

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

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**SIGIFREDO  
MEDELLIN MARTINEZ**

**Petitioner-Plaintiff,**

**v.**

**Civ. No.5:25-cv1319**

**PAMELA JO BONDI,  
United States Attorney General;**

**KRISTI LYNN NOEM,  
Secretary of the United States  
Department of Homeland Security;**

**TODD M. LYONS,  
Acting Director of United States  
Immigration and Customs Enforcement;**

**SYLVESTER M. ORTEGA,  
Field Office  
Director for Detention and Removal,  
U.S. Immigration and Customs  
Enforcement**

**BOBBY THOMPSON Warden,  
South Texas Detention Center**

**UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY;**

**Respondents-Defendants.**  
\_\_\_\_\_

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

Designation as EMERGENCY is warranted. Each day of custody inflicts irreparable harm: Petitioner's physical liberty is restrained; ongoing mental-health treatment is disrupted; and the Government has threatened removal steps without affording the country-specific protections and procedures required by law. No adequate remedy exists absent immediate intervention. Petitioner therefore respectfully requests that the Court: (1) enjoin removal and any transfer from this Division pending resolution; (2) restore Petitioner to supervised release; (3) set the matter for an expedited hearing at the Court's earliest availability; and (4) under Rule 65(c), waive security or set a nominal bond given the constitutional claims asserted against the Government.

Petitioner Sigifredo Medellin-Martinez ("Petitioner"), through undersigned counsel, respectfully moves this Court for a preliminary injunction ordering Respondents to immediately release Petitioner from custody and restore him to his Order of Supervision. This Motion seeks emergency relief to halt an ongoing deprivation of liberty that violates federal regulations, exceeds statutory authority, and contravenes constitutional guarantees of due process.

For over six years (2019–2025), Petitioner lived in San Antonio under an Order of Supervision without incident—attending every government mandated check-in, committing no crimes, and maintaining treatment for serious mental-health conditions that were central to the 2019 immigration judge ("IJ") grant of CAT protection (which remains in force and bars removal to Mexico). On September 12, 2025, Immigration and Customs Enforcement detained him at a scheduled office visit—without written notice of revocation, without the mandatory informal interview, and without any individualized finding or signature by an official with delegated revocation authority—and has provided no country-specific reasonable-fear process for any third-country removal. *See* 8 C.F.R. §§ 241.4(l)(1)–(2), 241.13, 208.31, 1208.31(g), and 1241.8(e).

These facts and the supporting record are set out in the contemporaneously filed habeas petition, which is incorporated here.

### **FACTUAL BACKGROUND**

1. Petitioner incorporates by reference all factual allegations set forth in his Petition for Writ of Habeas Corpus filed contemporaneously herewith.

### **LEGAL STANDARD**

2. A preliminary injunction is appropriate when: (1) the movant has shown a substantial likelihood of success on the merits; (2) there is a substantial threat that the movant will suffer irreparable harm if the injunction is denied; (3) the threatened injury to the movant outweighs the threatened harm to the opposing party; and (4) granting the injunction will not disserve the public interest. *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 20 (2008); *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012).

3. When the government is the opposing party, the third and fourth factors merge because “the Government’s interest in enforcing its laws is always substantial.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

4. All four elements must be demonstrated to obtain injunctive relief. *Lakey*, 667 F.3d at 574.

### **ARGUMENT**

#### **I. Likelihood of Success on the Merits**

5. Petitioner has demonstrated a substantial—indeed overwhelming—likelihood of success on multiple independent grounds: (1) ICE violated mandatory procedural requirements for revoking supervised release; (2) Petitioner’s detention violates *Zadvydas* because removal is not reasonably foreseeable; and (3) ICE exceeded its authority by attempting to nullify judicially-granted CAT protection. Each ground independently warrants granting the requested relief.

*ICE Violated Mandatory Procedural Requirements for Revoking Supervised Release*

6. The record shows a wholesale failure to comply: no revocation signed by an official with proper delegated authority; no written notice stating that supervision was revoked or why; and no informal interview—only basic questions when Petitioner was seized, after more than six years on supervision and six years after his final removal order. Nor has ICE identified any violation of supervision conditions.

7. Revocation authority is vested by 8 C.F.R. § 241.4(l)(2) in the Executive Associate Director for ERO, and—only if referral is not reasonably possible—the Field Office Director. Naming the decisionmakers excludes others; a notice or decision issued by a deportation officer (or signed “for” a superior) is ultra vires under *Accardi*. Here, ICE’s own paper shows a line-officer signature (S. Rodriguez, Deportation Officer), with no indication that regulatory delegated authorities made the determination or that referral was impracticable. The “revocation” is therefore void.

