Christiam José Contreras Rodríguez
Country of Birth: Venezuela
A Number: [redacted]
Current Detention Facility: STEWART DETENTION CENTER
146 CCA Road, Lumpkin, Georgia 31815
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Pro Se

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA COLUMBUS DIVISION

Christiam José Contreras Rodríguez
A-Number: [redacted]
Proceeding Pro Se,
Petitioner,
v.
_____, WARDEN, Stewart Detention Center; _____, FIELD OFFICE DIRECTOR, ICE Enforcement and Removal Operations, Atlanta Field Office; DAVID J. VENTURELLA, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, Department of Homeland Security; TODD BLANCHE, Acting Attorney General, United States,
Respondents.

Case No.:

PETITIONER'S *EX PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER

I. NOTICE OF PRO SE FILING

Petitioner Christiam José Contreras Rodríguez files this Application pro se. He respectfully requests that the Court construe his pleadings liberally.

II. INTRODUCTION

Petitioner seeks an ex parte temporary restraining order ("TRO") pursuant to Federal Rule of Civil Procedure 65(b) to prevent irreparable harm while the Court considers his accompanying Petition for Writ of Habeas Corpus. Specifically, Petitioner seeks: (1) an order prohibiting Respondents from transferring him outside the Middle District of Georgia or removing him from the United States while the habeas Petition is pending; and (2) an order requiring Respondents to restore Petitioner to the noncustodial status that existed before his May 22, 2026 redetention.

III. LEGAL STANDARD FOR INJUNCTIVE RELIEF

The standard for a TRO is the same as for a preliminary injunction. Under Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008), a plaintiff must show. (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest.

Under Fed. R. Civ. P. 65(b)(1)(A), the court may issue a TRO without notice if "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."

IV. SUMMARY OF SUPPORTING FACTS

The facts supporting this Application are set forth in Petitioner's contemporaneously filed verified Petition for Writ of Habeas Corpus and accompanying Declaration, which are incorporated herein by reference. In summary:

Petitioner is a Venezuelan citizen who entered the United States near El Paso, Texas, on approximately April 1, 2024, without being admitted or paroled.

On April 2, 2024, DHS issued a Form I-286 under INA § 236 authorizing his release on his own recognizance. His release was formalized through a Form I-220A. The release was expressly governed by § 236 (8 U.S.C. § 1226), not by parole or § 1225(b). Petitioner was placed in ordinary removal proceedings under INA § 240.

Petitioner lived in the community in North Carolina for approximately 780 days, from April 2, 2024 until May 22, 2026. He reported monthly to ICE at the Charlotte, North Carolina ICE office, worked in construction for [redacted] and supported his U.S. citizen son and his partner.

On September 9, 2024, Petitioner filed a Form I-589 application for asylum, withholding of removal, and protection under CAT, based on political persecution in Venezuela. The application was filed within one year of entry and remains pending.

On [redacted], 2026, Petitioner's son, C[redacted], was born in Siler City, North Carolina. C[redacted] is a U.S. citizen by birth. At the time of Petitioner's arrest, C[redacted] was approximately three months old.

Petitioner has no criminal record. A certified search by the Clerk of Superior Court of Randolph County, North Carolina, conducted on May 27, 2026, found no criminal records or infractions under his name.

On May 22, 2026, Petitioner voluntarily appeared for his scheduled monthly ICE check-in in Charlotte, North Carolina. Without prior notice, warrant, revocation of the I-220A, or explanation of any violation or material change, ICE agents arrested him, handcuffed him, and transported him in chains to the Stewart Detention Center in Lumpkin, Georgia—approximately 500 miles from his home and family.

On June 30, 2026, Immigration Judge Bianca H. Brown denied a custody redetermination motion for lack of jurisdiction, relying on Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025). The judge did NOT evaluate danger, flight risk, compliance history, family ties, employment, community connections, or alternatives to detention.

His immigration case remains pending, with a Master Calendar Hearing on August 10, 2026, before Immigration Judge Jerrica A. Harness at the Stewart Immigration Court. No final order of removal exists.

Petitioner is willing to live at [redacted] 27203, or at such other address as the Court or ICE may approve. He is willing to comply with regular ICE reporting, electronic monitoring, GPS, travel restrictions, and any other reasonable conditions.

V. ARGUMENT IN SUPPORT OF INJUNCTIVE RELIEF

A. Petitioner Has Shown a Likelihood of Success on the Merits

Petitioner has raised serious questions going to the merits of his habeas claims. Respondents are detaining him under the wrong statute. DHS initially processed Petitioner under the discretionary authority of 8 U.S.C. § 1226(a), as evidenced by the Form I-286 and Form I-220A release on his own recognizance, both of which expressly cite INA § 236. After living in the interior for 780 days, Petitioner is not an "arriving alien" subject to mandatory detention under § 1225(b)(2).

The Eleventh Circuit has issued binding authority directly contrary to the expansive application of § 1225(b)(2)(A). In Hernandez Alvarez v. Warden, Nos. 25-14065 and 25-14075 (11th Cir. May 6, 2026), the court held that § 1225(b)(2)(A) does not govern the custody of noncitizens simply present in the interior, and confirmed that their custody falls under § 1226(a). The Middle District of Georgia's Standing Order 2026-01 further requires bond hearings within seven days for detainees at Stewart whose custody is governed by § 1226(a). Because the Immigration Judge denied jurisdiction based on this legal error, Petitioner has been deprived of any individualized assessment of his custody, in violation of due process.

