IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

J.C.R.D. and Y.L.H.A,

Plaintiffs,

v.

HABERSHAM COUNTY, GEORGIA; SHERIFF ROBIN KROCKUM, In His Official Capacity; SERGEANT ADAM INVESTER, In His Individual Capacity And In His Official Capacity Only For Prospective Relief; JOHN DOE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT DEPORTATION OFFICER IDENTIFIED IN LOCAL RECORDS AS ICE AGENT JEREMY, Full Name Presently Unknown, In His Individual Capacity; JOHN DOE LAW ENFORCEMENT PARTICIPANT IDENTIFIED IN PERSONAL-DEVICE RECORDS AS D. JON, Full Name, Agency, Title, Role, And Capacity Presently Unknown; JOHN DOE LAW-ENFORCEMENT PARTICIPANT IDENTIFIED IN PERSONAL-DEVICE RECORDS AS MADDOX COREY, Full Name, Agency, Title, Role, And Capacity Presently Unknown; ADDITIONAL JOHN DOE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Civil Action No.

2:26-cv-284-RWS

DEPORTATION OFFICERS; and ADDITIONAL JOHN DOE U.S. CUSTOMS AND BORDER PROTECTION BORDER PATROL AGENTS, In Their Individual Capacities,

Defendants.

ORDER

This case comes before the Court on Plaintiffs Jose Carlos Rivas Diaz and Yanira Lizeth Hernández Andrade's Emergency Motion for Temporary Restraining Order and Preliminary Injunction ("TRO") [Dkts. 2, 4]. Having reviewed the record, the Court enters the following Order.

BACKGROUND

This case arises from the February 20, 2026 roadside detention of Plaintiff Diaz in Habersham County, Georgia. Plaintiff Diaz resides with his family in Georgia and was driving his truck on Highway 365 in Habersham County when Defendant Sergeant Adam Ivester stopped him at 6:30:18 pm.[1] [Dkt. 1, at 12–13].

[1] The record is unclear as to the reason why Plaintiff Diaz was stopped by Defendant Ivester. Plaintiff Diaz recalls that Defendant Ivester said that "he had stopped [him] because of a problem with the lights on [his] truck," [Dkt. 1-1 – Decl. of Jose Rivas Diaz, at 6], but Defendant Ivester's Incident Report, created on August 18, 2026, states that he observed Plaintiff Diaz's car "fail[] to maintain its lane with both right side tires crossing the right hand white line." [Dkt. 1-3 – Habersham Co. Sheriff's Office Incident Report, Case # 202605418].

Defendant Ivester requested Plaintiff Diaz's license and, according to his Incident Report, Defendant Ivester did not believe that the picture on the Maryland license provided by Plaintiff Diaz matched Plaintiff Diaz. [See Dkt. 1-3 – Habersham Co. Sheriff's Office Incident Report, Case # 202605418]. After returning to his vehicle, Defendant Ivester contacted an Immigration and Customs Enforcement (ICE) agent. [Id.; Dkt. 1, at 14–16]. A screenshot from Defendant Ivester's personal cellular telephone shows a text message sent from that phone containing an image of Plaintiff Diaz's driver's license with the text "This don't really look like the same dude" and a dropped location pin near U.S. 23-S in Cornelia. [Dkt. 1-7]. A message from an unknown individual with the contact name "D. Jon" responded asking "Who's going to it," and another message from an unknown individual named "J Dub Ice" responded "He's coming w/us." [Id.]. Approximately five and a half minutes after Defendant Ivester returned to his vehicle with Plaintiff's Diaz's driver's license, federal ICE agents arrived on the scene in a white passenger van, conducted a field interview to establish Plaintiff Diaz's identity, nationality, and immigration status, removed Plaintiff Diaz from his truck, handcuffed him, and took him into federal custody. [Dkt. 1, at 16–17; Dkt. 1-1 – Decl. of Jose Rivas Diaz, at 6–7]. Defendant Ivester remained at the scene until after the federal agents had removed Plaintiff Diaz, and at 6:41:18pm,

he entered the disposition "Verbal Warning" into the Computer-Aided Dispatch (CAD) report for the traffic stop. [Id. at 17–18; Dkt. 1-2 – CAD Report 2/20/2026 6:30:41 PM, at 5].

