

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LIDIA KARINE SOUZA; and her son, D.F.,)
by and through his mother, LIDIA KARINE)
SOUZA;)

Plaintiffs,)

v.)

JEFFERSON BEAUREGARD SESSIONS)
III, Attorney General of the United States;)
U.S. DEPARTMENT OF HOMELAND)
SECURITY (“DHS”); KIRSTJEN)
NIELSEN, Secretary of DHS; U.S.)
IMMIGRATION AND CUSTOMS)
ENFORCEMENT (“ICE”); THOMAS)
HOMAN, Acting Director of ICE;)
RICARDO WONG, Director, ICE Field)
Office for Enforcement Removal Operations)
in Chicago, Illinois; U.S. CUSTOMS AND)
BORDER PROTECTION (“CBP”); KEVIN)
K. MCALEENAN, Acting Commissioner of)
CBP; U.S. CITIZENSHIP AND)
IMMIGRATION SERVICES (“USCIS”); L.)
FRANCIS CISSNA, Director of USCIS;)
U.S. DEPARTMENT OF HEALTH AND)
HUMAN SERVICES (“HHS”); ALEX)
AZAR, Secretary of the Department of)
Health and Human Services; OFFICE OF)
REFUGEE RESETTLEMENT (“ORR”);)
SCOTT LLOYD, Director of the Office of)
Refugee Resettlement; HEARTLAND)
ALLIANCE INTERNATIONAL, LLC; and)
CECILIA CONTRERAS, Program)
Operations Manager, Heartland Human Care)
Services;)

Defendants.)

Civil Action No. No. 1:18-cv-04412

Hon. Judge Manish S. Shah

**PLAINTIFFS’ EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs Lidia Souza and her minor son, D.F., ask that this Court immediately enter a temporary restraining order and preliminary injunction against Defendants.¹ In support hereof, Plaintiffs respectfully state as follows:

1. On May 29, 2018, Ms. Souza and her son, D.F., entered the United States seeking asylum after fleeing from Brazil out of fear of persecution. Ms. Souza passed a “credible fear interview” and was permitted to remain in the United States and pursue an asylum claim. Complaint [Dkt. # 1] (“Compl.”) ¶ 42. On May 30, 2018, Ms. Souza and D.F. were separated and placed with separate government agencies. Ms. Souza was released from detainment on June 9, 2018. Since then, she has been unable to retrieve and care for her son.

2. By Defendants’ concerted actions, Ms. Souza and D.F. have been unable to reunite. D.F. continues to be in the custody of the Office of Refugee Resettlement (“ORR”), despite repeated attempts by Ms. Souza and her counsel to get D.F. released.

3. Immediate injunctive relief is essential because Plaintiffs have a substantial likelihood of success on the merits in this lawsuit, Plaintiffs will suffer irreparable harm in the absence of injunctive relief, there is no adequate remedy at law, the balance of hardships favor Plaintiffs, and the requested injunctive relief will not harm the public interest. Every day of separation causes irreparable and undeniable harm to Ms. Souza and D.F. Absent an injunction, the harm to both mother and son will be exacerbated.

4. The facts and legal arguments supporting this motion are set forth in detail in Plaintiffs’ Memorandum of Points and Authorities filed contemporaneously herewith.

¹ Plaintiffs intend to file a First Amended Complaint shortly to correct the name of one of the Defendants.

WHEREFORE, Plaintiffs respectfully request that this Court enter an immediate order granting Plaintiffs' request for immediate injunctive relief and directing Defendants to immediately release D.F. into Ms. Souza's custody for the duration of this proceeding.

Dated: June 26, 2018

Respectfully submitted,

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2018, I electronically filed the foregoing with the Clerk for the United States District Court for the Northern District of Illinois by using the Court's Electronic Court Filing ("ECF") system. A true and correct copy of this brief has been served via the Court's ECF system on all counsel of record.

In addition, on June 26, 2018, I sent a copy of this filing by electronic mail to:

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Counsel for Heartland Human Care Services, Inc.

/s/ Britt M. Miller
Britt M. Miller