IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CINCINNATI OFFICE

Jose Antonio Vasquez Mejia, Plaintiff, v. Richard K. Jones, *et al* Defendants,	)	Case No.: 1:26-cv-00711-JPH-PBS Judge: Hon. Jeffrey P. Hopkins

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MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, by and through counsel, respectfully moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 65(a), for a Preliminary Injunction. Plaintiff seeks an order enjoining the Defendants from further detention, and removal of Plaintiff from the United States pending adjudication of his U nonimmigrant visa application pursuant to the class certification and preliminary injunction entered in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, ECF. No. 57 (C.D. Cal. May 20, 2026).

MEMORANDUM IN SUPPORT

I. INTRODUCTION

This case involves a detained applicant with a pending U nonimmigrant visa application (receipt number [redacted]). His eligibility for U nonimmigrant visa stemmed from the applicant and his significant other's victimization by a group posing as legal representatives to extort thousands of dollars. Although Plaintiff has a pending victim-based petition, Plaintiff remains detained and has been detained for about four months. Further, he was determined to not have a reasonable fear of returning to Honduras, his country of citizenship and faces the imminent risk of removal in defiance of a court-ordered preliminary injunction. See, *ICWC* v. *Noem*, No. 2:25-cv-09848-AB-AS, slip op. at 12 (C.D. Cal. May 20, 2026).

Plaintiff requested judicial review of a determination finding he did not have a reasonable fear of return. However, his counsel was denied participation in the review when Defendants failed to notify counsel of said hearing and proceeded without counsel present.

Unless this Court intervenes, Plaintiff will be removed to Honduras, albeit having a pending U visa application, and thus, falling within the class certification of *Immigration Center for Women and Children v. Noem.* (hereinafter "*ICWC v. Noem*").

II. LEGAL STANDARD

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of the preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." See, *Winter v. NRDC*, Inc., 555 U.S. 7, 20 (2008) (citing Munaf v. Geren, 553 U.S. 674, 689–90 (2008); *Amoco*

Production Co. v. Gambell, 480 U.S. 531, 542 (1987); *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 311–12 (1982)).

III. ARGUMENT

a. Likelihood of Success on the Merits

Plaintiff is likely to succeed on his claim that he was a victim of crime and should not be removed pending the adjudication of his U visa petition. The court in *ICWC v. Noem*, in granting a preliminary injunction enjoining the enforcement of the 2025 Immigration and Customs Enforcement ("ICE") policy rescinding protections for aliens who, like Plaintiff, have a pending VAWA, U or T visa application, recognized the Defendants' long-standing policy to refrain from immigration enforcement against persons with victim-based benefits, including releasing them from detention; identifying such persons, seeking expedited preliminary adjudications of their petitions from USCIS, and granting administrative stays of removal. See, *ICWC* v. *Noem*, No. 2:25-cv-09848-AB-AS, slip op. at 12 (C.D. Cal. May 20, 2026).

Plaintiff's application was accepted for processing and remains pending. Plaintiff was a victim of a crime when he and his significant other were extorted out of thousands of dollars for seeking immigration assistance. Plaintiff reported the incident to law enforcement and cooperated in the investigations. The investigating agency certified plaintiff's victimization and cooperation. Thus, there is a likelihood that Plaintiff will succeed on his pending victim-based application.

Because there is a likelihood of success, the Court should grant the instant motion for preliminary injunction to enjoin the Defendants from removing the Plaintiff while the victim-based petition remains pending.

b. Irreparable Harm

The harm to the Plaintiff here is certain. Should the Defendants remove Plaintiff from the United States, he will be separated from his family even while he has a victim-based petition pending. Further, removal may trigger inadmissibility grounds that would bar Plaintiff from ever returning to the United States even after his application has been approved. Being wrongfully removed has been deemed an injury-in-fact. See, *Cf. Zegarra-Gomez v. I.N.S.*, 314 F.3d 1124, 1127 (9th Cir. 2003). In the immigration context, the separation of family and the loss of life-altering legal status constitute irreparable harm. Further, If removed, Plaintiff will be sent beyond reach of the local law enforcement agency investigating the crime incident, which will likely result in the loss of a key witness for the investigation and prosecution.

c. Balance of Equities and Public Interest

The balance of equities and public interest weighs heavily in Plaintiff's favor. Plaintiff asks only to be considered as a member of the *ICWC v. Noem* class and be granted protections available to applicants of victim-based petitions including a stay of deportation, and a release from detention pending adjudication of his U Visa application. Plaintiff does not pose any danger to the United States and has remained in the United States for years. Further, Plaintiff's presence benefits the investigation of a criminal incident in that, he remains a key witness, and this is in the public interest.

Because the balance of equities and public interest weigh heavily in favor of Plaintiff, the Honorable Court should grant the instant motion.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Honorable Court grant this Motion and issue a Preliminary Injunction enjoining Defendants from 1) further detention of

Plaintiff, and 2) removing Plaintiff from the United States while awaiting adjudication of his U nonimmigrant visa application pursuant to *ICWC v. Noem*.

Dated: August 28, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2026, a true and correct copy of the foregoing Motion for Preliminary Injunction and all supporting documents and proposed orders electronically was served upon:

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Respectfully submitted,

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(Proposed) ORDER GRANTING MOTION FOR PRELIMINARY INJUNCTION

Upon consideration of Plaintiff's Motion for Preliminary Injunction, the memorandum of points and authorities, and the record herein, it is **ORDERED** that the Motion is **GRANTED.**

The Court finds that:

1. Plaintiff has demonstrated a substantial likelihood of success on the merits of his claim that he was a victim of a crime and therefore eligible for a U-nonimmigrant visa.
2. Plaintiff will suffer irreparable harm – in that he will be separated from family and will be denied protections available to him as a petitioner of a victim-based petition pursuant to *ICWC v. Noem*.
3. The balance of equities and the public interest weigh heavily in favor of affording Plaintiff the protections affirmed by the U.S District Court in *ICWC v. Noem*.

Accordingly, it is **FURTHER ORDERED** that:

1. **STAY OF REMOVAL**: Defendants are enjoined from removing Plaintiff from the United States pending adjudication of his U-nonimmigrant visa application with receipt numbe[redacted]
2. **INJUNCTIVE RELIEF**: Defendants are **ENJOINED** from further detention of the Plaintiff pending adjudication of his U Nonimmigrant Visa application and in accordance with the preliminary injunction entered in *ICWC v. Noem*.
3. **ADMINISTRATIVE COMPLIANCE**: Defendants shall ensure that this Order is served upon the relevant parties to ensure that Plaintiff is not removed pending the adjudication of his U nonimmigrant visa application.
4. **DURATION**: This Preliminary Injunction shall remain in effect until adjudication of Plaintiff's pending U nonimmigrant petition.

IT IS SO ORDERED

Dated: _____, 2026

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United States District Judge