

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

[REDACTED]
[REDACTED]
Petitioner,

v.

RAFAEL VERGARA, Warden of Adams
County Correctional Center, *in his official capacity* and
MELLISSA HARPER, Director of U.S. Immigration and
Customs Enforcement New Orleans Field
Office, *in her official capacity*

Respondents.

No.: [REDACTED] DCB-BWR

**URGENT AND NECESSITOUS
MOTION**

MOTION FOR TEMPORARY RESTRAINING ORDER AND EMERGENCY HEARING

PLEASE TAKE NOTICE that as soon as counsel may be heard, the undersigned will move the Court, seeking a Temporary Restraining Order (“TRO”) in the form attached hereto and asking that this matter be set down for a hearing to convert those temporary restraints into a Preliminary Injunction pursuant to Fed. R. Civ. P. 65. In support of this motion, Petitioner submits the accompanying Memorandum of Law in Support of a Temporary Restraining Order and the concurrently filed Complaint.

WHEREFORE, Petitioner respectfully requests that this Court grant this Motion for a Temporary Restraining Order and issue an order requiring Respondents to provide Petitioner access to his constitutional and statutory rights to protection from torture and persecution and due process of law prior to any third-country deportation, including by (i) immediately halting any ongoing removal so this Court can consider this Motion and new claims by Petitioner; (ii) requiring Respondents to provide written notice to Petitioner in a language he understands and to his counsel regarding their intent to remove him to a third country; (iii) enjoining

Respondents from executing Petitioner [REDACTED] [REDACTED] removal for at least fifteen (15) days from the date written notice is provided to Petitioner to allow him a meaningful opportunity to investigate and contest removal to the newly designated third country; and (iv) upon Petitioner's expression of a fear of deportation to any third country to which Respondents intend to deport him, requiring Respondents and the U.S. Department of Homeland Security to move to reopen Petitioner's removal proceedings under 8 U.S.C. § 1229a in order to designate the third country and permit Petitioner the opportunity to present his full application for withholding of removal to an Immigration Judge.

Dated: August 26, 2026

Respectfully submitted,

/s/ C.J. Sandley

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CERTIFICATE OF SERVICE

I hereby certify that on today's date, I filed a copy of the foregoing document along with any attachments using the court's CM/ECF system, which will cause notice to be served electronically to all parties.

/s/ C.J. Sandley_____

Counsel for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
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Respondents.

No.: [REDACTED] DCB-BWR

**URGENT AND NECESSITOUS
MOTION**

**MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

INTRODUCTION

In the early morning of August 26, 2026, Petitioner [REDACTED] [REDACTED] ("Petitioner" or "Mr. [REDACTED]") was whisked away from Adams County Detention Center ("Adams"), where he has been detained for over one year and eight months. This happened just hours after Mr. [REDACTED] counsel emailed Respondents' counsel to notify them of their intent to request a status conference with the Court about Mr. [REDACTED] pending habeas petition. At 5:42 AM, undersigned counsel emailed Respondents' counsel to request information on Mr. [REDACTED] whereabouts. Respondents' counsel has not responded. Respondents' counsel also did not respond to Petitioner's counsel's request for Respondents' position on the instant motion.

Upon information and belief, Mr. [REDACTED] is likely being transferred for deportation to a third country where he has no ties and where he may fear torture and persecution. That third country has not been identified to him or his counsel. Mr. [REDACTED] has had no opportunity to assert

any fear of torture and persecution in that third country, which violates his constitutional, statutory, and regulatory rights, and the Convention Against Torture (“CAT”). *See* Doc. 1 ¶¶ 65-89, 103-112. Mr. [REDACTED] has asked this Court to adjudicate these claims, *see id.*, and the Court has yet to do so. Mr. [REDACTED] is now running out of time and respectfully asks this Court to hit the pause button on his likely imminent removal to a third country by issuing a temporary restraining order requiring notice of the third country to which he is likely being deported and an opportunity to raise any fear claim he might have and have that fear claim fully adjudicated.

