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MIDDLE DIST. GA.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

HARRY JOSÉ LACAYO AGUIRRE, Petitioner,

v.

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

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

INTRODUCTION

Petitioner respectfully requests immediate injunctive relief in the form of a Temporary Restraining Order to preserve this Court's jurisdiction, prevent irreparable constitutional harm, and protect Petitioner from retaliatory transfer, punitive isolation, unlawful removal, or deportation to a third country while these federal habeas proceedings remain pending.

EMERGENCY NATURE OF THE MOTION

Immediate intervention is necessary because Petitioner remains confined under allegedly unconstitutional conditions and fears imminent retaliatory measures as a consequence of seeking federal judicial review. Petitioner specifically fears transfer outside this judicial district, placement in punitive segregation, denial of access to counsel and courts, and removal from the United States before meaningful judicial review may occur.

Without immediate relief, the Court's ability to provide meaningful habeas review may be irreparably undermined.

FACTUAL BASIS

Petitioner Harry José Lacayo Aguirre is a native and citizen of Nicaragua presently detained at Stewart Detention Center in Lumpkin, Georgia.

Petitioner was detained on May 5, 2026 while voluntarily appearing at a routine immigration appointment despite substantial compliance with immigration supervision requirements.

Petitioner alleges severe deprivation of food and water, denial of medical treatment, verbal abuse, overcrowding, unsanitary confinement conditions, psychological deterioration, dehydration, anxiety, and depression.

Petitioner further alleges fear of retaliatory transfer intended to defeat this Court's jurisdiction or obstruct meaningful access to judicial review.

LEGAL STANDARD

A Temporary Restraining Order is appropriate where the moving party demonstrates: (1) substantial likelihood of success on the merits, (2) irreparable harm absent relief; (3) the balance of equities favors relief; and (4) injunctive relief serves the public interest.

Federal courts retain broad equitable authority to preserve habeas jurisdiction and prevent actions capable of rendering judicial review ineffective. See Boumediene v. Bush, 553 U.S. 723 (2008); INS v. St. Cyr, 533 U.S. 289 (2001); Bell v. Wolfish, 441 U.S. 520 (1979).

ARGUMENT

Petitioner has demonstrated a substantial likelihood of success because the allegations presented establish serious constitutional concerns regarding punitive civil detention, denial of medical care, unsafe confinement conditions, and deprivation of fundamental due process protections.

Petitioner further faces immediate and irreparable harm. Deportation, retaliatory transfer, or punitive isolation cannot later be undone through monetary damages or delayed judicial relief. Once removed or transferred outside the Court's jurisdiction, meaningful habeas review may become severely compromised.

The balance of equities strongly favors protection of constitutional rights and preservation of judicial authority. Petitioner has no serious criminal history, poses no danger to the community, and maintains substantial family and community ties.

The public interest is always served by ensuring constitutional compliance, meaningful access to courts, and preservation of federal judicial authority.

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this 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 or retaliatory isolation for pursuing judicial relief;

4. ENJOIN Respondents from deporting or removing Petitioner, including transfer to any third country, while this matter remains pending,

5. ORDER preservation of all records relating to Petitioner's detention conditions, medical treatment, transfers, and disciplinary history;

6. GRANT all additional relief this Court deems just and proper.

Respectfully submitted,

Harry Lacayo

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