

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSE ELIEZER MARTINEZ-ANDINO,

Plaintiff-Petitioner,

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY,

MARKWAYNE MULLIN, Secretary of
Homeland Security, *in his official capacity*;

TODD M. LYONS, Senior Official
Performing the Duties of the Director of
U.S. Immigration and Customs Enforcement
in his official capacity;

MARCOS CHARLES, Acting Executive
Associate Director, Enforcement and
Removal Operations, *in his official capacity*;

RODNEY S. SCOTT, Commissioner, U.S.
Customs and Border Protection, *in his
official capacity*;

MICHAEL BANKS, Chief, U.S. Border
Patrol, *in his official capacity*;

TODD BLANCHE, Acting Attorney
General, *in his official capacity*;

Defendants-Respondents.

Civil Action No. 26-1208

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, by and through undersigned counsel, respectfully provides notice of an emergency motion for a temporary restraining order. This case presents urgent and irreparable harm. Plaintiff is believed to still be in the custody of the U.S. Department of Homeland Security, but has effectively disappeared within the system.

The ICE Online Detainee Locator indicates that he is “**in CBP custody**,” yet for over seven days, counsel has been unable to determine his location or communicate with him despite repeated efforts. Plaintiff is being held incommunicado and faces a substantial risk of removal without access to counsel. The loss of constitutional rights—even for a short period—constitutes irreparable harm. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Plaintiff respectfully requests that the Court consider the accompanying Motion for Temporary Restraining Order on an emergency basis and order Defendants within 24 hours to:

- (1) Disclose Plaintiff’s current physical location;
- (2) Identify the agency exercising custody, if still in custody; and
- (3) Facilitate immediate, confidential attorney-client communication.

Counsel is emailing a copy of these initial filings to the Civil Chief of the DC US Attorney’s Office concurrently with this filing to provide notice of this Motion for TRO. Counsel is available at any time should the Court wish to conduct a prompt hearing.

Dated: 04/10/2026

Respectfully submitted,

/s/Derrick J. Hensley

Derrick J. Hensley, Esq.

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Counsel for Plaintiff-Petitioner

and

/s/Derrick J. Hensley

(on behalf of below attorney, with permission)

Margaret W. Wong, Esq. (Ohio 9068)*

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(216) 566-9908

wong@imwong.com

****Pending Motion for Pro Hac Vice Admission***

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that concurrently with the filing hereof, I caused a true and correct copy of the foregoing **Motion for Temporary Restraining Order**, as well as the underlying Complaint, Motion for Pro Hac Vice Appearance, and all supporting documents, exhibits, and proposed orders, upon:

Attn: Civil Chief
U.S. Attorney's Office for the District of Columbia
601 D Street NW
Washington, DC 20530
USADC.ServiceCivil@usdoj.gov and copy to
peter.pfaffenroth@usdoj.gov

Dated: 04/10/2026

Respectfully submitted,

/s/Derrick J. Hensley

Derrick J. Hensley, Esq.

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