

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

Hifis Edgardo Caballero-Murillo v. Immigration and Customs
Enforcement, Secretary, U.S. Department of Homeland Security, U.S.
Attorney General, Warden Matthew Mordant, and Warden of South
Florida Detention Center

Caballero-Murillo · No. 2:26-cv-45-KCD-DNF · Decided January 14, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied Hifis Edgardo Caballero-Murillo’s motion for a temporary restraining order seeking immediate release from immigration detention. The court held that the petitioner had not clearly shown a substantial likelihood of success on his claims under *Zadvydas v. Davis* or 8 C.F.R. § 241.4, and that alleged procedural defects did not warrant ex parte release. The court also declined to prohibit a transfer because jurisdiction over the habeas petition would not be destroyed by a change in physical custodian.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida, Fort Myers Division
DECIDED	January 14, 2026
DOCKET	2:26-cv-45-KCD-DNF
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 habeas corpus petition challenging his immigration detention and moved for a temporary restraining order directing his immediate release and prohibiting his transfer outside the Middle District of Florida.
STANDARD OF REVIEW	A movant seeking a temporary restraining order must clearly establish a substantial likelihood of success on the merits, irreparable injury absent relief, that the threatened injury outweighs the harm to the nonmovant, and that relief serves the public interest.

PRECEDENTIAL VALUE	Nonprecedential district-court order; persuasive value limited.
PARTIES	Hifis Edgardo Caballero-Murillo v. Immigration and Customs Enforcement, Secretary, U.S. Department of Homeland Security, U.S. Attorney General, Warden Matthew Mordant, Warden of South Florida Detention Center

TOPICS

immigration detention

injunctions

procedural due process

due process

immigration

PRACTICE AREAS

immigration detention

habeas corpus

temporary restraining orders

due process

administrative procedure

QUESTIONS PRESENTED

1. Whether Petitioner clearly established a substantial likelihood of success on his claim under *Zadvydas v. Davis* that his immigration detention was unlawful because removal was not reasonably foreseeable.
2. Whether alleged violations of the procedures governing revocation of immigration supervision justified an ex parte order directing Petitioner's immediate release.
3. Whether the court should prohibit Petitioner's transfer outside the Middle District of Florida to preserve jurisdiction over the § 2241 petition.

HOLDINGS

1. Petitioner was not entitled to emergency release because, having been detained for less than three weeks, he had not shown a substantial likelihood of proving that there was no significant likelihood of removal in the reasonably foreseeable future.
2. Alleged violations of the interview and notice procedures did not justify an ex parte order of immediate release, particularly where Respondents had not yet had an opportunity to respond.
3. The requested transfer restriction was unnecessary because jurisdiction attaches when a § 2241 petition is filed and is not destroyed by a government-effectuated transfer or change in physical custodian.

KEY QUOTATIONS

“A temporary restraining order is a drastic remedy. It requires a court to act on incomplete information, often before the other side has had an opportunity to appear.”

“The denial of a TRO is not a denial of the case.”

FACTUAL BACKGROUND

Petitioner was detained by immigration authorities at Alligator Alcatraz and had been in custody for less than three weeks when the order was entered. He had an Order Withholding Removal from 2022 that restricted

removal to Honduras, and he argued that removal was not reasonably foreseeable. He also alleged that immigration supervision was revoked without the interview, notice, and paperwork required by 8 C.F.R. § 241.4.

PROCEDURAL HISTORY

Petitioner alleged that the government unlawfully detained him by failing to follow procedures governing revocation of immigration supervision and by continuing detention when removal was not reasonably foreseeable. Before Respondents had an opportunity to respond, the court denied the ex parte temporary restraining order because Petitioner had not clearly established the requirements for emergency injunctive relief. The underlying habeas claims remained pending.

DISPOSITION

other

CASES CITED

- Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225-26 (11th Cir. 2005)
- Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1247 (11th Cir. 2016)
- Zadvydas v. Davis, 533 U.S. 678, 699, 701 (2001)
- Morton v. Ruiz, 415 U.S. 199, 235 (1974)
- Dist. Attorney's Off. for Third Jud. Dist. v. Osborne, 557 U.S. 52, 67 (2009)
- Villa v. Normand, No. 5:25-CV-89, 2025 WL 3113200, at *4 (S.D. Ga. Oct. 16, 2025)
- Rodriguez v. Acting Director of Immigr., No. 2:26-CV-2-KCD-DNF, 2026 WL 83972, at *1 (M.D. Fla. Jan. 12, 2026)