IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

COLUMBUS DIVISION

ALEX EDUARDO UMAÑA MEJÍA,
A# [redacted]

Petitioner,

v.

STEPHEN SCHRANK, Warden, Stewart Detention Center;

TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security;

PAMELA BONDI, Attorney General of the United States,

Respondents.

Civil Action No. 26-1056

(Habeas Corpus, 28 U.S.C. § 2241)

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 65(b),

AND MEMORANDUM OF LAW IN SUPPORT

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA, COLUMBUS DIVISION:

COMES NOW, Petitioner Alex Eduardo Umaña Mejia ("Petitioner"), proceeding pro se, and respectfully moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 65(b), 28 U.S.C. § 2241, and this Court's inherent equitable authority in habeas proceedings, for the

immediate issuance of a Temporary Restraining Order enjoining Respondents, and all persons acting in active concert or participation with them, from removing Petitioner from the United States, transferring Petitioner to the custody of any third country, or transferring Petitioner to any detention facility outside the territorial jurisdiction of this Court, pending further order of this Court. In support of this Motion, Petitioner states as follows.

I. RELIEF REQUESTED

1. Petitioner respectfully requests that this Court issue, on an emergency basis, a Temporary Restraining Order:

I. Enjoining Respondents, their officers, agents, employees, attorneys, and all persons in active concert or participation with them, from removing Petitioner from the territorial United States;

II. Enjoining Respondents from transferring or causing the transfer of Petitioner to the custody of any third country;

III. Enjoining Respondents from transferring Petitioner to any detention facility located outside the territorial jurisdiction of this Court without prior notice to Petitioner and to this Court and an opportunity for this Court to act; and

IV. Directing Respondents to provide Petitioner and this Court with no less than forty-eight (48) hours' advance written notice of any intended transfer or removal action affecting Petitioner, pending further order of this Court.

2. Petitioner further requests that, pursuant to Rule 65(b)(3), this matter be set down for a hearing on a motion for preliminary injunction at the earliest possible date, and that any Temporary Restraining Order issued by this Court remain in effect, and be extended as necessary, until such hearing is held and decided.

II. INTRODUCTION

3. This Motion is filed concurrently with, and in direct support of, Petitioner's Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 (the "Petition"), Petitioner's Emergency Motion for Immediate Release, and Petitioner's Motion to Expedite, each of which is incorporated herein by reference in its entirety.

4. Petitioner seeks the narrowest form of emergency relief necessary to preserve this Court's jurisdiction and the practical availability of the remedies sought in the Petition: an order maintaining the status quo by preventing Petitioner's removal from the United States,

transfer to a third country, or transfer outside this Court's jurisdiction, while the merits of the Petition are adjudicated. Petitioner does not, by this Motion, seek his substantive release from custody; that relief is separately requested in the Petition and the Emergency Motion for Immediate Release. This Motion seeks only to ensure that those other requests for relief remain capable of being granted and enforced.

5. The necessity of this Motion arises directly from the facts alleged in the Petition. Petitioner reasonably fears that he may be removed from the United States or transferred outside this Court's jurisdiction before his claims can be heard, a fear made concrete by the irregular manner in which he was transferred from state to federal custody, including a broken assurance of release within forty-eight hours followed by an abrupt redetention by Immigration and Customs Enforcement.

III. LEGAL STANDARD

6. Federal Rule of Civil Procedure 65(b) authorizes a court to issue a temporary restraining order, including without prior notice to the adverse party, where "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Petitioner's Petition and the accompanying Verification are submitted under penalty of perjury and set forth specific facts establishing the immediate and irreparable injury described herein.

7. Although Petitioner submits this Motion together with the Petition and contemporaneously serves Respondents pursuant to the Certificate of Service below, such that Respondents will in fact receive notice of this Motion, Petitioner respectfully requests that, given the urgency of the circumstances and the risk that any delay could result in Petitioner's transfer or removal before Respondents are heard, this Court consider this Motion on an expedited basis consistent with Rule 65(b), and, if necessary, issue interim relief pending a prompt opportunity for Respondents to be heard in opposition.

