

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, MONROE DIVISION

**Yordanos Luel Berhe v. Judge S. Maurice Hicks, Jr., U.S.
Immigration & Customs Enforcement, and Magistrate Judge
McClusky**

Berhe · No. Civil Action No. 26-0711 · Decided May 1, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Yordanos Luel Berhe’s emergency motion for a temporary restraining order seeking to prevent her removal to Cameroon. The court held that it lacked jurisdiction under 8 U.S.C. § 1252(g) to restrain execution of the removal order.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Monroe Division
WRITING FOR THE COURT	S. Maurice Hicks, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana, Monroe Division
DECIDED	May 1, 2026
DOCKET	Civil Action No. 26-0711
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought an emergency temporary restraining order preventing the government from removing her to Cameroon while she pursued due-process review of her fear-of-removal claim. The district court denied the motion for lack of subject-matter jurisdiction.
STANDARD OF REVIEW	A TRO or preliminary injunction requires a substantial likelihood of success on the merits, a substantial threat of irreparable injury, a balance of threatened harms favoring the movant, and consistency with the public interest. The decision to grant or deny a TRO lies within the district court's discretion.
PRECEDENTIAL VALUE	unpublished district court memorandum order

TOPICS

removal proceedings

immigration detention

injunctions

subject matter jurisdiction

immigration

PRACTICE AREAS

immigration

civil procedure

injunctive relief

subject-matter jurisdiction

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to issue a temporary restraining order staying Berhe's removal while she sought due-process review of her fear-of-removal claim.
2. Whether Berhe was entitled to emergency injunctive relief.

HOLDINGS

1. The district court lacked jurisdiction to restrain respondents from removing Berhe because her requested stay was a challenge directly and immediately connected to the Attorney General's execution of a removal order, within the jurisdictional bar of 8 U.S.C. § 1252(g).
2. Berhe's emergency motion for a temporary restraining order was denied because the court lacked jurisdiction to grant the requested relief.

KEY QUOTATIONS

“federal courts lack jurisdiction over claims connected directly and immediately with a decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.”

“temporary restraining orders are “extraordinary relief and rarely issued.””

FACTUAL BACKGROUND

Berhe, an Ethiopian citizen, entered the United States in December 2024 and was taken into ICE custody. She was ordered removed to Ethiopia in August 2025; her asylum, withholding-of-removal, and Convention Against Torture claims were denied, although withholding of removal under INA § 241(b)(3) was granted. In April 2026, ICE indicated an intent to remove her to Cameroon, and Berhe requested a reasonable-fear interview and moved for a TRO to prevent removal while she sought review.

PROCEDURAL HISTORY

Berhe filed a habeas petition seeking release from immigration custody and later moved for a temporary restraining order. After an immigration judge indicated that ICE had 18 days to effectuate removal, Berhe submitted a reasonable-fear interview request concerning removal to Cameroon, but no interview had occurred by the time of the motion. The district court held that the requested stay of removal was a challenge directly connected to the execution of a removal order and denied the TRO for lack of jurisdiction.

DISPOSITION

other

CASES CITED

- *Misquitta v. Warden Pine Prairie ICE Processing Ctr.*, 353 F. Supp. 3d 518, 521 (W.D. La. 2018)
- *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)
- *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017)
- *Albright v. City of New Orleans*, 46 F. Supp. 2d 523, 532 (E.D. La. 1999)
- *Suburban Propane, L.P. v. D & S GCTX LLC*, No. 1:25-cv-00706, 2025 WL 2429087, at *2 (W.D. Tex. 2025)
- *Anderson v. Jackson*, 556 F.3d 351, 355–56 (5th Cir. 2009)
- *Imran v. Harper*, No. 25-30370, 2026 WL 93131, at *1 (5th Cir. Jan. 13, 2026)
- *In re Asemani*, 2025 WL 1823953, at *1 (4th Cir. July 2, 2025)
- *Humphries v. Various Fed. USINS Emps.*, 164 F.3d 936, 943 (5th Cir. 1999)
- *Fabuluje v. Immigration & Naturalization Agency*, 244 F.3d 133, 133 (5th Cir. 2000) (unpublished)
- *Idokogi v. Ashcroft*, 66 F. App'x 526, 526 (5th Cir. 2003)
- *Westley v. Harper*, No. CV 25-229, 2025 WL 592788, at *4 (E.D. La. Feb. 24, 2025)

OPINION

Berhe

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

YORDANOS LUEL BERHE CIVIL ACTION NO. 26-0711

VERSUS JUDGE S. MAURICE HICKS, JR.

