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ELVIS SANTANA AJO

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

ELVIS SANTANA AJO,

Petitioner,

v.

WARDEN, FLORENCE SERVICE PROCESSING CENTER;

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

TODD BLANCE, Secretary, Department of Homeland Security,

Respondents.

Case No.

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241) AND MOTION FOR TEMPORARY RESTRAINING ORDER

EMERGENCY NOTICE

Petitioner seeks immediate Temporary Restraining Order relief to prevent removal while a Petition for Review is pending before the Eleventh Circuit.

I. INTRODUCTION

Petitioner Elvis Santana Ajo is detained at the Florence Service Processing Center in Arizona and faces imminent removal from the United States.

Petitioner has a pending Petition for Review before the United States Court of Appeals for the Eleventh Circuit (Case No. 26-10651), challenging a final order of removal. The Eleventh

Circuit denied a stay of removal, leaving Petitioner exposed to removal before meaningful judicial review can occur.

Critically, the Government represented to the Eleventh Circuit that no removal is planned before April 16, 2026, yet Petitioner remains subject to removal at any time.

Absent immediate intervention, Respondents may remove Petitioner in a manner that would irreparably undermine pending judicial review and violate fundamental due process.

This Petition does not seek to relitigate the merits of the removal order. It seeks only to preserve the status quo so that the court of appeals can exercise its jurisdiction meaningfully. Removal under these circumstances would functionally nullify the pending Petition for Review.

II. JURISDICTION AND VENUE

This Court has jurisdiction under:

- 28 U.S.C. § 2241
- 28 U.S.C. § 1331
- 28 U.S.C. § 1651

Petitioner challenges the execution of removal, not the validity of the underlying removal order.

This Court has authority to enjoin removal where necessary to preserve meaningful judicial review.

III. VENUE

Venue is proper in the District of Arizona because Petitioner is detained at the Florence Service Processing Center within this District.

IV. PARTIES

Petitioner

Elvis Santana Ajo

A# [redacted]

Florence Service Processing Center

Arizona.

Respondents

- Warden, Florence Service Processing Center
- Field Office Director, ICE ERO Phoenix
- Secretary, U.S. Department of Homeland Security

V. FACTUAL BACKGROUND

1. Petitioner is a native and citizen of Cuba.
2. He was placed in removal proceedings and applied for asylum, withholding of removal, and CAT protection.
3. The Immigration Judge denied relief.
4. The Board of Immigration Appeals dismissed the appeal on February 5, 2026.
5. Petitioner timely filed a Petition for Review in the Eleventh Circuit (No. 26-10651).
6. Petitioner filed an Emergency Motion for Stay of Removal.
7. The Government opposed the stay but represented that removal was not planned before April 16, 2026.
8. The Eleventh Circuit denied the stay.
9. Petitioner remains detained in Arizona and subject to removal at any time.
10. Removal prior to adjudication of the Petition for Review would significantly impair meaningful judicial review.

VI. CLAIMS FOR RELIEF

CLAIM ONE

Unlawful Interference with Statutory Right to Judicial Review

The Immigration and Nationality Act guarantees judicial review through a petition for review.

Executing removal before adjudication would:

- Undermine the statutory review scheme
- Render appellate review ineffective

CLAIM TWO

Violation of Due Process (Fifth Amendment)

The Fifth Amendment guarantees a meaningful opportunity to be heard.

Removal before completion of judicial review would:

- Deprive Petitioner of meaningful access to the courts
- Cause irreparable harm

CLAIM THREE

Arbitrary and Unlawful Execution of Removal

Removal would be arbitrary because:

- A Petition for Review is pending
- The stay motion has been fully litigated
- The Government represented removal was not imminent

Removing Petitioner under these circumstances would be inconsistent with orderly judicial process.

CLAIM FOUR

Interference with Article III Jurisdiction

Removal prior to adjudication of the Petition for Review would effectively nullify the jurisdiction of the Eleventh Circuit.

Although jurisdiction may technically remain, removal would:

- Disrupt attorney-client communication
- Limit access to evidence
- Impair Petitioner's participation

This would transform judicial review into a hollow exercise.

VII. EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner seeks a Temporary Restraining Order to preserve the status quo.

1. Serious Questions / Likelihood of Success

Petitioner raises serious legal questions, including:

- Errors in the agency's adverse credibility determination

- Failure to properly evaluate corroborating evidence

At minimum, these issues warrant preservation of the status quo pending review.

2. Irreparable Harm

Removal would cause irreparable harm because it would:

- Destroy meaningful judicial review
- Impair access to counsel
- Expose Petitioner to harm

Courts routinely recognize that removal before judicial review constitutes irreparable harm.

3. Balance of Equities

The balance strongly favors Petitioner.

The Government has already represented that removal is not planned before April 16, 2026.

A TRO imposes no meaningful burden on Respondents and merely preserves the status quo, consistent with the Government's own representation to the court of appeals..

4. Public Interest

The public interest favors:

- Preservation of judicial review
- Orderly administration of immigration law
- Respect for representations made to federal courts

VIII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue an immediate Temporary Restraining Order prohibiting Respondents from removing Petitioner;
2. Enjoin Respondents from transferring Petitioner for purposes of removal;
3. Issue a writ of habeas corpus;
4. Order Petitioner's immediate release from custody; OR, in the alternative,
5. Grant such further relief as the Court deems just and proper.

IX. CONCLUSION

Immediate relief is necessary to prevent irreparable harm and preserve the integrity of ongoing judicial review.

Dated: April 9, 2026

Respectfully submitted,

/s/ Roger H. Ponce

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(Pro hac vice forthcoming)