FACTS

I. The Trump Administration’s Third-Country Removal Policies

Since January 2025, Respondents have developed and implemented a policy and practice of removing individuals to third countries, without first following the INA procedures for designation and removal to a third country and without providing fair notice and an opportunity to contest the removal in immigration court. On March 30, 2025, Kristi Noem, DHS secretary Mullin’s predecessor and the DHS secretary at that time, issued a memorandum to DHS “clarif[ying]” its policy regarding third country removals. Memorandum, Kristi Noem to DHS Officials, Guidance Regarding Third Country Removals (Mar. 30, 2025).¹ The policy instructs DHS officers to provide notice and a fear screening to a noncitizen being removed to a third country *only* where a third country has not provided blanket diplomatic assurances that noncitizens removed from the United States would not be persecuted or tortured. *Id.* at 1-2. The March 30, 2025, memorandum further instructs officers *not* to affirmatively ask a noncitizen whether they are afraid of being removed to the specified third country. *Id.* at 2.

¹ Available at <https://immigrationlitigation.org/wp-content/uploads/2025/04/43-1-Exh-A-Guidance.pdf>.

Indeed, punishment and deterrence appear to be the *point* of the Trump Administration's third country removal scheme. In an official video, President Donald Trump stated, "If illegal aliens choose to remain in America, they're remaining illegally and they will face severe consequences. Illegal aliens who stay in America face punishments, including significant jail time, enormous financial penalties, confiscation of all property, garnishment of all wages, imprisonment and incarceration, and sudden deportation in a place and manner solely of our discretion."² While the specter of these third-country deportations has been fodder for sensational publicity by the Administration, the details of many of these third-country agreements have been shrouded in secrecy and obscured from public and judicial scrutiny.³

The Administration has handpicked countries known for human rights abuses and instability for third country removal, exploiting countries eager for economic incentives in the name of mass deportation. The conditions in some of these countries, such as South Sudan, are so extreme that the U.S. State Department website itself warns Americans not to travel there, and if they do, to prepare their will, make funeral arrangements, and appoint a hostage-taker negotiator first.⁴

In February 2025, ICE deported hundreds of people from countries in Africa and Central Asia to Panama and Costa Rica, where they were imprisoned in hotels, a jungle camp, and a

² Donald J. Trump (@realDonaldTrump), X (May 10, 2025), <https://x.com/realDonaldTrump/status/1921008311492624867>.

³ See S. Comm. on Foreign Rels., Minority Staff, *At What Cost? Inside the Trump Administration's Secret Deportation Deals* 22–26 (Feb. 13, 2026), [https://www.foreign.senate.gov/imo/media/doc/\(FINAL%20-%20web\)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf](https://www.foreign.senate.gov/imo/media/doc/(FINAL%20-%20web)%20At%20What%20Cost%20-%20Inside%20the%20Trump%20Administration%27s%20Secret%20Deportation%20Deals_2.17.26.pdf); see also, e.g., Hamed Aleaziz & Pranav Baskar, *In Secret Deportation Deal, U.S. Leveraged Favors and Funds*, N.Y. Times (Mar. 25, 2026), <https://www.nytimes.com/2026/03/25/world/africa/in-secret-deportation-deal-us-leveraged-favors-and-funds.html>.

⁴ U.S. Dep't of State, Travel Advisories, South Sudan (May 17, 2024), <https://travel.state.gov/en/international-travel/travel-advisories/south-sudan.html>.

detention center.⁵ In Panama, officials confiscated cell phones and did not allow deportees access to their attorneys.⁶ Deportees slept in structures made from plastic sheets and had to be escorted to the toilet.⁷

In July 2025, ICE deported five men to the tiny African nation of Eswatini. Thabile Mdluli, spokesperson for the government of Eswatini, announced that the men are being held in solitary confinement in its prisons.⁸ The U.S. Department of State, itself, advises Americans to “exercise increased caution in Eswatini due to crime and civil unrest.”⁹ Most of the people deported to Eswatini remain incarcerated in a maximum security prison.¹⁰ Since then, the U.S. has executed more third-country removal agreements with several African nations.¹¹ In many of the countries that have entered third-country removal agreements with the U.S., deportees are at high risk of chain refoulement, the process by which individuals are returned to countries from which they have fled and where they face persecution or torture, in many of the countries with which the U.S.

