

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

Hifis Edgardo Caballero-Murillo,

Petitioner,

No. 2:26-cv-00045-KCD-DNF

v.

Immigration and Customs Enforcement et al.,

Respondents.

**RESPONSE TO EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER**

Petitioner Hifis Edgardo Caballero-Murillo has filed an emergency motion for a temporary restraining order following briefing on his petition for writ of habeas corpus. Federal Respondents oppose the motion, as Caballero-Murillo does not meet his burden for obtaining extraordinary relief.

To obtain a temporary restraining order, a movant must show “(1) a substantial likelihood of ultimate success on the merits; (2) the TRO is necessary to prevent irreparable injury; (3) the threatened injury outweighs the harm the TRO would inflict on the non-movant; and (4) the TRO would serve the public interest.” *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995). This “is an extraordinary remedy.” *Bloedorn v. Grube*, 631 F.3d 1218, 1229 (11th Cir. 2011).

Although Caballero-Murillo styles his filing a motion for a temporary restraining order, its content demonstrates an effort to seek an expedited ruling on his underlying petition. *See* Emergency Mot. for Temporary Restraining Order, Doc. 19 at 5 (“Petitioner requests that this Court enter an Order enjoining and restraining Respondents and any and all parties acting in concert with them from continuing to unlawfully detain Petitioner, or in the alternative, from transferring Petitioner outside of the Middle District of Florida while the instant habeas proceedings are pending.”) As this Court has recognized, seeking expedited consideration of habeas petition is improper while the Court is reviewing its underlying merits. *Risco v. Warden, Fla. Soft Side S.*, No. 2:26-CV-1135-KCD-DNF, 2026 WL 1036224, at *1 (M.D. Fla. Apr. 16, 2026) (“[F]airness requires managing the queue with an even hand, rather than allowing a motion to expedite to effectively penalize those who are patiently waiting their turn.”)

Even if the Court were to reach the merits of the motion, as demonstrated already in Federal Respondents opposition and supplemental response to Caballero-Murillo’s petition, he does not possess a likelihood of ultimate success on the merits. *See* Resp. Br., Doc. 11; Supp. Resp. Br., Doc 15. Caballero-Murillo’s failure to meet the first factor necessary to obtain a temporary restraining order therefore precludes relief. *See Fla. Preborn Rescue, Inc. v. City of Clearwater, Fla.*, 161 F.4th 732, 738 (11th Cir. 2025) (“The first factor is the most important, and ‘[w]here a court

concludes that the movant fails to establish a substantial likelihood of success on the merits,' it needn't reach the remaining considerations.”).

Mostly acutely, Caballero-Murillo has failed to show that a prohibition on moving him outside the Middle District of Florida would cause him irreparable injury, outweigh an injury to Respondents, or be in the public interest. *Cf. Maryland v. King*, 567 U.S. 1301, 1303 (2012) (“[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.”). Indeed, an order retraining ICE from transporting Caballero-Murillo outside the Middle District of Florida would unduly hamper ICE’s ability to manage its facilities as in furtherance of the Executive Branch’s immigration functions. *See Herrera v. U.S. Atty. Gen.*, 811 F.3d 1298, 1300 (11th Cir. 2016) (“Judicial deference to the Executive Branch is especially appropriate in the immigration context.”).

CONCLUSION

Caballero-Murillo’s Emergency Motion for Temporary Restraining Order should be denied.

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DATED this 3rd day of June, 2026.

Respectfully submitted,

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