Petitioner's own custody documents—issued by DHS—expressly invoke § 236. Under the principle that agencies are bound by their own regulations, the Government cannot contradict its own documents to impose a more restrictive statutory framework. See United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954). Under the Mathews v. Eldridge balancing test, the profound interest in liberty and the high risk of erroneous deprivation from this categorical detention scheme far outweigh the Government's minimal burden in providing a bond hearing. See Mathews v. Eldridge, 424 U.S. 319, 335 (1976).

B. Petitioner Will Suffer Irreparable Harm Absent a TRO

Petitioner is suffering ongoing deprivation of physical liberty—the most fundamental form of irreparable harm. Each day of unlawful detention is a harm that cannot be compensated by monetary damages. Petitioner also faces other irreparable harms, including:

Family Separation: Petitioner is separated from his five-month-old U.S. citizen son, C[redacted] and his partner, Yasmin Andrea Zambrano Posadas, who depended on him for economic and emotional support. The detention of a parent during the critical first months of his child's life causes irreversible harm to the parent-child bond.

Economic Harm: Petitioner has lost his employment with [redacted] and the income used to support his family. His partner does not work and relied entirely on Petitioner's support.

Harm to Immigration Case: Petitioner's detention at Stewart—500 miles from his home, family, witnesses, and documents in North Carolina—severely impairs his ability to gather evidence and prepare for his upcoming Master Calendar Hearing on August 10, 2026. His asylum claim requires corroboration of events in Venezuela, which is difficult to obtain from detention.

Geographic Isolation: Petitioner has been transferred across state lines from North Carolina to Georgia, making family visitation extremely difficult and costly.

C. The Balance of Equities Tips Sharply in Petitioner's Favor

The balance of equities tips sharply in Petitioner's favor. No individualized assessment has ever found Petitioner to be a danger or flight risk. He has no criminal record. He demonstrated 780 days of continuous compliance with all release conditions, including monthly ICE check-ins. He was arrested while voluntarily appearing for a check-in—an act of compliance, not evasion.

Petitioner has a U.S. citizen son who depends on him, a pending asylum claim, and community ties in North Carolina including his partner, employer, pastor, and U.S. citizen military veteran friends.

The Government's interest in ensuring Petitioner's appearance can be met through reasonable, less-restrictive conditions, such as ICE reporting, electronic monitoring, GPS, and compliance with immigration court conditions. The harm to Petitioner from continued unlawful detention is immense, while the harm to Respondents from releasing him under supervision is negligible

D. The Public Interest Favors a TRO

The public has a strong interest in preventing unlawful executive detention and ensuring that government agencies comply with federal statutes and the Constitution. The public interest is served by upholding family unity, especially the bond between a father and his U.S. citizen infant son. The public has an interest in ensuring that individuals who fled political persecution have a meaningful opportunity to pursue their asylum claims. The government cannot suffer harm from being enjoined from an unconstitutional practice.

E. Ex Parte Relief Is Necessary and Appropriate

Ex parte relief is necessary to prevent immediate and irreparable harm. Petitioner was already transferred without notice from North Carolina to Georgia. There is an imminent risk that Respondents may transfer him again to another facility outside this District or remove him from the United States before the Government can be heard, which would moot his Petition and cause irreversible harm. Petitioner has a Master Calendar Hearing scheduled for August 10, 2026, less than two weeks away. Each day of continued unlawful detention constitutes an ongoing injury, making immediate judicial intervention necessary.

F. The TRO Preserves the Status Quo Ante

This application seeks to restore and preserve the status quo ante—Petitioner's noncustodial liberty on his own recognizance under the I-220A that existed from April 2, 2024 until his unlawful

redetention on May 22, 2026. Restoring Petitioner to his prior liberty is consistent with the purpose of a TRO to maintain the existing state of affairs pending a hearing on the merits.

VI. RELIEF REQUESTED

Petitioner respectfully requests that the Court issue an ex parte Temporary Restraining Order:

A. Prohibiting Respondents from transferring Petitioner outside the Middle District of Georgia or removing him from the United States while the habeas Petition remains pending; B. Requiring Respondents to release Petitioner immediately from physical custody and restore him to the noncustodial status and conditions that existed before his May 22, 2026 redetention; C. Alternatively, if the Court declines to order immediate release, requiring Respondents to maintain Petitioner at the Stewart Detention Center and to show cause within seven (7) days why the writ should not issue; D. Requiring Respondents to file a response to this Application and the underlying Petition within seven (7) days; E. Setting an expedited hearing date on the Petition for Writ of Habeas Corpus; and F. Granting such other relief as the Court deems just and proper.

VII. CONCLUSION

The balance of equities and the severity of irreparable harm justify ex parte relief. Petitioner has raised serious questions about the lawfulness of his detention, and each day of continued custody causes harm that cannot be undone. Petitioner's U.S. citizen infant son, his partner, his pending asylum case, and his 780 days of compliance all weigh in favor of immediate relief.

Dated: July 27, 2026

/S/ Christiam Contreras

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