

UNITED STATES DISTRICT
COURT MIDDLE DISTRICT OF FLORIDA
(FT. MYERS)

JUAN CARLOS GUILLEN GARCIA,
Petitioner,

vs.

_____, Warden, Glades County Detention Center;
_____, Field Office Director, Miami 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.: 2:26CV 1540 JES-NPM

**PLAINTIFF'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE RE:
PRILIMINARY INJUNCTION**

Petitioner Juan Carlos Guillén García, proceeding *pro se*, respectfully moves this Court *ex parte* for a Temporary Restraining Order ("TRO") pursuant to Federal Rule of Civil Procedure 65(b). This application is based on the concurrently filed Verified Petition for a Writ of Habeas Corpus, the following memorandum of law, and all papers and proceedings in this action. Petitioner seeks an immediate order restraining Respondents from transferring him out of this District or removing him from the United States while his habeas petition is pending.

INTRODUCTION

Petitioner Juan Carlos Guillén García is suffering an ongoing and severe deprivation of his fundamental right to liberty. He is a non-criminal asylum and T-Visa applicant who has been held in civil immigration detention since April 15, 2026, without a bond hearing. His detention began when he was arrested by ICE while at his job, not for any criminal conduct, and is not

1 based on any evidence that he is a danger to the community or a risk of flight.

2 Every additional day that Petitioner remains incarcerated without due process constitutes a fresh,
3 irreparable injury. The harm is immediate and severe: his 18-year-old son is scheduled to
4 graduate from high school on May 27, 2026—a singular, irreplaceable family milestone that his
5 unlawful detention will force him to miss. His health is deteriorating, and his other minor child
6 is suffering emotionally. Because Respondents' actions violate the Immigration and Nationality
7 Act and the Due Process Clause of the Fifth Amendment, and because the harm is imminent and
8 irreparable, Petitioner requests that this Court issue an emergency TRO preventing his transfer
9 or removal.
10

11 BACKGROUND

12 The facts supporting this application are set forth in Petitioner's Verified Petition for a Writ of
13 Habeas Corpus, filed concurrently herewith and incorporated by reference. In summary:
14

- 15 1. Mr. Guillén García is a native and citizen of Honduras who entered the United States on or about
16 October 11, 2022. He has pending applications for Asylum and a derivative T-Visa.
17
- 18 2. On or about April 15, 2026, he was arrested by ICE in Marathon, Florida, while at his
19 landscaping job. This is his only interaction with law enforcement. **He has no criminal record.**
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- 21 3. He was subsequently transferred to the custody of U.S. Immigration and Customs Enforcement
22 ("ICE") and has been subjected to a pattern of multiple, unannounced transfers between facilities
23 in **Marathon, Key West, Miramar, and now the Glades County Detention Center.**
24
- 25 4. His detention is authorized, if at all, under the discretionary authority of 8 U.S.C. § 1226(a),
26 which permits release on bond.
27
- 28 5. Despite the passage of time, Respondents have failed to provide Mr. Guillén García with an
individualized bond hearing before a neutral decision-maker to determine if his continued
detention is necessary.

1 6. Mr. Guillén García is the sole financial provider for his wife and children. His 18-year-old son's
2 high school graduation is on May 27, 2026. His continued detention and the risk of transfer will
3 cause him to miss this critical family event.

4 5 **LEGAL STANDARD**

6 A court may issue a temporary restraining order if the movant establishes: (1) a substantial
7 likelihood of success on the merits; (2) that irreparable injury will be suffered unless the
8 injunction issues; (3) that the threatened injury to the movant outweighs whatever damage the
9 proposed injunction may cause the opposing party; and (4) that the injunction, if issued, would
10 not be adverse to the public interest. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7,
11 20 (2008); *see also Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

12 Under Federal Rule of Civil Procedure 65(b), a court may issue a TRO without notice to the
13 adverse party only if “(A) specific facts in an affidavit or a verified complaint clearly show that
14 immediate and irreparable injury, loss, or damage will result to the movant before the adverse
15 party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts
16 made to give notice and the reasons why it should not be required.” As a *pro se* detainee,
17 Petitioner satisfies these requirements through his verified petition and the explanations herein.