8. These are not technicalities; they are the core safeguards that prevent arbitrary detention. Federal agencies are bound by their own regulations, which have the force and effect of law, and disregard renders decisions invalid. *Gulf States Mfrs., Inc. v. NLRB*, 579 F.2d 1298, 1308 (5th Cir. 1978); see *Gov’t of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (per curiam).

9. ICE’s failure to comply with these self-imposed procedural safeguards renders Petitioner’s detention unlawful and void. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)

*Detention Violates *Zadvydas* Because Removal Is Not Reasonably Foreseeable*

10. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that due process prohibits indefinite post-removal-order detention. The Court established that detention is limited to the period reasonably necessary to bring about the removal. *Id.* at 699.

11. The Court specifically stated: “if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699-700.

12. After a presumptively reasonable six-month period, the burden shifts to the Government to prove that removal is reasonably foreseeable. *Id.* at 701.

13. However, even within the six-month period, whether detention is constitutional hinges on whether removal is reasonably likely in the foreseeable future. *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d 703, 707 (S.D. Tex. 2020) (the “six-month presumption is not a bright line” and *Zadvydas* “did not require a detainee to remain in detention for six months . . . before a habeas court could find that the detention is unconstitutional”).

14. Petitioner's judicially-granted CAT protection, which remains in full force and effect, bars his removal to Mexico—the country specified in his removal order and the only country to which he has any claim of citizenship or legal status.

15. ICE cannot lawfully remove Petitioner to Mexico without first formally terminating his CAT protection through proceedings before an Immigration Judge. 8 C.F.R. § 1208.24(f). ICE has not initiated any such proceedings and has given no indication that it intends to do so.

16. This legal barrier to removal has existed for over six years since the Immigration Judge granted CAT protection in July 2019.

17. ICE has suggested possible removal to a third country but has taken no lawful steps toward such removal. ICE has not initiated proceedings to terminate Petitioner's CAT protection through an IJ; ICE has not provided the required reasonable fear screening under 8 C.F.R. § 1208.31; ICE has not obtained cooperation from any other third country; ICE has not requested Petitioner's assistance in obtaining travel documents; ICE has provided no evidence that any country has

agreed to accept Petitioner or that travel documents are being processed; ICE has not even officially informed Petitioner which country it intends to remove him to.

18. The government's track record demonstrates that removal is not foreseeable: Petitioner's removal order dates to **April 6, 2019—over six years ago**. For **over six years**, the government has been unable to identify any third country willing to accept Petitioner. Considering all of these factors—the insurmountable CAT protection barrier, the procedural requirements that must be satisfied, the government's six-year failure to identify a willing third country, the lack of any current removal efforts, and the mental health barriers—there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future.

19. Petitioner has demonstrated good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. The Government cannot meet its burden to prove otherwise. Petitioner therefore has a substantial likelihood of success on his *Zadvydas* claim.

## **II. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief**

20. The loss of physical liberty—the most fundamental of all freedoms—constitutes irreparable harm per se. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

21. Each day Petitioner remains detained without due process constitutes a continuing violation of his constitutional rights. These violations cannot be remedied by money damages after the fact.

22. Petitioner has severe mental health needs that require ongoing psychiatric care and medication: In 2019, psychologist Dr. Martha Ramos Duffer, Psy.D., documented Petitioner's diagnoses of Major Depressive Disorder, Generalized Anxiety Disorder, and history of psychotic

symptoms. Detention in an immigration facility, separated from his established treatment providers and support system, causes deterioration of his mental health condition.

23. For six years, Petitioner maintained stability through supervised release: Living with family who provide support; Accessing mental health care and medications; Maintaining employment authorization; Complying with all requirements.

24. His unlawful detention destroys this stability and causes regression in his mental health progress. This harm cannot be undone. And because § 241.4(l) safeguards are liberty-protective, continued custody imposed without those safeguards is itself an ongoing constitutional injury not compensable by damages.

### **III. The Balance of Hardships Tips Sharply in Favor of Petitioner**

25. Petitioner suffers the most severe hardship possible under our constitutional system—deprivation of physical liberty—in violation of constitutional and regulatory requirements. He experiences:

- A. Ongoing violation of fundamental constitutional rights;
- B. Separation from family and established support systems;
- C. Destruction of the stability maintained for six years;
- D. Loss of access to necessary psychiatric care;
- E. Indefinite detention with no foreseeable end date.

