UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

SEYMEN CIMENLI, *Petitioner* v. Warden of the Irwin County Detention Center; Field Office Director, Atlanta Field Office, United States Immigration and Customs Enforcement, DAVID VENTURELLA, Acting Director of Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; TODD BLANCHE, Acting Attorney General of the United States, *Respondents*	:	Docket No. 7:26-cv-00217-LAG-ALS **EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner Seymen Cimenli, through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 65(b) for issuance of a Temporary Restraining Order enjoining Respondents from continuing to detain him under 8 U.S.C. § 1225(b)(2)(A) and from transferring him outside this District while this habeas petition is pending.

Petitioner further requests that this Court order:

1. His immediate release from detention; or

2. In the alternative, a constitutionally adequate bond hearing before an Immigration Judge at which the Government bears the burden of establishing by clear and convincing evidence that Petitioner presents a danger or flight risk.

The grounds for this Motion are set forth fully in Petitioner's separately filed Memorandum in Support.

I. EMERGENCY NATURE OF RELIEF REQUESTED

Petitioner has been continuously detained in immigration custody since on or about July 17, 2026, and is presently held at the Irwin County Detention Center in Ocilla, Georgia. Petitioner is a native and citizen of Turkey who presented himself for inspection at the San Ysidro, California Port of Entry on or about September 25, 2024, pursuant to a scheduled CBP One appointment, and was paroled into the United States for humanitarian reasons. *See* Petition for Writ of Habeas Corpus ("Pet'n") ¶ 19. Petitioner timely filed a Form I-589, Application for Asylum and for Withholding of Removal, with the New York – Varick Immigration Court on October 29, 2024, and his individual merits hearing before the Charlotte Immigration Court is currently scheduled for December 13, 2028. *See id.* ¶¶ 21–22. No final order of removal has been entered, and Petitioner is therefore subject to pre-final-order detention under 8 U.S.C. § 1226(a). *See id.* ¶¶ 23–24.

Notwithstanding this, Respondents have detained Petitioner pursuant to a July 8, 2025 DHS "Interim Guidance" and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which together purport to subject Petitioner to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) without bond eligibility. That position has been rejected by the United States Court of Appeals for the Eleventh Circuit in *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, 175 F.4th 1258 (11th Cir. 2026), and by the

overwhelming majority of federal district courts and courts of appeals to address the question. Continued detention under § 1225(b)(2)(A) is therefore both ultra vires and in violation of the Fifth Amendment Due Process Clause. *See* Pet'n ¶¶ 35 36, 47 48 (statutory claim), ¶¶ 37 46 (due process).

Each additional day of detention inflicts irreparable harm. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects."). The harm is particularly acute here, where Petitioner has been detained without a bond hearing despite the absence of any criminal history or record of failing to comply with immigration obligations. *See* Pet'n ¶ 26.

Additionally, absent immediate relief, Respondents may transfer Petitioner outside this District, which would impair this Court's habeas jurisdiction under *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004), and frustrate meaningful review. *See also Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (per curiam) (habeas claims challenging detention must be brought in the district of confinement). Immediate judicial intervention is therefore necessary.

II. RULE 65(c) SECURITY

Petitioner requests that the Court waive the bond requirement under Rule 65(c), as this case concerns unlawful detention and constitutional liberty interests, and Respondents face no monetary harm from issuance of the requested relief.

III. RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Issue a Temporary Restraining Order prohibiting Respondents from continuing Petitioner's detention under 8 U.S.C. § 1225(b)(2)(A);
2. Order Petitioner's immediate release under reasonable conditions of supervision, or alternatively order a constitutionally adequate bond hearing before an Immigration Judge at which Respondents bear the burden by clear and convincing evidence;
3. Enjoin Respondents from transferring Petitioner outside this District during the pendency of these proceedings; and
4. Grant such other relief as the Court deems just and proper.

Respectfully submitted this 31st day of July, 2026.

/s/Stephen Elijah Bennett
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