FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 30 2026
JEFFREY P. COLWELL
CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF COLORADO

BULMARO SILVESTRE SANTIAGO
Prceeding Pro Se

Petitioner,

v.

_____, Warden, Denver Contract Detention Facility;
_____, Field Office Director, Denver Field Office, United States Immigration and Customs Enforcement; TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Homeland Security; PAMELA JO BONDI, United States Attorney General,

Respondents.

Case No.:
26-CV-01195-RTG

PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

Petitioner Bulmaro Silvestre Santiago, proceeding *pro se*, respectfully applies to this Court for an *Ex Parte* Temporary Restraining Order ("TRO") pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. Petitioner seeks an immediate order enjoining Respondents from transferring him from his current place of detention or removing him from the United States pending this Court's resolution of his contemporaneously filed Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

I. INTRODUCTION

Petitioner is currently in the custody of Respondents at the Denver Contract Detention Facility in Aurora, Colorado. He has filed a Petition for Writ of Habeas Corpus challenging the legality and constitutionality of his prolonged detention. He now seeks this emergency TRO

to prevent Respondents from transferring him out of this jurisdiction or removing him from the United States before this Honorable Court has an opportunity to adjudicate his habeas petition. Such action by Respondents would effectively deny him access to the Court, render his petition moot, and cause irreparable harm to him and his family.

II. GROUNDS FOR EX PARTE RELIEF

This application is made *ex parte* because Petitioner faces immediate and irreparable harm if prior notice is given, and as a *pro se* detainee, he is unable to provide formal notice to Respondents' counsel prior to seeking this emergency relief. Relief is warranted under Federal Rule of Civil Procedure 65(b) for the following reasons:

1. **Immediate and Irreparable Harm:** Petitioner will suffer immediate and irreparable harm if a TRO is not issued. Respondents have the authority to transfer or remove him at any moment. If Petitioner is transferred to a remote facility outside this District or, worse, removed from the country, this Court would be divested of jurisdiction over his habeas petition, and his statutory and constitutional claims would be extinguished without review. The resulting separation from his U.S. citizen children, particularly his son who is suffering a severe mental health crisis, constitutes profound and irreversible harm. The loss of a meaningful opportunity to be heard in court is, by its nature, an irreparable injury.
2. **Efforts to Give Notice:** As a detained individual proceeding *pro se*, Petitioner has no practical means of contacting and serving counsel for Respondents (the U.S. Attorney's Office) before filing this application. The emergent need to secure the Court's jurisdiction and prevent his imminent transfer or removal makes prior notice impracticable. Furthermore, providing advance notice to Respondents of this filing could precipitate the very action—transfer or removal—that Petitioner seeks to enjoin.
3. **Why Relief is Needed Before an Adversarial Hearing:** An *ex parte* order is necessary

to preserve the *status quo* and maintain this Court's jurisdiction. Without an immediate TRO, Respondents could act before any scheduled hearing, rendering the entire habeas proceeding moot. The purpose of this TRO is solely to prevent his physical removal from the jurisdiction so that the merits of his habeas petition can be properly heard.

III. FACTUAL BASIS

The facts supporting this application are detailed in Petitioner's verified Petition for Writ of Habeas Corpus, incorporated herein by reference, and are summarized as follows:

1. Petitioner has been detained by ICE since September 27, 2025—**for approximately six months**.
2. He is a long-term resident of the United States with deep family ties, including two U.S. citizen children, ages 16 and 2. His 16-year-old son suffers from severe depression and suicidal ideations, which have dramatically worsened since Petitioner's detention.
3. He has a pending application for Cancellation of Removal and does not have a final order of removal.
4. Petitioner has no criminal history and poses no danger to the community.
5. His only bond hearing was denied on the arbitrary and pretextual basis that he had difficulty pronouncing his sponsor's English name.
6. There is a significant and immediate risk that Respondents may transfer him to a different detention center or attempt to execute an expedited removal, which would frustrate his ability to pursue his legal claims and devastate his family.

IV. LEGAL STANDARD

Federal courts have jurisdiction to issue stays of removal to preserve their ability to adjudicate habeas claims. Under 28 U.S.C. § 2243, this Court is required to act on a habeas petition expeditiously: "the court shall summarily hear and determine the facts, and dispose of the matter as law and justice require." If Petitioner is removed, the Court cannot fulfill this

statutory mandate.

A TRO may be issued without notice under Rule 65(b) if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Petitioner's verified habeas petition establishes that his imminent transfer or removal would constitute such an injury. The purpose of the TRO is not to decide the merits but to "preserve the status quo and prevent irreparable harm just so long as is necessary to hold a hearing." *Granny Goose Foods, Inc. v. Bhd. of Teamsters*, 415 U.S. 423, 439 (1974).

V. BOND

Pursuant to Federal Rule of Civil Procedure 65(c), Petitioner requests that the Court waive the security bond requirement. Petitioner is indigent, as demonstrated by his filing of an application to proceed *in forma pauperis*. He is the sole provider for his family, which is now in a state of financial crisis due to his detention. He has no assets from which to post a bond.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays for an Order that:

1. Immediately issues a Temporary Restraining Order, *ex parte*, against Respondents, their officers, agents, and employees;
2. Enjoins Respondents from transferring, removing, or deporting Petitioner from the United States, or from his current place of confinement within the District of Colorado, pending a hearing on this matter;
3. Maintains the status quo pending a hearing on Petitioner's application for a preliminary injunction; and
4. Sets a hearing on Petitioner's request for a preliminary injunction at the earliest possible time, but no later than **14** days from the issuance of the TRO, as provided by Rule 65(b).

CERTIFICATE OF EMERGENCY

Petitioner hereby certifies that the relief sought in this application is an actual emergency that requires immediate judicial intervention to prevent the irreparable harm of being transferred out of this Court's jurisdiction or removed from the United States, which would moot his accompanying Petition for Writ of Habeas Corpus.

VERIFICATION

I, Bulmaro Silvestre Santiago, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Date: March 19, 2026

Bulmaro S. Santiago

Bulmaro Silvestre Santiago
Petitioner, Pro Se