8. The standard governing issuance of a temporary restraining order is the same four-factor standard applicable to a preliminary injunction: (i) a likelihood of success on the merits;

(ii) a likelihood of irreparable harm in the absence of preliminary relief; (iii) that the balance of equities tips in the movant's favor; and (iv) that an injunction is in the public interest. Each of these factors is addressed in turn below.

IV. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits of the Underlying Petition

9. As set forth in detail in the Petition, which is incorporated herein by reference, Petitioner has presented substantial, well-supported claims that his continued civil immigration detention, without any individualized bond hearing, violates the Due Process Clause of the Fifth Amendment under the reasoning of Zadvydas v. Davis, 533 U.S. 678 (2001), and the constitutional question expressly left open in Jennings v. Rodriguez, 583 U.S. 281 (2018); that neither recognized governmental interest underlying civil immigration detention is served by his continued confinement, given his non-violent underlying offense, absence of any serious criminal history, and approximately eight years of continuous, deeply rooted residence in the United States; and that the conditions of his confinement, including repeated and serious denials of necessary medical care, independently violate due process. Petitioner respectfully refers this Court to the Petition for the full statement of these claims and the legal authority supporting them.

B. Petitioner Will Suffer Immediate and Irreparable Harm Absent a Temporary Restraining Order

10. Removal from the United States, or transfer to a third country, during the pendency of habeas proceedings constitutes irreparable harm of the most serious kind: it threatens to render this Court's eventual ruling on the Petition practically meaningless by physically removing Petitioner from the territorial reach of this Court's remedial authority. No subsequent award of relief, however favorable, could fully restore Petitioner to his current position once he has been removed from the country or transferred to a jurisdiction where this Court's orders cannot practically be enforced.

11. Likewise, an unnoticed transfer of Petitioner to a detention facility outside this Court's territorial jurisdiction risks not only additional disruption and hardship to Petitioner, but

also risks generating exactly the kind of jurisdictional complications that the immediate-custodian rule and well-established habeas practice are designed to avoid. Petitioner has a reasonable, good-faith basis for this concern: as alleged in the Petition, Petitioner has already experienced one irregular and inadequately explained custodial transfer — from Bartow County Jail, through a processing facility in downtown Atlanta, to Stewart Detention Center — accompanied by broken assurances regarding the timing and circumstances of his custody status.

12. This harm is imminent, not speculative: Petitioner is currently held in the custody of federal immigration authorities who possess the practical ability to execute a transfer or removal action on short notice, and Petitioner, as a detained, self-represented individual, has no practical means of independently monitoring or preventing such action absent a court order requiring advance notice.

C. The Balance of Equities Favors Petitioner

13. The relief Petitioner seeks by this Motion is narrow and preserves, rather than disturbs, the status quo: it does not require Petitioner's release, does not require any change in his custodial classification, and does not impose any significant administrative burden on Respondents. It asks only that Respondents refrain from removing Petitioner from the country, transferring him to a third country, or transferring him outside this Court's jurisdiction without notice, while his claims are adjudicated through the ordinary course of these proceedings.

14. By contrast, the harm to Petitioner in the absence of this limited relief is severe and irreversible. Where, as here, the burden imposed on the responding party is minimal and the potential harm to the moving party is total and irreversible, the balance of equities weighs decisively in favor of preliminary relief.

D. The Public Interest Favors Preservation of This Court's Jurisdiction and Meaningful Habeas Review

15. The public interest is served by ensuring that the constitutional guarantee of habeas corpus retains practical meaning and is not rendered illusory by the timing of executive action. A

habeas petitioner's removal from the United States during the pendency of his petition, accomplished before a court has the opportunity to rule, would undermine the basic function of the writ as a check on unlawful executive detention. An order of the kind requested here — narrowly preserving the status quo pending adjudication — serves the public interest in the integrity and meaningful exercise of federal habeas jurisdiction.