18 19 20 21 **ARGUMENT**

22 **I. Petitioner is Substantially Likely to Succeed on the Merits.**

23 Petitioner’s claim rests on a bedrock constitutional principle: the government cannot deprive a
24 person of liberty without due process of law. The Supreme Court has repeatedly affirmed that
25 this protection applies to all “persons” within the United States, including non-
26 citizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

27
28 Petitioner’s detention falls under 8 U.S.C. § 1226(a), which provides for discretionary detention

1 pending a decision on removal. As he has no criminal record, he is not subject to mandatory
2 detention. The statutory and constitutional scheme is violated when detention becomes
3 prolonged without a bond hearing where the government must justify its continued deprivation
4 of his liberty. Because Petitioner has been detained without any finding that he is a danger or
5 flight risk, he is substantially likely to succeed on his claim that his continued detention violates
6 both 8 U.S.C. § 1226(a) and the Fifth Amendment's Due Process Clause.

7
8 **II. Petitioner Will Suffer Irreparable Harm Absent a TRO.**

9 The ongoing deprivation of liberty is a quintessential form of irreparable harm. The harm here
10 is not abstract; it is concrete, imminent, and severe. First, Petitioner will be forced to miss his
11 son's high school graduation on May 27, 2026. This is a singular, irreplaceable family milestone
12 that, once missed, can never be recovered. This forced separation inflicts profound and lasting
13 emotional trauma on both Petitioner and his son. Second, his health is deteriorating in custody.
14 Third, Respondents' established pattern of multiple transfers creates a high likelihood of another
15 transfer, which would move him even further from his family and legal resources, and could
16 moot his habeas petition. Finally, any removal from the U.S. would permanently extinguish his
17 pending claims for asylum and a T-Visa. This constitutes immediate and irreparable harm.

18
19 **III. The Balance of Equities Tips Sharply in Petitioner's Favor.**

20 The balance of harms weighs overwhelmingly in Petitioner's favor. On Petitioner's side of the
21 scale is his fundamental interest in being free from unlawful restraint and his profound interest
22 in being present for his child's graduation. On the government's side, the harm is negligible.
23 The government has no legitimate interest in detaining an individual with no criminal record
24 who poses no danger to the community and whose appearance at future proceedings can be
25 ensured through less restrictive means. Granting a TRO simply requires the government to
26 maintain the status quo by not transferring him while this Court considers his habeas petition.

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28 **IV. The Public Interest Favors Granting the TRO.**

1 The public has a profound interest in upholding the Constitution, protecting family unity, and
2 ensuring that the government's immense power to detain individuals is exercised within lawful
3 limits. Enjoining Respondents' conduct reinforces the principles of due process and prevents the
4 civil immigration system from becoming a shadow system of punitive incarceration. It is not in
5 the public interest for the government to detain non-dangerous individuals at great taxpayer
6 expense, particularly when it results in the tragic separation of a father from his children at a key
7 life moment.
8

9 10 **WHY SHORTER NOTICE IS IMPOSSIBLE**

11 Pursuant to Fed. R. Civ. P. 65(b)(1)(B), Petitioner cannot provide notice to Respondents or their
12 counsel before this Court acts. As a *pro se* detainee, Petitioner lacks the resources, legal
13 knowledge, and physical means to locate and properly serve the U.S. Attorney's Office. More
14 importantly, Respondents have already demonstrated a pattern of transferring Petitioner between
15 facilities without warning. Providing notice of this application would likely trigger another
16 immediate transfer, an action that would divest this Court of jurisdiction and render his habeas
17 petition moot before it can be heard. The very act of his unlawful confinement and Respondents'
18 past conduct create the barrier to providing notice and necessitate *ex parte* relief to preserve his
19 rights.
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21 22 **PRAYER FOR RELIEF**

23 WHEREFORE, Petitioner Juan Carlos Guillén García respectfully requests that this Court:
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- 25 1. Issue an *ex parte* Temporary Restraining Order enjoining Respondents from transferring
26 Petitioner from the Glades County Detention Center or removing him from the United States
27 pending further order of this Court;
- 28 2. Order Respondents to show cause why a preliminary injunction should not issue;

- 1 3. Set an expedited hearing on Petitioner's concurrently filed Petition for a Writ of Habeas Corpus;
2 and
3 4. Grant such other and further relief as the Court deems just and proper.

4 Dated: May 5, 2026
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6 VERIFICATION
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8 I, Juan Carlos Guillén García, being the petitioner, hereby certify under penalty of perjury that
9 the statements set forth herein are true and correct to the best of my knowledge and belief.

10 Date: May 5, 2026
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12 /s/ Juan Guillen
13 Juan Carlos Guillén García
14 Pro Se
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