IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

WILLY WENDER ACEITUNO, *et al.*, on behalf of themselves and others similarly situated, *Plaintiffs*, v. U.S. DEPARTMENT OF HOMELAND SECURITY, *et al.*, *Defendants.*	Civil Action No. 26-146

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND/OR STAY OF AGENCY ACTION

Plaintiffs Willy Wender Aceituno, Yoshi Cuenca Villamar, Ruben Arguera Lopez, Edwin Godinez, Yair Napoles, and Fernando Vazquez Orea (collectively, "Plaintiffs") brought this action individually and on behalf of prospective classes, as defined in Plaintiffs' concurrently filed Motion for Class Certification pursuant to Fed. R. Civ. P. 23(b)(2). Plaintiffs move for preliminary relief on Counts II and III in the concurrently filed Amended Complaint.

Pursuant to Rule 65(a) of the Federal Rules of Civil Procedure and 5 U.S.C. § 705, and for the reasons detailed in the accompanying brief, Plaintiffs move for a preliminary injunction and/or to stay agency action on behalf of themselves and similarly situated individuals who have been or will be subjected to Defendants' policies and practices of making warrantless immigration arrests without individualized determinations of probable cause as required by the Immigration and Nationality Act.

Plaintiffs are concurrently filing a Motion for Class Certification, seeking certification of the classes and subclasses set forth in the Amended Complaint. Given that Plaintiffs seek preliminary injunctive relief and/or a stay of agency action on behalf of the proposed Warrantless Arrests class and its Subclasses, the Court should, at minimum, provisionally certify the Warrantless Arrests Class and its Subclasses at this time, so that the Court may issue class-wide preliminary relief.

Plaintiffs are entitled to preliminary injunctive relief, or, in the alternative, a stay of Defendants' policies and practices of conducting warrantless immigration arrests without individualized determinations of probable cause. Plaintiffs will likely succeed in demonstrating that Defendants are enforcing unlawful policies and practices of arresting individuals without warrants and without probable cause that the arrestee is removable and poses an escape risk. Moreover, without an injunction, Plaintiffs and members of the proposed class will continue to suffer irreparable harm. The balance of equities weighs in Plaintiffs' favor; the public's interest is undoubtedly in having Defendants follow the law, and the requested relief in no way impedes lawful immigration arrests by Defendants. Plaintiffs also request either waiver or only a nominal bond upon grant of the preliminary injunction.

For the reasons specified here and in the accompanying memorandum of law and exhibits, Plaintiffs respectfully request that this Court grant the motion for preliminary relief.

Dated: October 1, 2026

Respectfully submitted,

/s/ *Corina Scott*

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Counsel for Plaintiffs

CERTIFICATE OF CONSULTATION

Pursuant to LR 7.1(b), I certify that on September 21, 2026, counsel for Plaintiffs conferred with counsel for Defendants via email to notify them of Plaintiffs' intent to file the instant Motion and to inquire whether the relief sought in this action would be possible without judicial intervention. On September 23, 2026, Defendants indicated that they do not foresee a resolution in this matter without judicial intervention and indicated that they oppose this Motion.

Respectfully submitted this the 1st day of October, 2026.

/s/ Corina Scott
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on October 1, 2026, I filed the foregoing with the Clerk of the Court using the CM/ECF system, which will effect service on all counsel of record.

Respectfully submitted this the 1st day of October, 2026.

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