E. No Security Should Be Required, or, in the Alternative, Only Nominal Security Is Appropriate

16. Federal Rule of Civil Procedure 65(c) provides that a court may issue a temporary restraining order "only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained," but vests the court with discretion as to the amount of security required, if any. Petitioner is currently detained, indigent, and proceeding pro se without income or assets, and the relief requested imposes no monetary or operational cost on Respondents that would warrant a security requirement. Petitioner respectfully requests that this Court exercise its discretion to waive the security requirement, or, in the alternative, to set only nominal security consistent with Petitioner's indigent and detained status.

V. CONCLUSION

17. For the foregoing reasons, and for the reasons set forth in the concurrently filed Petition for Writ of Habeas Corpus, Emergency Motion for Immediate Release, and Motion to Expedite, each incorporated herein by reference, Petitioner respectfully requests that this Court grant this Motion and issue a Temporary Restraining Order in the form of the Proposed Order submitted herewith, enjoining Respondents from removing Petitioner from the United States, transferring him to a third country, or transferring him outside this Court's jurisdiction without advance notice, pending further order of this Court, and set this matter for a prompt hearing on a motion for preliminary injunction.

VERIFICATION

I, Alex Eduardo Umaña Mejía, Petitioner in the above-captioned action, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Emergency Motion for a Temporary Restraining Order, that I am familiar with its contents, and that the factual statements contained therein, including those incorporated by reference from the Petition for Writ of Habeas Corpus filed concurrently herewith, are true and correct to the best of my own personal knowledge, information, and belief. I further declare that I reasonably and in good faith fear that, absent the relief requested in this Motion, I may be removed from the United States, transferred to a third country, or transferred to a detention facility outside this Court's jurisdiction before my claims can be heard and decided.

I further declare that I am currently confined at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815, that I am proceeding in this matter without the assistance of retained counsel, and that I respectfully request that this Honorable Court construe this pro se Motion liberally, consistent with the principle that filings submitted by unrepresented litigants are held to less stringent standards than formal pleadings drafted by attorneys.

Executed this _____ day of _____, 2026, at Lumpkin, Georgia.

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se
A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: 7/6/26

CERTIFICATION OF EFFORTS TO GIVE NOTICE PURSUANT TO FED. R. CIV. P. 65(b)(1)(B)

I, Alex Eduardo Umaña Mejía, Petitioner, Pro Se, hereby certify that I am filing this Emergency Motion for a Temporary Restraining Order concurrently with my Petition for Writ of Habeas

Corpus, and that true and correct copies of both documents, together with all accompanying motions, are being served by United States Mail, postage prepaid, upon the United States Attorney for the Middle District of Georgia, the Office of the Field Office Director for U.S. Immigration and Customs Enforcement, the Office of the General Counsel of the U.S. Department of Homeland Security, the Office of the Attorney General of the United States, and the Warden of the Stewart Detention Center, as identified in the Certificate of Service accompanying the Petition. Given Petitioner's status as a detained, self-represented individual without access to electronic filing, telephone service to opposing counsel, or independent means of expedited communication, Petitioner respectfully requests that this Court deem service by United States Mail, supplemented by such notice as the Clerk of Court customarily provides upon filing, sufficient notice under the circumstances, and respectfully requests that the Court consider this Motion on the most expedited basis the circumstances and the Court's docket permit.

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se
A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: 7/6/26

CERTIFICATE OF SERVICE

I, Alex Eduardo Umaña Mejía, Petitioner, Pro Se, hereby certify that, to the best of my ability under the constraints of my current civil immigration detention, a true and correct copy of the foregoing Emergency Motion for a Temporary Restraining Order, together with the accompanying Proposed Order, has been or will be served by United States Mail, postage prepaid, or by such other means as may be available to me as a detained, unrepresented litigant, upon the following:

United States Attorney for the Middle District of Georgia
Office of the United States Attorney
P.O. Box 1702
Macon, Georgia 31202

Office of the Field Office Director
U.S. Immigration and Customs Enforcement
Atlanta Field Office
180 Ted Turner Drive SW
Atlanta, Georgia 30303

Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Warden, Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815

Alex Umana Mejía

Alex Eduardo Umaña Mejía
Petitioner, Pro Se

A-Number: [redacted]
Stewart Detention Center
146 CCA Road
Lumpkin, Georgia 31815
Date: _____