Plaintiff Diaz, along with his wife, Plaintiff Andrade, brought this action on September 2, 2026, asserting claims for unreasonable seizure in violation of the Fourth Amendment, 42 U.S.C. § 1983, against Defendant Ivester (Count I); Unreasonable Prolonged Detention in Violation of the Fourth Amendment, 42 U.S.C. § 1983, against Defendant Ivester (Count II); Equal Protection, 42 U.S.C. § 1983, against Defendant Ivester and Additional Individual State or Local Defendants Identified Through Discovery (Count III); Municipal and Policymaker Liability Based on Policy, Custom, Failure to Train, Failure to Supervise, and Ratification, 42 U.S.C. § 1983, against "the Proper Local Governmental Entity and/or Final Policymaker as Discovery May Establish" (Count IV); Procedural Due Process—Fundamental Fairness in the Initiation and Conduct of Removal Proceedings, Fifth and Fourteenth Amendments, against the "Individual Federal Defendants" and Defendant Ivester (Count IV-A); Georgia False Imprisonment against Defendant Ivester (Count V); Assault and Battery (Count VI-A); Trespass to Personalty and Conversion (Count VI-B); Negligence (Count VI-C); Loss of Consortium by Plaintiff Andrade against "the Defendants Liable for the

Underlying Georgia-Law Torts" (Count VII); Intentional Infliction of Emotional Distress against Defendant Ivester (Count VIII); and Injunctive Relief (Count IX). [Dkt. 1].

Plaintiffs additionally moved for a TRO on September 2 [Dkts. 2, 4], but only as to Plaintiff's Fourth Amendment Unconstitutional Prolongation claim and only against Defendants Habersham County, Adam Ivester, and Robin Krockum (together, the "Habersham Defendants"). Plaintiffs seek a Court order that:

> 1. enjoins Sheriff Robin Krockum, in his official capacity and to the exten he possesses legal authority over the challenged traffic-stop function, Sergeant Adam Ivester, and the persons described in Rule 65(d)(2) who receive actual notice from extending a traffic stop beyond the time reasonably required to complete its traffic mission for the purpose of obtaining civil immigration screening, civil immigration-status or removability checks, a civil immigration custody decision, the arrival of federal civil immigration personnel, or transfer to civil immigration custody, when that activity adds time to the stop and no independent lawful ground supports continued detention;
>
> 2. requires each Defendant, according to that Defendant's possession, custody, control, or lawful authority to direct preservation, to preserve relevant documents, electronically stored information, recordings, metadata, and tangible evidence relating to the February 20, 2026 stop, detention, custody transfer, related immigration-verification or federal-response activity, interagency coordination, and the challenged practices, including responsive work-related material on personally owned devices or accounts;
>
> 3. requires suspension of routine deletion, overwriting, and automatic destruction practices as to covered material, issuance of written litigation hold instructions, and written certification within fourteen days of reasonable preservation steps;

> 4. authorizes narrowly tailored expedited discovery directed to the local Defendants and limited to identification of participants; preservation and collection of electronic communications; interagency coordination relating to the February 20, 2026 events; the challenged detention-extension and immigration-verification practices; and directly relevant training, supervision, policy, and authorization materials, subject to defined limits, response and privilege-log deadlines, and separate leave for third-party subpoenas;
>
> 5. sets an expedited preliminary-injunction hearing and briefing schedule.

[Dkt. 4, at 2–3].

Plaintiffs served the Habersham Defendants on September 2, 2026, and counsel filed an appearance on behalf of the Habersham Defendants on September 4, 2026. [Dkts. 5, 6]. The Habersham Defendants filed a Response in Opposition to Plaintiffs' TRO on September 8. [Dkt. 11]. No other Defendants in this case have been served, chiefly because they have not yet been specifically identified by Plaintiffs.

The Court held a hearing on September 8, at which the Court heard argument from counsel for Plaintiffs and counsel for the Habersham Defendants.

DISCUSSION

To obtain a temporary restraining order, a plaintiff must demonstrate: (1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the

harm the relief would inflict on the non-movant; and (4) that granting the relief would not be adverse to the public interest. Scott v. Roberts, 612 F.3d 1279, 1290 (11th Cir. 2010); Schiavo ex rel. Schindler v. Schiavo, 403 F.3d 1223, 1225–26 (11th Cir. 2005). A TRO is "an extraordinary and drastic remedy" that a court should grant only when the movant clearly carries the burden of persuasion as to each of the four prerequisites. See Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr, S.A., 320 F.3d 1205, 1210 (11th Cir. 2003).

After careful consideration of the record, the Court finds that at this early stage, Plaintiffs have not met their burden to obtain a TRO. Of primary concern is subpart 1 of Plaintiffs' requested relief, which essentially amounts to an order telling Defendants to "obey the law" or "obey the Constitution". Under Federal Rule of Civil Procedure (Rule) 65(d)(1), the contents of a restraining order must "state its terms specifically" and "describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required." Fed. R. Civ. P. 65(d)(1)(B)–(C). "This Circuit has repeatedly held that 'obey the law' injunctions are unenforceable . . . An injunction must be framed so that those enjoined know exactly what conduct the court has prohibited and what steps they must take to conform their conduct to the law." S.E.C. v. Smyth, 420 F.3d 1225, 1223 n.14 (11th Cir. 2005); see also S.E.C. v. Goble, 682 F.3d 934, 949

(11th Cir. 2012) ("As the name implies, an obey-the-law injunction does little more than order the defendant to obey the law. We have repeatedly questioned the enforceability of obey-the-law injunctions not only in the context of securities cases but other cases as well."). Although Plaintiffs argue that the injunction is specific under Rule 65(d) because it only enjoins Defendants' unconstitutional prolongation for immigration purposes, the proposed directive in subpart 1 does not "provide the defendant fair notice of what conduct risks contempt and clearly inform the defendant of what he is ordered to do or not do," which Rule 65(d) requires. Goble, 682 F.3d at 952. Therefore, subpart 1 of Plaintiffs' requested injunction does not meet Rule 65(d) requirements, and the Court cannot enter it.

