

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-23182-RAR

C.M., MICHAEL BORREGO FERNANDEZ,
J.M.C., E.R., *on behalf of themselves and*
all others similarly situated, et al.,

Plaintiffs,

v.

KRISTI NOEM, *Secretary of the*
United States Department
of Homeland Security, et al.,

Defendants.

ORDER

THIS CAUSE comes before the Court on Plaintiffs’ Expedited Motion for Temporary Restraining Order and Preliminary Injunction (“Motion”), [ECF No. 5]. Plaintiffs filed the Complaint on July 16, 2025, [ECF No. 1]. On July 17, 2025, Plaintiffs filed the Motion seeking expedited relief by July 21, 2025. Mot. at 1. Under Southern District of Florida Local Rule 7.1(d), an “emergency motion” is a motion that “will become moot if not ruled on within seven (7) days.” S.D. FLA. LOC. R. 7.1(d)(1). A filer “must certify that the matter is a true emergency by including” a certification specified in the Local Rules. *Id.* By contrast, an Expedited Motion is a “time-sensitive motion [that] *does not qualify as an emergency motion* but [which] nonetheless requires an expedited ruling by a date certain.” *Id.* 7.1(d)(2) (emphasis added).

Plaintiffs’ Motion, which seeks relief within four days of its filing, is an emergency motion, not an expedited motion. *See* Mot. at 1 n.1 (indicating that the motion requires expedited relief under Local Rule 7.1(d)(2)). The Court will not grant emergency relief on an *ex parte* basis unless

the motion explicitly requests such relief. Accordingly, the Court will not consider the Motion until all Defendants have been served and the Court orders expedited briefing per the Court's prior Paperless Order. *See* [ECF No. 16] ("Plaintiffs shall submit a status report regarding service of process on or before **July 28, 2025**").

Further, the Court notes that the Motion at times appears to seek relief only as to the four named Plaintiffs—C.M., Michael Borrego Fernandez, J.M.C., and E.R.—and at other times appears to seek relief on behalf of the named Plaintiffs *and* the proposed class. *Compare* Mot. at 1, *with id.* at 3.

If Plaintiffs seek relief on an emergency *ex parte* basis, they shall refile the Motion in accordance with the Local Rules and shall further clarify for whom relief is sought on or before **July 28, 2025**.

DONE AND ORDERED in Miami, Florida, this 23rd day of July, 2025.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE