FILED IN CLERK'S OFFICE
U.S.D.C. - Columbus, GA
2026 JUN 17 P 1:04

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

HARRY JOSÉ LACAYO MORENO, Petitioner,

v.

WARDEN, STEWART DETENTION CENTER, et al., Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

COMES NOW Petitioner Harry José Lacayo Moreno, proceeding Pro Se, and respectfully moves this Honorable Court for issuance of an immediate Temporary Restraining Order preserving the jurisdiction of this Court and protecting Petitioner from retaliatory transfer, punitive isolation, unlawful removal, or deportation prior to meaningful judicial review of the pending Petition for Writ of Habeas Corpus.

This Motion arises from extraordinary constitutional and humanitarian circumstances involving the detention of a recently turned eighteen-year-old detainee who was arrested while voluntarily attending a routine immigration appointment despite substantial compliance with immigration supervision obligations.

EMERGENCY CIRCUMSTANCES

Petitioner respectfully submits that emergency relief is necessary because Respondents maintain authority to transfer, isolate, or remove Petitioner before adjudication of the constitutional claims presently before this Court.

Petitioner fears retaliatory transfer intended to interfere with federal jurisdiction and meaningful access to judicial review. Petitioner additionally fears placement in punitive segregation or isolation because of his pursuit of federal habeas relief.

Petitioner further fears deportation or transfer to a third country without meaningful notice or opportunity to seek judicial protection. Such actions would create immediate and irreparable harm incapable of adequate remedy after the fact.

FACTUAL BACKGROUND

Petitioner Harry José Lacayo Moreno is a native and citizen of Nicaragua born on [redacted]

Petitioner entered the United States on or about March ??, 2022 together with family members seeking safety and opportunity. Prior to detention, Petitioner was actively completing high school studies and attempting to continue educational development and personal growth.

On May 5, 2026, Petitioner voluntarily appeared for a routine immigration appointment in good faith and in compliance with immigration supervision requirements. During that appearance, Petitioner was unexpectedly detained despite absence of serious criminal history and despite lack of individualized determination regarding danger or flight risk.

Since detention at Stewart Detention Center, Petitioner allegedly has experienced severe emotional distress, anxiety, depression, dehydration, hopelessness, psychological suffering, educational interruption, and emotional deterioration.

Petitioner additionally alleges severe food and water rationing, repeated exposure to spoiled food, denial or delay of adequate medical treatment, overcrowding, unsanitary conditions, verbal abuse by officers, and fear of retaliation for seeking judicial intervention.

LEGAL STANDARD

A Temporary Restraining Order is appropriate where the moving party demonstrates substantial likelihood of success on the merits, irreparable harm absent relief, favorable balance of equities, and consistency with the public interest.

Federal courts retain broad equitable authority to preserve habeas jurisdiction and prevent governmental conduct capable of frustrating meaningful judicial review. See Boumediene v. Bush, 553 U.S. 723 (2008); INS v. St. Cyr, 533 U.S. 289 (2001).

Civil immigration detention cannot become punitive or excessive under the Fifth Amendment. See Bell v. Wolfish, 441 U.S. 520 (1979). Courts additionally recognize the importance of preserving meaningful access to judicial review and preventing retaliatory governmental conduct during pending habeas proceedings.

ARGUMENT

Petitioner has demonstrated substantial likelihood of success on the merits because the allegations presented involve serious constitutional concerns regarding punitive detention

conditions, denial of medical care, deprivation of adequate food and hydration, retaliatory conduct, and arbitrary detention practices.

Petitioner additionally faces immediate and irreparable harm absent judicial intervention Deportation, retaliatory transfer, punitive isolation, or removal prior to adjudication of constitutional claims would substantially undermine meaningful judicial review and potentially frustrate the jurisdiction of this Court.

Petitioner's youth and educational circumstances create extraordinary humanitarian concerns. Although recently turned eighteen years old, Petitioner remained actively engaged in completing high school education and developing future opportunities prior to detention.

The abrupt interruption of education, emotional development, and family stability has caused severe psychological suffering and discouragement.

Petitioner does not possess a serious criminal history and does not present a danger to public safety. Petitioner voluntarily complied with immigration supervision obligations prior to detention, substantially undermining any claim that he presents a meaningful flight risk.

The balance of equities overwhelmingly favors protection of constitutional rights, preservation of judicial review, prevention of irreparable harm, and avoidance of punitive detention practices inconsistent with due process protections.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

1. ISSUE an immediate Temporary Restraining Order;

2. ENJOIN Respondents from transferring Petitioner outside the jurisdiction of this Court;

3. ENJOIN Respondents from placing Petitioner in punitive segregation, isolation, or retaliatory confinement;

4. ENJOIN Respondents from deporting or removing Petitioner from the United States, including transfer to any third country, while proceedings remain pending;

5. ORDER preservation of all records relating to detention conditions, medical treatment, disciplinary history, housing assignments, and transfer activity;

6. GRANT all additional relief deemed just and proper under the law.

Respectfully submitted,

Harry Lacayo

Harry José Lacayo Moreno
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