As for subparts 2 and 3 of Plaintiff's requested relief, the Court rejects them as unnecessary because the Habersham Defendants are already under an obligation to preserve all evidence described by Plaintiffs. See Alabama Aircraft Indus., Inc. v. Boeing Co., 2022 WL 433457, at *14 (11th Cir. Feb. 14, 2022) (holding that the duty to preserve arises when litigation is pending or reasonably foreseeable); see Wilson v. HH Savannah, LLC, 2022 WL 3273718, at *3–4 (S.D. Ga. June 1, 2022) ("The duty to preserve arises when litigation is reasonably foreseeable or pending, and it extends broadly to all documents relevant to discovery that exist at the time." (cleaned up) (quoting Atta v. Cisco Sys., Inc., 2020 WL 7384689, at *4 (N.D. Ga.

Aug. 3, 2020), report and recommendation adopted, 2020 WL 7022450 (N.D. Ga. Nov. 30, 2020))); Amerimax Bldg. Prods., Inc. v. Garza, 2012 WL 12960824, at *1 (N.D. Ga. Apr. 30, 2012) (declining to enter an order requiring the defendant to "take all necessary steps to preserve any and all evidence pertaining to this matter" where the defendant's duty to preserve evidence already existed).

Furthermore, even if Plaintiffs' requested relief met the requirements of Rule 65(d), they have not sufficiently shown that there will be "actual and imminent" irreparable harm unless the injunction issues. Swain v. Junior, 961 F.3d 1276, 1292 (11th Cir. 2020). Although Plaintiff Diaz argues that he "continues to reside and work in northeast Georgia" and "travels as a passenger in construction-related vehicles through the same patrol area," he has not been detained in a traffic stop in the months that he has been out of ICE custody and working in the same patrol area where the initial traffic stop occurred, and the likelihood that he would be detained in a traffic stop and removed during that stop by ICE again is overly speculative.

The Court acknowledges that, on the present record, Plaintiff Diaz's unconstitutional prolongation claim certainly appears to have merit; however, the issue is a fact-intensive and nuanced one, and the Court cannot go so far at this early stage as to say that Plaintiff Diaz has a "substantial" likelihood of success on

it. See United States v. Arvizu, 122 S. Ct. 744, 750–51 (2002) (noting that the standard for determining reasonable suspicion to prolong a traffic stop is "somewhat abstract" and that courts must consider the "totality of the circumstances" of each case when making such a determination); see United States v. Sharpe, 105 S. Ct. 1568, 1575 (1985) ("But our cases impose no rigid time limitation on Terry stops . . . [m]uch as a 'bright line' rule would be desirable, in evaluating whether an investigative detention is unreasonable, common sense and ordinary human experience must govern over rigid criteria.").

Since Plaintiffs' requested relief fails to meet the specificity requirement in Rule 65(d), and because the TRO element of irreparable harm and the need for immediate relief is not satisfied here, the Court declines to enter Plaintiffs' TRO.

However, Plaintiffs may begin expedited discovery against the Habersham Defendants for the purpose of identifying the remaining Defendants who have not yet been served. To that end, Plaintiffs moved for expedited discovery pursuant to Rule 26(d)(1) on September 9 [Dkt. 14] and provide three interrogatories and five requests for production they seek to serve on the Habersham Defendants. Pursuant to the Court's verbal instruction to the parties at the September 8 Hearing, Defendants must file any objections to Plaintiffs' proposed discovery within **twenty-four (24) hours** of Plaintiffs' Motion for Expedited Discovery's filing.

Based on the filing time of Plaintiffs' Motion, the objections are due not later than noon, September 10, 2026.

Once Plaintiffs are able to identify and serve the remaining Defendants in this case, they may inform the Court and request a hearing on their Motion for Preliminary Injunction [Dkt. 2].

CONCLUSION

Accordingly, Plaintiffs' Emergency Motion for Temporary Restraining Order and Preliminary Injunction [Dkts. 2, 4] is **DENIED in part**. The Court declines to enter a TRO against Defendants. After discovery reveals the identities of the unidentified and unserved Defendants in this case, the Court will schedule a hearing on Plaintiff's Motion for Preliminary Injunction [Dkt. 2]. To that end, Plaintiffs' Motion for Expedited Discovery [Dkt. 14] is **GRANTED**.

SO ORDERED this 9th day of September, 2026.