⁵ Associated Press, *Migrants Expelled from U.S. to Costa Rica, Panama in a Legal ‘Black Hole,’* CBC (Feb. 28, 2025, 6:29 AM PST), <https://www.cbc.ca/news/world/costa-rica-panama-us-migrants-1.7471142>; Juan Zamorano, *Nearly 300 Deportees from US held in Panama Hotel as Officials Try to Return Them to Their Countries*, AP News (Feb. 18, 2025), <https://apnews.com/article/panama-trump-migrants-ariend841c33a215c172b8f99d0aeb43b0455>; Manuel Rueda, *Asylum Seekers Deported by the U.S. Are Stuck in Panama and Unable to Return Home*, NPR (May 5, 2025), <https://www.npr.org/2025/05/05/nx-s1-5369572/asylum-seekers-deported-by-the-u-s-are-stuck-in-panama-unable-to-return-home>.

⁶ Julie Turkewitz et al., *Migrants, Deported to Panama Under Trump Plan, Detained in Remote Jungle Camp*, N.Y. Times (Feb. 19, 2025), <https://www.nytimes.com/2025/02/19/world/americas/us-migrants-panama-jungle-camp.html>.

⁷ Matias Delacroix & Megan Janetsky, *Isolated in ‘Harsh Conditions:’ Deportee from US Details Legal Limbo in Panama Camp Near Darien Gap*, AP News (Feb. 22, 2025), <https://apnews.com/article/panama-deportee-trump-hotel-darien-gap-iom-bba8c3dc33fd38efd569a5b51e481a86>.

⁸ Savior Kakama & Pumza Fihlani, *Eswatini accepts 10 US deportees despite legal challenge*, BBC (Oct. 6, 2025), <https://www.bbc.com/news/articles/cn5qdx260lzo>.

⁹ U.S. Dep’t of State, Travel Advisory: Eswatini (July 10, 2026), <https://travel.state.gov/en/international-travel/travel-advisories/eswatini.html>.

¹⁰ Amnesty Int’l, *Amnesty calls latest US third-country deportation to Eswatini unlawful*, Africa News (July 10, 2026), <https://www.africanews.com/2026/07/10/amnesty-calls-latest-us-third-country-deportation-to-eswatini-unlawful/>.

¹¹ Joseph Gedon, *US departs 20 people to Liberia, the first of 1,200 migrants under Trump deal*, The Guardian (Aug. 20, 2026), <https://www.theguardian.com/us-news/2026/aug/20/liberia-deportation-agreement>; Aimée-Noël Mbiyozo, *US-Africa Migrant Deals Ramp Up As Government Transparency Fails*, Institute for Security Studies (May 19, 2026), <https://issafrica.org/iss-today/us-africa-migrant-deals-ramp-up-as-government-transparency-fails>.

has TCR agreements. *D.V.D. v. DHS*, No. CV 25-10676-BEM, ---F. Supp. 3d---, 2026 WL 521557, at *14-15, 32 n.82 (D. Mass. Feb. 25, 2026), *appeal argued*, No. 26-1212 (1st Cir. May 13, 2026) (explaining the concept of indirect or chain refoulement and providing recent examples); *see* Third Country Deportation Watch, <https://www.thirdcountrydeportationwatch.org> (last visited July 26, 2026) (discussing risk of chain refoulement in Ghana, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Panama, Uzbekistan, Poland).

LEGAL BACKGROUND

Congress established a statutory process for designating countries to which noncitizens may be removed. 8 U.S.C. § 1231(b)(1)–(3); *Jama v. Immigr. and Customs Enf't*, 543 U.S. 335, 338-39 (2005). Critically, subsection (b)(3) includes a specific carve-out prohibiting removal of persons to countries where they face persecution or torture. That provision is entitled “Restriction on removal to a country where [noncitizen’s] life or freedom would be threatened.” *Id.* § 1231(b)(3)(A). It reads: “Notwithstanding paragraphs (1) and (2), the Attorney General may not remove [a noncitizen] to a country if the Attorney General decides that the [noncitizen’s] life or freedom would be threatened in that country because of the [noncitizen’s] race, religion, nationality, membership in a particular social group, or political opinion.” *Id.*

Pursuant to that provision, the United States cannot remove an individual to a country not properly designated by an Immigration Judge if the individual has not yet had the opportunity to seek and obtain a constitutionally adequate adjudication of a fear of persecution or torture in that country. *See Tadros v. Noem*, 2025 WL 1678501, at *2 (“Before such removal can take place, the government must provide the individual with notice and an opportunity to apply for protection as to that other country as well.”); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998).

