

Anna Erwin  
Anna Erwin Attorney at Law, LLC  
2255 Cumberland Pkwy SE  
Suite 500-N  
Atlanta, GA 30339  
Tele: 770-828-4051  
Anna@annaerwinlaw.com  
Counsel for Petitioner

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

|                                  |   |                                     |
|----------------------------------|---|-------------------------------------|
| <b>J.D.R.P.,</b>                 | ) |                                     |
|                                  | ) |                                     |
| <b>Petitioner,</b>               | ) |                                     |
|                                  | ) |                                     |
| <b>v.</b>                        | ) | <b>Case No. 4:26-cv-164-CDL-CHW</b> |
|                                  | ) | <b>28 U.S.C. § 2241</b>             |
| <b>WARDEN, STEWART DETENTION</b> | ) |                                     |
| <b>CENTER, <i>et al.</i>,</b>    | ) |                                     |
|                                  | ) |                                     |
| <b>Respondent.</b>               | ) |                                     |

---

**EMERGENCY MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY  
RESTRAINING ORDER AND IMMEDIATE RELEASE PENDING HABEAS**

Petitioner Juan David Ramos Perez, by and through undersigned counsel, moves for an emergency preliminary injunctive relief and a temporary restraining order (“TRO”) and under Fed. R. Civ. P. 65(b) enjoining Respondents from removing Petitioner pending adjudication of his petition for habeas corpus and ordering Petitioner’s immediate release from custody. Because Petitioner is presently suffering an ongoing deprivation of liberty imposed without process and without statutory authority, immediate interim relief is necessary.

**I. FACTUAL BACKGROUND**

Petitioner hereby incorporates by reference all factual allegations set forth in his verified Petition for Writ of Habeas Corpus, filed with this Court pursuant to 28 U.S.C. § 2241, as if fully

set forth herein. Doc 1. Petitioner is a 19-year-old citizen of Guatemala. Doc 1-3 In 2022, Petitioner came to the United States without admission or inspection as an unaccompanied minor child. His cousin agreed to be responsible for him and signed for Petitioner's release from the custody of the Office of Refugee Resettlement as his sponsor. Doc 1-4. On January 24, 2024, Petitioner was granted Special Immigration Juvenile Status ("SIJS") under 8 U.S.C. § 1101(a)(27)(J) based on his parents' abandonment and has deferred action until January 23, 2028. Doc 1-5.

Prior to his detention, Petitioner resided in Canton, Georgia, with his cousin. Doc 1-6. Petitioner is employment authorized and was gainfully employed. Doc 1-7. Petitioner was arrested for driving under the influence of alcohol in September of 2025 in Ball Ground, Georgia, and again in November of 2025 in Canton, Georgia. Petitioner was granted a bond in both cases, and the charges are currently pending. Petitioner has no criminal convictions. Petitioner was detained by U.S. Immigration and Customs Enforcement (ICE) on approximately November 30, 2025. He is currently detained at the Stewart Detention Center. Doc. 1-8.

On December 2, 2025, the Department of Homeland Security ("DHS") placed Petitioner in removal proceedings. The Immigration Judge denied Petitioner's request for bond on January 16, 2026. Doc. 1-9. At the bond hearing, counsel for DHS stated on the record that Petitioner could not be removed from the United States because he has deferred action. On January 26, 2026, Petitioner was ordered removed by the Immigration Judge. Doc 1-10. Neither Petitioner nor counsel for DHS reserved the right to appeal, so that order of removal is final. *Id.* At Respondent's last hearing on January 26, 2026, the Immigration Judge warned counsel for DHS that now that Petitioner's removal proceedings were complete, Petitioner's continued detention could be in violation of Petitioner's due process rights. Counsel for Petitioner informed Respondents through

their agents at the Office of the Principal Legal Advisor (OPLA) and Petitioner's case officer with ICE that Respondent was no longer in removal proceedings and has deferred action, but Respondent has not been released.

## **II. LEGAL STANDARD**

To obtain temporary and preliminary injunctive relief, Petitioner must demonstrate that (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). When the government is a party, the balance of equities and public interest merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Under the circumstances presented herein, no security bond is required under Federal Rule of Civil Procedure 65(c). Federal courts may issue interim relief under 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651(a) to preserve jurisdiction and prevent irreparable injury.

