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U.S. DIST. COURT
MIDDLE DIST. GA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

INTRODUCTION

COMES NOW Petitioner, YEAN MARCOS SOTO LUGO, proceeding Pro Se, and respectfully moves this Honorable Court for issuance of an immediate Temporary Restraining Order ("TRO") and Preliminary Injunction to preserve the Court's jurisdiction, prevent irreparable harm, and protect Petitioner from unconstitutional retaliation, transfer, or removal while his federal habeas corpus proceedings remain pending.

Petitioner respectfully submits that extraordinary emergency relief is necessary because he faces immediate risk of retaliatory transfer, punitive confinement, sudden deportation, and further unconstitutional treatment arising from his detention at Stewart Detention Center.

FACTUAL BACKGROUND

Petitioner is currently detained at Stewart Detention Center following his arrest during a routine ICE check-in appointment despite maintaining a pending asylum application and demonstrating compliance with immigration authorities.

Petitioner alleges severe constitutional violations occurring during confinement, including denial of adequate medical care, spoiled food, food rationing, verbal abuse involving racial and xenophobic remarks, emotional deterioration, anxiety, depression, and substantial weight loss.

Petitioner further fears retaliation for filing legal actions, including abrupt transfer outside this Court's jurisdiction, placement in punitive isolation, or sudden deportation to a third country without notice. Such actions would irreparably interfere with Petitioner's constitutional rights and this Court's ability to provide meaningful habeas review.

LEGAL STANDARD

A Temporary Restraining Order and Preliminary Injunction are appropriate where the moving party demonstrates:

1. A substantial likelihood of success on the merits;
2. Irreparable injury absent injunctive relief;
3. The threatened injury outweighs any damage the injunction may cause the opposing party; and
4. The injunction would not be adverse to the public interest.

See Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7 (2008).

Federal courts possess broad equitable authority to preserve jurisdiction and prevent unconstitutional governmental conduct pending adjudication of habeas corpus proceedings.

ARGUMENT

Petitioner respectfully satisfies all requirements for emergency injunctive relief.

First, Petitioner has established substantial constitutional claims involving arbitrary detention, denial of due process, punitive detention conditions, denial of medical care, and retaliation connected to his exercise of protected legal rights.

Second, irreparable harm is immediate and ongoing. Any retaliatory transfer, deportation, or punitive segregation could effectively destroy meaningful judicial review and cause permanent constitutional injury. Once removed or transferred beyond the practical reach of the Court, meaningful habeas relief may become impossible.

Third, the balance of equities overwhelmingly favors Petitioner. The Government suffers minimal hardship from temporarily maintaining the status quo, while Petitioner faces devastating constitutional and humanitarian consequences absent judicial intervention.

Fourth, the public interest strongly favors preservation of constitutional rights, meaningful access to courts, judicial oversight, and prevention of arbitrary governmental action.

Finally, federal courts have repeatedly recognized the necessity of preserving habeas jurisdiction against attempts to frustrate judicial review through transfers or removals. See Boumediene v. Bush, 553 U.S. 723 (2008); Rumsfeld v. Padilla, 542 U.S. 426 (2004).

REQUESTED RELIEF

Petitioner respectfully requests that this Court immediately:

1. ENJOIN Respondents from transferring Petitioner outside the jurisdiction of this Court;
2. ENJOIN Respondents from deporting or removing Petitioner to any country pending resolution of these proceedings;
3. ENJOIN retaliatory punishment, segregation, or interference with Petitioner's access to legal materials and courts;
4. Order Respondents to preserve Petitioner's access to adequate medical care, food, and humane detention conditions;
5. Grant any additional relief deemed equitable and necessary.

Respectfully submitted,

YEAN MARCOS SOTO LUGO
Pro Se Petitioner
A# [redacted]