UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

BRAYAN JOSUE LOPEZ SARMIENTO; JHONATAN ALEX RODRIGUEZ ARGUETA; JOSUE ANTONIO RODRIGUEZ ARGUETA; AXEL EDUARDO MARTINEZ UCLES, on behalf of themselves and all others similarly situated,

Petitioners-Plaintiffs,

v.

PAUL PERRY, *et al.*

Respondents-Defendants.

Case No. 1:25-cv-01644

PETITIONERS' MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION, ON BEHALF OF THEMSELVES AND PUTATIVE CLASS MEMBERS

Pursuant to Federal Rule of Civil Procedure 65, Petitioners respectfully request a temporary restraining order and preliminary injunction on behalf of themselves and putative class members. *See A.A.R.P. v. Trump*, 605 U.S. 91, 97 (2025) (Courts may properly issue temporary injunctive relief to a putative class). Specifically, they respectfully request that the Court:

(1) Order that Petitioners and putative class members shall not be transferred outside of the Eastern District of Virginia while this case is pending;

(2) Order Petitioner Axel Martinez Ucles' (Axel's) immediate release from custody so that he may seek medical care for his stomach condition, and require Respondents to justify any re-detention based on "changed circumstances" indicating flight risk or dangerousness before a neutral arbiter;

(3) Provisionally certify two putative classes:

a. **Unaccompanied Minors Class**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the United States, are or were designated as unaccompanied minors, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.

b. **SIJS Class**: All noncitizens who are or will be held in civil immigration detention within the area of responsibility of WAS ICE who have entered or will enter the United States, have or will have obtained SIJS status at the time of detention, and are or will be denied consideration for release under 8 U.S.C. § 1226(a) based on Respondents' mandatory detention policy.

(4) Declare unlawful Respondents' immediate mandatory detention policy of denying release on bond and bond hearings to Petitioners and both putative classes under the Immigration and Nationality Act, implementing regulations, and the Due Process Clause.

(5) Set aside Respondents' unlawful immediate mandatory detention policy under the APA, 5 U.S.C. 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right.

(6) Enjoin Respondents from re-arresting or re-detaining Petitioners and putative unaccompanied minor class members without first providing them a pre-deprivation notice and hearing where Respondents bear the burden of showing "changed circumstances" indicating flight risk or dangerousness before a neutral arbiter.

(7) Declare that Respondents' re-arrest or re-detention of Petitioners and putative unaccompanied minor class members without a pre-deprivation notice and hearing

where Respondents bear the burden of showing "changed circumstances" indicating flight risk or dangerousness before a neutral arbiter is unlawful.

(8) Set aside Respondents' policy or practice of re-detaining Petitioners and putative unaccompanied minor class members without first providing pre-deprivation notice and a hearing where Respondents bear the burden of showing "changed circumstances" indicating flight risk or dangerousness before a neutral arbiter.

(9) Enjoin Respondents from rescinding Petitioners' and putative SIJS class members' deferred action and employment authorization until further notice, and order the restoration of deferred action and employment authorization to Petitioners Brayan, Jhonatan, and Axel and any SIJS putative class members for whom such status had already been rescinded, until further notice.

Petitioners respectfully assert that the above relief is necessary to alleviate ongoing, imminent, and irreparable harm due to Respondents' actions. A memorandum in support of this motion is attached herewith, and a proposed order.

Date: December 8, 2025

Respectfully submitted,

/s/
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**pro hac vice* application forthcoming