UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADRIANA PAOLA PEREZ ESCOBAR

Petitioner,

Case No. 1:26-cv-680

Hon. Paul Maloney
U.S. District Court Judge

KEVIN RAYCRAFT, Acting Field Director for U.S. Immigration and Customs Enforcement, Detroit Field Office, in his official capacity; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; PAMELA BONDI, U.S. Attorney General.

Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION AND STATEMENT OF FACTS

Petitioner is three months pregnant and has been detained in conditions indistinguishable from incarceration for almost a month. She had a single ultrasound the day she was arrested and has not had any since then. Ex. A Declaration of Petitioner. When being transported to North Lake or transported from North Lake, she is shackled. *Id.* Shackling pregnant women has been "identified as medically dangerous, a human rights violation, and against national and international standards of care."[1] It is also illegal in federal prisons. 18 U.S.C. § 4322.

When she arrived at North Lake, the medical staff asked her if she wanted to abort her baby. *Id.* They then placed her in a solitary isolation room with no windows for four days. *Id.* Thus, she is understandably worried about the 'medications' they give her. *Id.*

[1] Kramer, C., Thomas, K., Patil, A., Hayes, C. M., & Sufrin, C. B. (2023). Shackling and pregnancy care policies in US prisons and jails. *Maternal and child health journal*, *27*(1), 186–196. https://doi.org/10.1007/s10995-022-03526-y

The prison diet consists of rice, beans that cause gastritis, milk, eggs, bread, corn, potatoes, and occasionally carrots or lettuce. *Id.* Sometimes, "strange" meat is included. *Id.* There are no fresh fruits or vegetables available. *Id.* Lunch often consists of processed meats or cold cuts which she is forced to eat even though pregnant women, and their babies, are at greater risk of severe illness, pregnancy loss, or newborn infection due to *Listeria*. *Id.* Petitioner is also separated from her U.S. citizen child who is one and a half years old. *Id.*

Petitioner's re-arrest for no reason by random ICE agents without notice or an opportunity to be heard after DHS previously found her not to be a danger or flight risk and paroled her into the country pending a final administrative order in her immigration proceedings is unconstitutional.

Because Petitioner will likely succeed on her habeas claims, and Respondents have no countervailing interest in the detention of pregnant mothers who are neither dangers nor flight risks, and because DHS and the GEO Group operating the North Lake facility have shown that they are unable to provide adequate care for pregnant women, the Court should grant his Motion and order her released immediately before there is serious harm to her or her baby.

II. STANDARD OF LAW

To determine whether a temporary restraining order should issue under Fed. R. Civ. P. 65(b), the courts consider four factors: "(1) whether the movant has a strong likelihood of success on the merits; (2) whether the movant would suffer irreparable injury without the injunction; (3) whether issuance of the injunction would cause substantial harm to others; and (4) whether the public interest would be served by the issuance of the injunction." *Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp.*, 511 F.3d 535, 542 (6th Cir. 2007) (internal quotation marks and citation omitted). A can rule on the motion without making findings on each factor if less can resolve the issue. *In re DeLorean Motor Co.*, 755 F.2d 1223, 1228 (6th Cir. 1985).

A. Petitioner Will Succeed on the Merits of her Habeas Petition

i. Petitioner was Released on Parole and Cannot be Re-detained Without Due Process

Petitioner incorporates by reference the relevant portions of her Reply Brief regarding her habeas petition, ECF 5, PageID.44-50. In sum, her current detention under 8 U.S.C. § 1225(b) is illegal and unconstitutional. She was paroled into this country under the 8 U.S.C. 1182(d)(5) and that parole was not lawfully revoked prior to her re-arrest.

B. Petitioner Will Suffer Irreparable Injury

Irreparable harm must be "actual and imminent" rather than "speculative or unsubstantiated." *Abney v. Amgen*, Inc., 443 F.3d 540, 552 (6th Cir. 2006). Although irreparable harm is balanced against the other factors, there must be some irreparable harm to issue a TRO or injunction. *Refunjol v. Adducci*, 461 F. Supp. 3d 675, 709 (6th Cir. 2020).

"[W]here irreparable harm is based upon a violation of a plaintiff's constitutional rights, that violation, no matter how temporary, is sufficient to show irreparable harm." *Bonnell v. Lorenzo*, 241 F.3d 800, 809 (6th Cir. 2001) (citing Elrod v. Burns, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976)). Thus, "when reviewing a motion for a preliminary injunction, if it is found that a constitutional right is being threatened or impaired, a finding of irreparable injury is mandated." *Id.*

Petitioner is being detained in violation of federal law and the due process clause of the Fifth Amendment. Each second she remains in custody is an irreparable injury.

But further, Petitioner is not getting adequate medical care or nutrition and appears to be anemic. She is at grave risk of serious harm to herself or her baby.

C. No Harm Will Result from the TRO and instead the Public Interest Will Be Served

When the government is the opposing party, the final two factors—the balance of equities and the public interest—merge, because "the government's interest is the public interest." *Pursuing America's Greatness v. Fed. Election Comm'n*, 831 F.3d 500, 512 (D.C. Cir. 2016) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

The public interest factor favors the petitioner's release. She will face irreparable injuries to her constitutional rights, her life and health, and the life and health of her unborn baby. And "it is always in the public interest to prevent the violation of a party's constitutional rights." *G & V Lounge Inc. v. Mich. Liquor Control Comm.*, 23 F.3d 1071, 1079 (6th Cir. 1994).

Moreover, there is no government interest in randomly detaining individuals who are neither a flight risk nor a danger because that does not "bear a reasonable relation to [the INA's] statutory purpose." *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001). Again, Respondents previously found that Petitioner was not a flight risk or danger, and they do not present evidence that their initial determination was incorrect or that Petitioner's circumstances have changed in any way. Moreover, the public interest certainly includes providing adequate medical care to pregnant women incarcerated by the federal government. Respondents appear to be unable or unwilling to provide that care.

Finally, the administrative burden and cost of continued detention outweighs any interest the government has in Petitioner's continued detention. *Marin v. Lynch*, No. 1:25-cv-1444, 2025 U.S. Dist. LEXIS 255912, at *16-17 (W.D. Mich. Dec. 10, 2025) ("However, Respondents have not shown that they have a significant interest in Petitioner's continued detention. Notably,

continuing to Petitioner's detention would likely impose more costs upon the Government, as it would be required to continue funding and overseeing Petitioner's detention.").

Dated: March 17, 2026

Respectfully submitted,

/s/ Michael Drew

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