26. Ordering Petitioner's release or providing a bond hearing imposes minimal burden on the Government.

27. Restoring Petitioner to supervised release returns him to the very status he maintained without incident for six years (2019–2025). The Government already determined in 2019 that he was neither dangerous nor a flight risk; nothing since suggests otherwise. He has no criminal

record since release, never absconded, appeared for every check-in, lives with his parents in San Antonio, and relies on U.S.-based mental-health care.

28. The Government's legitimate interest is in lawful detention only—not detention procured in defiance of statute or rule. It may not detain where removal is not reasonably foreseeable, may not ignore its own liberty-protective regulations, and may not swap process for a policy slogan. *Villanueva v. Tate*, No. H-25-3364 (S.D. Tex. Sept. 26, 2025).

29. The equities are lopsided. Physical freedom is a core constitutional value; its loss is a “grievous” harm that weighs heavily in any balance. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Against Petitioner's continued unlawful confinement, mental-health deterioration, and ongoing constitutional injury, the Government can claim only a minimal administrative burden from restoring lawful supervision. The balance tips sharply—indeed, overwhelmingly—in Petitioner's favor.

#### **IV. Granting the Injunction Serves the Public Interest**

30. The public has a profound interest in ensuring that government agencies comply with constitutional requirements and respect fundamental rights. Allowing ICE to detain individuals without following mandatory procedural requirements undermines the rule of law.

31. Federal agencies must follow their own regulations. The public interest is served by compelling ICE to comply with mandatory procedural requirements in 8 C.F.R. §§ 241.4(1) and 241.13. Agencies cannot be permitted to ignore regulatory safeguards designed to protect individual liberty simply because enforcement priorities have changed.

32. For six years, Petitioner successfully complied with supervised release—attending every check-in, committing no crimes, maintaining stable residence, and cooperating fully with ICE. This demonstrates that supervised release can be an effective alternative to detention.

33. The public interest is served by using the least restrictive means necessary to achieve immigration enforcement objectives. Unnecessary detention: Imposes significant costs on taxpayers; Causes unnecessary hardship to individuals and families; Strains detention resources that could be used for individuals who actually pose dangers or flight risks; and Undermines public confidence in the fairness of the immigration system.

34. The Public Interest Strongly—Indeed Overwhelmingly—Favors Granting the Injunction: Every relevant public interest consideration supports granting injunctive relief. There is no legitimate public interest in maintaining unlawful detention.

**PROPOSED INJUNCTIVE RELIEF**

Petitioner respectfully asks the Court to grant the following preliminary relief:

1. Order immediate release to the prior Order of Supervision (or substantively equivalent conditions), consistent with 8 U.S.C. § 1231(a)(3) and ICE’s six-year course of supervised compliance
2. Declare that ICE’s revocation and detention violated binding regulations—8 C.F.R. §§ 241.4(l), 241.13, and the country-specific protections in §§ 1208.31 & 1241.8(e)—and violated due process
3. DHS may not attempt third-country removal without first providing country-specific notice and the reasonable-fear process (including de novo IJ review upon request) mandated by 8 C.F.R. § 1208.31(g).
4. Schedule a hearing within seven (7) days requiring the government provide evidence of its efforts to secure an alternative country of removal.
5. Enjoin any transfer from the current facility during the pendency of this case and require 48-hours’ written notice to counsel before any attempted removal action.

Respectfully submitted, this 17 October 2025.

*By counsel,*

s/Francisco Alvillar

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Counsel for Petitioner

**VERIFICATION OF COUNSEL**

I, Francisco Alvillar, hereby certify that I am familiar with the case of the named Petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

October 17, 2025

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**CERTIFICATE OF SERVICE**

I certify, in accordance with the rules of this Court, I filed the foregoing via the Court's CM/ECF system, which will send notice to all registered counsel of record.

October 17, 2025

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**CERTIFICATE REGARDING CONFERENCE (IMPRACTICABILITY STATEMENT)  
CERTIFICATE REGARDING CONFERENCE (L.R. CV-7(I))**

Undersigned counsel states that a conference under Local Rule CV-7(i) is **impracticable**. This motion seeks **emergency relief** concerning Petitioner's ongoing detention and potential removal; immediate filing is necessary to prevent irreparable harm. At the time of filing, no Assistant United States Attorney had appeared for Respondents, and detention/transfer logistics make delay untenable. Upon appearance by Government counsel, Petitioner will promptly confer and advise the Court of the Government's position.

October 17, 2025

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