

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

EMMANUEL STEPHANE RUKIRANDE)	
MUKIZA)	
)	Case No. 3:25-cv-02081-E-BT
Petitioner.)	
)	
v.)	
)	ORAL ARGUMENT
THOMAS BERGAMI, WARDEN,)	REQUESTED
Prairieland Detention Center, et al.)	
)	
Respondents.)	

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
MANDATORY INJUNCTION**

Petitioner filed for a writ of habeas corpus challenging his continued detention by the Department of Homeland Security (“DHS”) at the Prairieland Detention Center located in Alvarado, Texas. Upon information and belief, namely a short telephone call from Petitioner to his wife, Petitioner is now no longer detained at the Prairieland Detention Center and is now being transferred outside of this jurisdiction. See Exhibit A. No notice was provided to either Petitioner or his counsel of any transfer, nor the location to where he is being transferred.

Petitioner now moves this Court, pursuant to Federal Rule of Civil Procedure 65(b), to issue a mandatory temporary restraining order that compels Defendants to 1) keep him at the Prairieland Detention Center, where his petition for a writ of habeas corpus remains pending; 2) prevent Defendants from transferring him to another detention facility in another jurisdiction; and 3) comply with all relevant regulations and laws regarding notice of transfer and removal from the U.S.

The extraordinary relief of a mandatory restraining order is necessary because Petitioner

will otherwise suffer the serious and irreparable harm of being moved to another jurisdiction physically distant from his family, as well as counsel. If Petitioner is removed from the United States he will suffer irreparable harm because he currently has an appeal pending on his denied Motion to Re-open his removal proceedings and once he is removed from the United States the Board of Immigration Appeals will lose jurisdiction over the appeal.

The Court should grant this motion because Petitioner's pending petition for writ of habeas corpus and accompanying evidentiary materials establish that: (1) Petitioner has a high likelihood of prevailing on the merits of his habeas petition because to date Defendants have not, and will not, be able to prove that they followed the relevant regulations to provide notice of their intent to revoke his Order of Supervision, and Defendants still have not provided Petitioner with any meaningful review or opportunity to respond to his continued detention; (2) Petitioner will be irreparably harmed by being transferred outside the jurisdiction of this Court unless the Court issues the requested temporary restraining order because Petitioner's detention is properly challenged in this jurisdiction. Petitioner will also be irreparably harmed by the separation from his family as well as the continued loss of liberty; 3) Granting the relief by keeping Respondent in this jurisdiction of this court will not cause harm to Defendants, who are the federal government; 4) The public interest will be served by granting the requested relief because allowing the government to continue to violate federal law is not in the public interest. It is always in the public interest for the federal government to comply with the law.

Accordingly, for the reasons stated, and based upon the evidence set forth in and with Petitioner's complaint, and for good cause shown, this Court should issue the requested mandatory temporary restraining order.

Respectfully submitted,

/s/Amy M. Hsu

Amy M. Hsu

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Attorney for Petitioner

CERTIFICATE OF SERVICE

I certify that I attempted to serve the foregoing Motion for Temporary Restraining Order and Mandatory Injunction via ECF on September 13, 2025 but the ECF system stated that the case was sealed and I was unable to file through ECF and so I filed under the After Hours emergency Requiring Judicial Review.

/s/ Amy Hsu

AMY HSU

CERTIFICATE OF CONFERENCE UNDER LOCAL RULE 7.1

I certify that I was unable to confer with counsel for defendants before filing due to the emergency nature of this motion and also the defendants have not entered an appearance.

Date: September 13, 2025

/s/ Amy Hsu

AMY HSU