Moreover, pursuant to the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), the implementing legislation for the United States’ obligations under CAT, Congress instructed that the United States may not “expel, extradite, or otherwise effect the involuntary return of *any person* to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture.” Pub. L. 105-277 Div. G, Title XXII, § 2242(a), 112 Stat. 2681, 2681–822 (1999) (codified as statutory note to § 1231).

No matter where DHS seeks to remove a person, the INA’s protections against removal to a country where a person may face persecution and FARRA’s protections against removal to a country where a person may face torture apply. *See* 8 U.S.C. § 1231(b); Pub. L. 105-277 Div. G, Title XXII, § 2242(a); 8 C.F.R. §§ 208.16(c)–208.18, 1208.16(c)–1208.18; *see also, e.g., Jama v. ICE*, 543 U.S. 335, 348 (2005). This mandate applies to all persons and contains no exceptions.

The Due Process Clause also prohibits the government from effectuating a non-citizen’s removal without first providing constitutionally adequate notice and a meaningful opportunity to seek protection from removal to that country. *Khouzam v. Att’y Gen. of U.S.*, 549 F.3d 235, 257 (3d Cir. 2008). And “[t]he fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)).

The United States does not meet its constitutionally imposed due process obligation unless it “afford[s]” a noncitizen it seeks to remove “a full and fair hearing prior to his imminent removal.” *Id.*; *see also Andriasian*, 180 F.3d at 1041; *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009 (2019) (“A noncitizen must be given sufficient notice of a country of deportation [such] that . . . he would have a reasonable opportunity to raise and pursue his claim for withholding of deportation”).

In *D.V.D. v. DHS*, a nationwide class action, the United States District Court for the District of Massachusetts set aside DHS’ third-country removal policy—pursuant to which Respondents now seek to remove Mr. [REDACTED] as unlawful, finding it did not satisfy class members’ statutory and constitutional rights requiring meaningful notice and opportunity to raise fear-based claims against removal to that third country. *D.V.D.*, 2026 WL 521557 (summary judgment order); *D.V.D. v. DHS*, 778 F. Supp. 3d 355 (D. Mass. 2025) (class certification order). This decision has not stopped ICE from deporting people to third countries without any notice and opportunity to raise fear-based claims. *See, e.g.*, Notice & Stip. of Dismissal, *Adir v. Vergara*, 5:25-cv-00123-DCB-BWR (S.D. Miss.), ECF No. 33 at 2-3 (noting petitioner was deported to a third country without notice or an opportunity to raise fear-based claims).

Mr. [REDACTED] is a member of the certified *D.V.D.* class. Although the final judgment in *D.V.D.* has not yet taken effect, its analysis and rationale confirm that the law entitles Mr. [REDACTED] to the procedural protections afforded by the declaratory relief and relief under the Administrative Procedure Act that the district court ordered. Notably, Mr. [REDACTED] status as a *D.V.D.* class member does not preclude him from raising individual claims in this petition. *See Sagastizado v. Noem*, 802 F. Supp. 3d 992, 1006-08 (S.D. Tex. 2025); *Nguyen v. Scott*, 796 F. Supp. 3d 703, 730-32 (W.D. Wash. 2025).

ARGUMENT

I. The Court Should Grant a Temporary Restraining Order

To obtain a temporary restraining order, Mr. [REDACTED] “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Piedmont Heights Civic Club, Inc.*

v. Moreland, 637 F.2d 430, 435 (5th Cir. 1981). Each factor favors entering a temporary restraining order here.

A. Mr. [REDACTED] is Likely to Succeed on the Merits of His Statutory and Due Process Claims

Mr. [REDACTED] is likely to succeed on the merits of his claim that deportation to a third country without adequate notice and an opportunity to raise fear-based claims violates his due process rights—as well as his rights under the applicable statutes and regulations. Respondents have already stated their intent to deport Mr. [REDACTED] to a third country, *see* Doc. 13-3 ¶ 11, though the specific country is not known at this time by undersigned counsel, consistent with Respondents’ general policy or practice of deporting noncitizens like Mr. [REDACTED] who have been granted withholding of removal to third countries without meaningful notice nor an opportunity to be heard. Mr. [REDACTED] is being transferred out of Adams as undersigned counsel drafts this brief, presumably to another detention center where he will be staged for removal.

