UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION (TOLEDO)

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FILED
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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

JUDGE BRENNAN

MAG. JUDGE HENDERSON

MARIA DEL JESÚS ROBLERO LÓPEZ,
As Next Friend of Anastacio Escobar Roblero,
Petitioner,

v.

THOMAS HOMAN, Acting Director, U.S. Immigration and Customs Enforcement (ICE);
ALEJANDRO MAYORKAS, Secretary, U.S. Department of Homeland Security;
WARDEN, LUCAS COUNTY CORRECTIONS CENTER,
Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PROPOSED ORDER
(ANTI-TRANSFER / ANTI-REMOVAL)

Petitioner respectfully moves this Honorable Court for the issuance of an Emergency Temporary Restraining Order (TRO) prohibiting Respondents from transferring or removing Anastacio Escobar Roblero from the jurisdiction of this Court while his Petition for Writ of Habeas Corpus is pending.

I. INTRODUCTION

This emergency motion is necessary to preserve this Court's jurisdiction and prevent irreparable harm. ICE transfers or removal would moot the Habeas Petition and subject Mr. Escobar Roblero to imminent danger, including severe psychological harm and risk to life.

II. LEGAL STANDARD

A Temporary Restraining Order is warranted where the movant demonstrates:
(1) likelihood of success on the merits;
(2) irreparable harm absent relief;
(3) balance of equities favors relief; and
(4) relief is in the public interest.
Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7 (2008).

III. LIKELIHOOD OF SUCCESS

Petitioner has demonstrated strong likelihood of success. Mr. Escobar Roblero's detention violates the Fifth Amendment Due Process Clause, is punitive, and constitutes deliberate indifference to serious medical needs.

IV. IRREPARABLE HARM

Absent a TRO, Respondents may transfer or remove Mr. Escobar Roblero at any moment. Such action would:
- Deprive this Court of jurisdiction;
- Expose Mr. Escobar Roblero to grave danger;
- Cause irreparable psychological and physical harm.
See Elrod v. Burns, 427 U.S. 347 (1976).

V. BALANCE OF EQUITIES AND PUBLIC INTEREST

The balance of equities weighs heavily in favor of Petitioner. Respondents face no hardship by maintaining the status quo. The public interest favors constitutional compliance and judicial review.

VI. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:
1. Issue a Temporary Restraining Order prohibiting Respondents from transferring or removing Mr. Escobar Roblero;
2. Maintain jurisdiction over this matter;
3. Grant any other relief deemed just and proper.

PROPOSED ORDER

Upon consideration of Petitioner's Emergency Motion for Temporary Restraining Order, the Court ORDERS:

1. Respondents are hereby ENJOINED from transferring Anastacio Escobar Roblero outside the jurisdiction of this Court;
2. Respondents are hereby ENJOINED from removing Anastacio Escobar Roblero from the United States;
3. This Order shall remain in effect pending further order of the Court.

IT IS SO ORDERED.

_____
UNITED STATES DISTRICT JUDGE
Date: _____