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

BEATRIZ A. HERNANDEZ - MATUL,	)	No. : 4:25-cv-00289-CDL-AGH
	)	
Petitioner,	)	
	)	
V.	)	
TODD LYONS, Acting Director of Immigration	)	MEMORANDUM IN
and Custom Enforcement ("ICE"),	)	SUPPORT OF MOTION FOR
GEORGE STERLING, Field Office Director,	)	TEMPORARY RESTRAINING
ICE Atlanta Field Office,	)	ORDER
TERRANCE DICKERSON	)	
Warden, Stewart Detention Center,	)	
	)	
Respondents.	)	
	)	

In support of her motion for temporary restraining order ("TRO"), Petitioner submits the following memorandum. The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

"The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) 'that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an

injunction is in the public interest.”” *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter*, 555 U.S. at 20).

As an alternative to this test, a preliminary injunction is appropriate if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011). However, the “serious questions” approach supports the court’s entry of a TRO only so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest. *Id.* at 1135. The moving party bears the burden of persuasion and must make a clear showing that it is entitled to such relief. *Winter*, 555 U.S. at 22.

The Respondents proposed to deport the petitioner to Guatemala on or before September 20, 2025. However, the respondent has filed a Writ of Habeas Corpus before this Honorable Court. There is no clear showing of the basis to execute this deportation given that the petitioner has an active and standing order from the immigration court withholding her removal to Guatemala. Additionally, she has not been afforded the opportunity to contest her removal to a third country. Particularly, when Respondents are actively removing individuals to third countries without due process, one of which the petitioner has been kidnapped from and suffered persecution in.

Moreover, petitioner is and would be suffering irreparable harm. Should she be removed to Guatemala. Where, a court in the United States has found it is more likely than not she would be targeted for persecution once more, and ordered her removal be withheld. In the same country, her brother was murdered, she was beaten, she was threatened, and she was raped by a government sponsored guerilla group. To deport her to this country would not only be a violation of due process

rights as ensured by the fifth amendment, a blatant disregard for the laws of the United States, and the orders set forth by a court of law, but it could signify a death sentence for the Petitioner.

The balance of hardships tips substantially in favor of the petitioner. She has no criminal record, has followed the rules of the United States, has been in detention for two years, seeking protection from the government, and once she received an order, ensuring she would not be sent back to her home country, the government suddenly decided it was time to send her back to the country where she is likely to be killed. Death, or further persecution is irreparable harm.

The public interest favoring immediate deportation appears weak at best. The Respondents don't seem to have any reason to suspect that the public safety or national security may somehow be at risk if the motion for a temporary order is granted. The grant of this motion would allow this Honorable Court to adequately consider Petitioner's Writ of Habeas Corpus.

Moreover, Petitioner is not a flight risk as it is in her best interest to cooperate with the authorities to be allowed an opportunity to remain in this country and safe from additional persecution. A stay to allow a proper review of the administrative record, will therefore not prejudice Respondents. Given that Petitioner has been in the custody of the Respondents for about 2 years, there is no indication that any delay in ICE's actions in the interest of due process would be prejudicial to the public interest.

There is also a strong public interest in making sure that people, regardless of their immigration status, are not subjected to cruel and unusual punishments and are given an opportunity to heard, as required under the United States Constitution.

For all these reasons, the motion for temporary restraining order should be granted.

Dated this September 19, 2025

Respectfully Submitted,

s/Johanna Cochran

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