Both the INA and its implementing regulations require respondents to provide Mr. [REDACTED] meaningful notice and a constitutionally adequate hearing at which to present a fear-based claim prior to deporting him to a third country. *See Khouzam*, 549 F.3d at 257; *Tadros v. Noem*, 2025 WL 1678501, at *2 (“Before such removal can take place, the government must provide the individual with notice and an opportunity to apply for protection as to that other country as well.”). “[T]he governing statute[s] place the burden on the government—regardless of whether the country of deportation is designated during or after the removal hearing—to provide a meaningful opportunity to be heard on asylum and withholding claims.” *Aden*, 409 F. Supp. 3d at 1010. “Failing to notify individuals who are subject to deportation that they have the right to apply . . . for withholding of deportation to the country to which they will be deported violates [] INS regulations” *Andriasian*, 180 F.3d at 1041 (citing *Kossov*, 132 F.3d at 408-09). Thus, Mr.

[REDACTED] removal to a third country without adequate advance notice and an opportunity to be heard would violate the INA and its implementing regulations.

The United States Constitution also requires meaningful notice and a meaningful opportunity to be heard. Noncitizens facing removal are entitled to Fifth Amendment Due Process protection. *See Reno v. Flores*, 507 U.S. 292, 306 (1993) (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.”); *Torres v. Garland*, No. 22-60293, 2023 WL 3300969, *3 (5th Cir. May 8, 2023) (*citing Reno*, 507 U.S. at 306); *Freza v. Att’y Gen. U.S.*, 49 F.4th 293, 298 (3d Cir. 2022); *Khouzam*, 549 F.3d at 257. Mr. [REDACTED] has a due process right to meaningful notice and a full and fair hearing to present a fear-based claim before a neutral adjudicator before he is deported to a third country. *See, e.g., Khouzam*, 549 F.3d at 257; *Aden*, 409 F. Supp. 3d at 1006-07, 1010. By failing to implement a process or procedure to afford Mr. [REDACTED] meaningful notice and a full and fair hearing to present a fear-based claim to a neutral adjudicator before any removal to a third country, Respondents are violating Mr. [REDACTED] substantive and procedural due process rights.

In short, the INA, CAT, FARRA, implementing regulations, and the Constitution all mandate meaningful notice and a full and fair hearing to present a fear-based claim to a neutral adjudicator before DHS deports a person to a third country. For these reasons, Mr. [REDACTED] is likely to succeed on the merits of Counts Three and Four of his Amended Petition. *See, e.g., Alebw v. Hernandez*, No. 3:26-cv-00228 (D. Alaska June 10, 2026), ECF No. 21. And courts across the country have granted injunctive relief in similar circumstances where ICE has failed to provide sufficient notice and an opportunity to assert fear-based claims regarding a third country. *A.A.M. v. Andrews*, 815 F. Supp. 3d 1124, 1135 (E.D. Cal. 2025) (finding that “numerous courts [] have issued injunctive relief requiring identical, or substantially similar, third-country removal