U.S. IMMIGRATION & CUSTOMS MAGISTRATE JUDGE MCCLUSKY

ENFORCEMENT

MEMORANDUM ORDER

Before the Court is an Emergency Motion for Temporary Restraining Order (Record Document 14) filed by Petitioner Yordanos Luel Berhe (“Petitioner”).¹ Petitioner is a native and citizen of Ethiopia. See Record Document 14 at 2. She entered the United States on or about December 25 or 26, 2024. See Record Document 1-2 at 3. She was taken into Immigration and Customs (“ICE”) custody on that same date. See Record Document 4 at 1. On August 13, 2025, Petitioner was ordered removed to Ethiopia. See Record Document 4-1 at 2. Her request for asylum/withholding/convention against torture was denied. See *id.* at 1. Her withholding of removal under INA § 241(b)(3) was granted. See *id.* On April 13, 2026, Petitioner appeared before the Executive Office for Immigration Review Court and sought release from custody. See Record

Document 14 at 3-4. During this hearing, ICE indicated that it intended to remove Petitioner to Cameroon. See *id.* at

4. The immigration judge indicated that ICE had 18 days to effectuate removal. See *id.*

1 Petitioner filed a Motion for Temporary Restraining Order (Record Document 11) that was deficient. The instant motion corrected the deficiency. Thus, the deficient Motion for Temporary Restraining Order (Record Document 11) is DENIED AS MOOT. On April 24, 2026, Petitioner submitted a reasonable fear interview request, indicating grave concerns about removal to Cameroon. See *id.* at 2. She has not sat for an interview at this time. See *id.* In her pending Habeas Petition (Record Documents 1 & 4), Petitioner seeks immediate release “as it is not lawful to keep [her] detained more than 6 months after [she has] been granted withholding of removal.” Record Document 1 at 7. In the instant Emergency Motion for Temporary Restraining Order, counsel for Petitioner outlined that Respondents appear to be in the process of removing Petitioner; thus, she is petitioning this Court to restrain Respondents from removing her from the United States while she seeks due process review of her claim of fear of removal to Cameroon. See Record Document 14 at 1. Petitioner is asking this Court to stay her removal order. An applicant for a temporary restraining order (“TRO”) or preliminary injunction must demonstrate each of the following: (1) a substantial likelihood that his cause will succeed on the merits, (2) a substantial threat of irreparable injury if the injunction is not granted, (3) that the threatened injury outweighs the threatened harm that the injunction might do to the opposing party, and (4) that granting the injunction will not disserve the public interest. See *Misquitta v. Warden Pine Prairie ICE Processing Ctr.*, 353 F.Supp.3d 518, 521 (W.D. La. 2018) (citing *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)). The decision of whether to grant or deny a TRO lies in the district court's discretion. See *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017). Courts should deny such motions more often than not. See *Albright v. City of New Orleans*, 46 F.Supp.2d 523, 532 (E.D. La. 1999) (explaining that temporary restraining orders are “extraordinary relief and rarely issued.”); see also *Suburban Propane, L.P. v. D & S GCTX LLC*, No. 1:25- cv-00706, 2025 WL 2429087, at *2 (W.D. Tex. 2025) (holding that the extraordinary relief under Rule 65 must be “unequivocally show[n].”); *Anderson v. Jackson*, 556 F.3d 351, 355–56 (5th Cir. 2009) (“Only under ‘extraordinary circumstances’ will this court reverse the denial of a preliminary injunction.”). A request for stay of removal is a challenge to a removal order. See *Imran v. Harper*, No. 25-30370, 2026 WL 93131, at *1 (5th Cir. Jan. 13, 2026), citing *In re Asemani*, 2025 WL 1823953, at *1 (4th Cir. July 2, 2025) (construing habeas petitioner’s request for stay as seeking review of the final removal order). The Fifth Circuit recently reiterated that “federal courts lack jurisdiction over claims connected directly and immediately with a decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.” *Id.*, citing *Humphries v. Various Fed. USINS Emps.*, 164 F.3d 936, 943 (5th Cir. 1999) and 8 U.S.C. § 1252(g) (internal quotations omitted). Thus, this Court is without jurisdiction to grant Petitioner’s request to restrain Respondents from removing her from the United States while

she seeks due process review of her claim of fear of removal to Cameroon. See *id.*, citing *Fabuluje v. Immigration & Naturalization Agency*, 244 F.3d 133, 133 (5th Cir. 2000) (unpublished) (holding that district court was without jurisdiction to grant stay of removal under § 1252(g)); *Idokogi v. Ashcroft*, 66 F. App'x 526, 526 (5th Cir. 2003) (same); see also *Westley v. Harper*, No. CV 25-229, 2025 WL 592788, at *4 (E.D. La. Feb. 24, 2025). Accordingly, Petitioner's Emergency Motion for Temporary Restraining Order (Record Document 14) is DENIED because the Court lacks jurisdiction. IT IS SO ORDERED. THUS DONE AND SIGNED, in Shreveport, Louisiana, this 1st day of May, 2026. Kk iPrettctsen [ellen / S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE