costs or damages from being wrongfully enjoined or restrained.

**CONCLUSION**

Based on the foregoing, the Petitioner respectfully requests that this Honorable Court enter the following orders:

- A. The Petitioner is likely to succeed on the merits of the pending Petition/Complaint;
- B. The Petitioner will suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in the Petitioner's favor, and an injunction would serve the public interest;
- C. Enjoin the Respondents from transferring the Petitioner out of this District;
- D. The Petitioner is entitled to an award of attorney's fees and costs incurred as a result of bringing this action pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
- E. Grant the Petitioner any other relief the Court deems necessary and proper.

Respectfully submitted this 22nd day of August, 2025,

By: /s/ Andrew W. Clopman

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**VERIFICATION**

Undersigned counsel certifies under penalty of perjury that I am submitting this verification because I am one of the Petitioner's attorneys and I have discussed the facts within this Motion with the Petitioner's counsel in removal proceedings before Respondents. Pursuant to these discussions, I have reviewed the foregoing Motion and that, to the best of my knowledge, the facts therein are true and accurate.

Respectfully submitted this 22nd day of August, 2025,

By: /s/ Andrew W. Clopman

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I electronically filed the foregoing document with the Court Clerk and to the best of my knowledge a true and correct copy of the foregoing, along with a Notice of Electronic Filing, will be served through the Court's ECF system to all counsel of record this 22nd day of August, 2025. As no attorney from the U.S. Attorney's Office has entered an appearance yet in the instant matter, I provided a copy of the foregoing to the U.S. Attorney via email as I explained in my Affidavit.

Respectfully submitted,

By: **/s/ Andrew W. Clopman**

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