procedures as those articulated in the *D.V.D.* preliminary injunction”); *see also Sagastizado*, 802 F. Supp. 3d at 1016; *Roberts v. Anda-Ybarra*, No. EP-26-CV-00377-DCG, 2026 WL 1459725, at *11 (W.D. Tex. May 22, 2026); *Partovi v. Bondi*, No. 2:25-CV-02283-JAD-DJA, 2026 WL 1097162, at *6 (D. Nev. Apr. 21, 2026); *Khazanov v. Ladwig*, No. 3:26-cv-00401 (M.D. Tenn. Apr. 6, 2026), ECF Nos. 6 & 33 at 25; *Pham v. Warden*, No. 1:25-CV-01873-DC-AC (HC), 2026 WL 849861, at *17 (E.D. Cal. Mar. 27, 2026); *Vaskayan v. Janecka*, No. 5-25-cv-01475-MRA-AS, 2025 WL 2014208, at *9 (C.D. Cal. June 25, 2025); *Pacheco v. Baltazar*, No. 26-CV-01176-PAB, 2026 WL 1223414, at *4 (D. Colo. May 5, 2026) (granting injunctive relief and requiring “respondents to provide petitioner with notice and an opportunity to challenge his removal before removing him to a third country.”); *Kumar v. Wamsley*, 817 F. Supp. 3d 1059, 1073–74 (W.D. Wash. 2025); *cf. Misirbekov v. Venegas*, 793 F. Supp. 3d 892, 895 (S.D. Tex. 2025) (granting TRO enjoining transfer and removal pending resolution of *Zadvydas* claim “because attempts to remove Petitioner to third countries are likely to fail since such action would likely result in him being extradited to [the country for which he had withholding of removal] and facing political persecution”).

B. Mr. [REDACTED] Faces Imminent Risk of Irreparable Harm: Deportation to a Third Country Without the Opportunity to Raise a Claim of Fear of Persecution and Torture

As of August 25, 2026, when undersigned counsel last spoke with Mr. [REDACTED] he had not yet received any notice directly from ICE of a third country willing to receive him, much less an opportunity to assert fear-based claims at a third country and have those claims assessed by a neutral adjudicator. Mr. [REDACTED] removal to a country where he may fear persecution and torture is likely and imminent.

Torture, persecution, or forcible return from a third country to [REDACTED] where an immigration judge has already found he *cannot* be returned, are all irreparable harms common in

third-country deportation situations, and Mr. [REDACTED] is at imminent risk of all of them if he is not given notice and an opportunity to raise fear-based claims..

C. The Balance of Hardships and the Public Interest Favor a Temporary Restraining Order

When the government is defendant-respondent, “its interest and harm merge with the public interest.” *Book People, Inc.*, 91 F.4th 318, 341 (5th Cir. 2024); *Nken v. Holder*, 556 U.S. 418, 435 (2009). “[I]t may be assumed that the Constitution is the ultimate expression of the public interest.” *Def. Distributed v. United States Dep’t of State*, 865 F.3d 211, 213 (5th Cir. 2017) (Elrod, J., dissenting) (quoting *Gordon v. Holder*, 721 F.3d 638, 653 (D.C. Cir. 2013)).

Granting an injunction will not cause Respondents to suffer any injury because “[t]here is generally no public interest in the perpetuation of unlawful agency action,” and “there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (quotations and citation omitted).

D. The Court Should Not Require Mr. [REDACTED] to Post Bond under Fed. R. Civ. P. 65(c)

The Court should not require security or nominal security under Fed. R. Civ. P. 65(c), as Mr. [REDACTED] is a detained person seeking due process. *See Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996) (holding that the amount of security required by Rule 65(c) is within the trial court’s discretion, and the court “may elect to require no security at all”). Moreover, waiver of the security bond is appropriate because if the Court orders respondents to halt any removal of Mr. [REDACTED] release from custody, Respondents will not incur any expenses. *See Kostak v. Trump*, No. 3:25-cv-1093, 2025 WL 2472136, at *4 (W.D. La. Aug. 27, 2025) (declining to require habeas petitioner in ICE detention to post security); *cf. Cohen v. Coahoma Cnty., Miss.*, 805 F.Supp. 398, 408 (N.D. Miss. 1992) (finding that preliminary injunction prohibiting defendants from engaging

in unconstitutional conduct would cost defendants nothing).

CONCLUSION

Respondents are hellbent on deporting Mr. [REDACTED] to a country where he may face persecution and torture, and though they are legally obligated to, they have not given him any notice or opportunity to raise any fears and seek protection from removal to that third country. This Court should grant a TRO to prevent irreparable harm to Mr. [REDACTED] and manifest injustice.

Dated: August 26, 2026

Respectfully submitted,

/s/ C.J. Sandley

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CERTIFICATE OF SERVICE

I hereby certify that on today's date, I filed a copy of the foregoing document along with any attachments using the court's CM/ECF system, which will cause notice to be served electronically to all parties.

/s/ C.J. Sandley

Counsel for Petitioner