## **III. ARGUMENT**

### **A. Petitioner Is Likely to Succeed on the Merits**

Petitioner is likely to succeed on the merits because he is not in removal proceedings, and he cannot be deported because he has deferred action. *See Guerra Leon v. Noem*, No. 25-01495 (W.D. La. Oct. 30, 2025). There is no legal basis for his continued detention. Petitioner has been detained by Respondents since approximately November 30, 2025, but DHS has not taken any steps, not even initial steps, to revoke Petitioner's deferred action. In addition, even if they did attempt to revoke his deferred action, the basis to do so is weak at best. Petitioner has no criminal convictions. He does have two pending charges for driving under the influence, but he is presumed innocent until proven guilty.

### **B. Petitioner Has Suffered and Will Continue to Suffer Irreparable Harm Absent Emergency Injunctive Relief**

Petitioner is presently enduring an ongoing constitutional injury that constitutes irreparable harm as a matter of law. The continued deprivation of physical liberty without lawful statutory authority is not speculative or abstract. It is immediate, concrete, and incapable of being remedied after the fact. Courts have consistently recognized that loss of liberty for even a short period of time constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Every additional day Petitioner remains confined compounds the injury. Time spent in custody cannot be returned, and no subsequent ruling can restore the days, weeks, or months of freedom wrongfully taken from him. In addition, Petitioner is separated from his family and could lose his employment due to his detention, both of which have been recognized as irreparable harms. *Nat'l TPS All. v. Noem*, 150 F.4th 1000, 1025-26 (9th Cir. 2025).

### **C. Balance of Hardships and Public Interest Weigh Heavily in Petitioner's Favor**

The final two factors for injunctive relief—the balance of hardships and public interest—“merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). The balance of equities overwhelmingly favors Petitioner. Petitioner faces weighty hardships, namely the deprivation of his liberty, separation from his family, and loss of employment. Respondents, by contrast, face minimal hardship. Petitioner is not a flight risk as he has deferred action and will be eligible to apply for permanent residency in a few years. He does not present a danger to the community as evidenced by two different judges giving Petitioner a bond after his arrests.

Moreover, Respondents “cannot suffer harm from an injunction that merely ends an unlawful practice.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). The public interest is served by the faithful execution of the immigration laws, and that interest includes respect for protections Congress has enacted and to which the United States has committed itself by treaty.

*Tesfamichael v. Gonzales*, 411 F.3d 169, 178 (5th Cir. 2005) (recognizing “the public interest in having the immigration laws applied correctly and evenhandedly”); *Leiva-Perez v. Holder*, 640 F.3d 962, 971 (9th Cir. 2011) (noting “the public’s interest in ensuring that we do not deliver [noncitizens] into the hands of their persecutors”); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 576 (1992) (discussing “the public interest in Government observance of the Constitution and laws”).

#### IV. CONCLUSION

Petitioner is presently incarcerated without legal authority. That deprivation is ongoing and irreparable. Habeas corpus exists to stop precisely this kind of unlawful detention. Every additional day Petitioner remains confined compounds the constitutional injury and undermines the Court’s ability to provide meaningful relief. Equity and due process all compel immediate judicial intervention. Because Petitioner has demonstrated a substantial likelihood of success on the merits, irreparable harm, that the balance of equities weighs decisively in his favor, and that relief serves the public interest, the Court should grant emergency relief and restore Petitioner to the lawful liberty he enjoyed before his detention.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. Enjoin Respondents from transferring Petitioner outside the Middle District of Georgia while this habeas action is pending;
2. Grant an emergency temporary restraining order ordering Petitioner’s immediate release from ICE custody pending adjudication of the Petition for Writ of Habeas Corpus; and,
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted January 29, 2026,

/s/ Anna Erwin

Anna Erwin

Anna Erwin Attorney at Law, LLC

2255 Cumberland Pkwy SE

Suite 500-N

Atlanta, GA 30339

Tele: 770-828-4051

Anna@annaerwinlaw.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2026, I electronically filed the foregoing Emergency Motion for Preliminary Injunction and Temporary Restraining Order with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all counsel of record.

Respectfully submitted January 29, 2026,

/s/ Anna Erwin

Anna Erwin

Anna Erwin Attorney at Law, LLC

2255 Cumberland Pkwy SE

Suite 500-N

Atlanta, GA 30339

Tele: 770-828-4051

Anna@annaerwinlaw.com

Counsel for Petitioner