

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

Mario Alexander GUEVARA,

Petitioner,

v.

George STERLING, in his official capacity as
Director of the Atlanta Field Office, Immigration
and Customs Enforcement *et al.*,

Respondents.

Case No. 2:25-cv-00104-LGW-BWC

**PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION**

Petitioner Mario Alexander Guevara respectfully moves this Court, pursuant to Federal Rule of Civil Procedure 65, for an order releasing Mr. Guevara for the pendency of this litigation upon payment of the \$7,500 bond set by the Immigration Judge. Petitioner seeks a temporary restraining order releasing him until the Court resolves the motion for preliminary injunction. In the alternative, Petitioner seeks expedited consideration of his preliminary injunction motion.

In support of the motion, Petitioner relies upon the Petition–Complaint; the Declarations of Scarlet Kim, Jessica Calmes, Mario Alexander Guevara, Oscar Guevara Saenz, Alondra Madrigal, José Zamora, Julio Moreno, Dustin Baxter, and accompanying exhibits; and a supporting memorandum of law submitted herewith.

Mr. Guevara was arrested by local law enforcement in DeKalb County on June 14, 2025, while reporting on a protest against the Trump administration. He was subsequently transferred to U.S. Immigration and Customs Enforcement custody on June 18. The Stewart Immigration Court has already determined that Mr. Guevara should be released on bond back to his community, rather than

held in detention, because he is neither a danger to the community nor a flight risk. All criminal charges against Mr. Guevara were dropped as of July 10, yet he remains in detention.

The Government has consistently asserted that Mr. Guevara poses a danger to the community and so must remain in detention specifically because he livestreams, records, and publishes law enforcement officers engaged in their official duties in public. The Government relied on this argument at the bond hearing on July 1, 2025; in an emergency motion for a discretionary stay of the bond order and an appeal of the order with the Board of Immigration Appeals (“BIA”), both filed on July 3; in an opposition to Mr. Guevara’s motion to lift the stay order, filed on July 31; and in its latest briefing to the BIA, filed on August 6. Though the Immigration Court rejected this argument at the hearing on July 1 and in a written order on July 11, the BIA granted the stay of the bond order on July 7.

Mr. Guevara has committed no crime, had no criminal history prior to his June 14, 2025 arrest, and has no pending criminal charges against him now. He is a highly respected journalist and his reporting has received numerous accolades. He is also deeply devoted to his family—including his son, a U.S. citizen who depends on him for care following a stroke he suffered during brain surgery in 2021—and is a beloved member of his civic and religious communities.

The Government’s continuing detention of Mr. Guevara is intended to silence his future speech and reporting, and retaliate against his past speech and reporting, in violation of the First Amendment. It also violates the substantive due process clause of the Fifth Amendment because it has no legitimate objective and is punitive.

As set forth in Petitioner’s Memorandum of Law in Support of this Motion, Petitioner is likely to succeed on the merits of his claims and is suffering irreparable harm from his continuing detention. The balance of equities tilts strongly in Petitioner’s favor, and an injunction protecting his constitutional rights is in the public interest.

Petitioner seeks a temporary restraining order releasing him upon payment of the \$7,500 bond set by the Immigration Judge until the Court resolves the motion for preliminary injunction, or expedited consideration of his motion for a preliminary injunction.

Dated: August 21, 2025

Respectfully submitted,

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**Pro hac vice applications forthcoming*

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction and all supporting documents to be served on all counsel of record by filing same through the Court's CM/ECF system.

Dated: August 21, 2025

Respectfully submitted,

/s/ Andres Lopez-Delgado

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