

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

YEISON EDUARDO MOLINA TREJO)

Case No. 25-842

Petitioner,)

v.)

PATRICIA HYDE, in her official capacity as)
Acting Boston Field Office Director,)
Immigration and Customs Enforcement;)

**EMERGENCY MOTION
FOR TEMPORARY
RESTRAINING ORDER**

TODD M. LYONS, in his official capacity as)
Acting Director, U.S. Immigration and Customs)
Enforcement;)

PETE R. FLORES, in his official capacity as)
Acting Commissioner For U.S. Customs and)
Border Protections;)

KRISTI NOEM, in her official capacity as)
Secretary of the United States Department of)
Homeland Security;)

MARCO RUBIO, in his official capacity as)
Secretary of State;)

PAMELA BONDI, in her official capacity as)
U.S. Attorney General;)

GREG HALE, in his official capacity as)
Superintendent Of Northwest State)
Correctional Facility; and)

DAVID W. JOHNSTON, in his official capacity)
as Vermont Sub-office Director of Immigration)
and Customs Enforcement.)

Respondents.)
_____)

INTRODUCTION

Petitioner Yeison Eduardo Molina Trejo is 27-year-old non-binary individual from Honduras. They are being detained in Vermont and wish to seek immigration relief from removal on the basis of being persecuted in both Honduras and Mexico.

Upon information and belief, Petitioner’s factual and procedural history is as set forth

below.¹ Sometime prior to September 2022, Petitioner fled Honduras to escape ongoing abuse in their home country. After leaving Honduras, Petitioner sought and was granted asylum in Mexico. While residing in Mexico, however, Petitioner was kidnapped by [REDACTED]

[REDACTED] After enduring further abuse, Petitioner eventually managed to escape their captors and flee to the United States in search of safety. Petitioner was trying to enter Canada to seek asylum there when they were arrested by Customs and Border Patrol. They are now detained at the Northwest State Correctional Facility in St. Albans, Vermont. Upon information and belief, Petitioner has no criminal history.

Because the government has demonstrated a pattern and practice of removing detainees from Vermont, particularly to states as far away as Louisiana and Florida, Petitioner moves for an immediate Temporary Restraining Order (“TRO”) ordering that the government not move Petitioner out of this District pending further order of the Court. Even if the Court does not believe such an order is necessary on the grounds of preserving jurisdiction, Petitioner still moves for an immediate TRO ordering that the Government not move him out of this District based on the inherent equitable powers of this Court, and the breadth of the All-Writs Act. 28 U.S.C. § 1651.

Petitioner being kept in this District will assist them in consulting with their Vermont-based attorneys and allow them to appear in Court on their petition for writ of habeas corpus being filed concurrently with this motion in the United States District Court for the District of Vermont. The requested TRO is consistent with both principles of judicial efficiency and the principles of any court entertaining a petition for writ of habeas corpus. 28 U.S. Code § 2243 (“Unless the application for the writ and the return present only issues of law the person to whom the writ is directed *shall be required to produce at the hearing the body of the person*

¹ Petitioner’s counsel is in the process of obtaining Petitioner’s A file from the Houston Immigration Court, as well as additional records. The instant motion will be supplemented with the most accurate factual and procedural information upon receipt. However, mindful that Petitioner is presently detained and subject to interstate transfer by ICE, the instant motion is submitted without delay.

detained..." (emphasis added)). The requested TRO will not prejudice the government and the Court should grant this request for the following reasons.

FACTUAL BACKGROUND

Petitioner, Mx. Molina Trejo, is a national and citizen of Honduras who fled Honduras due to suffering extensive abuse. They then won asylum in Mexico from Honduras. In Mexico, they then suffered torture, abuse and sex trafficking at the hands of [REDACTED] before fleeing Mexico and coming to the United States.

Petitioner entered the United States around November 2022 and encountered a U.S. Customs and Border Protection (CBP) officer near Eagle Pass, Texas. Petitioner informed the officer of the persecution and harm they had suffered in Mexico and was released from detention in Fort Bend/Harris County, Texas. Following their release, Petitioner was served with a Notice to Appear (NTA) scheduling a Master Calendar Hearing before the Houston Immigration Court, to take place around December 2022.

At the time of the scheduled hearing, Petitioner was residing in New York and moving between various shelters. Due to a severe panic attack, Petitioner was hospitalized for approximately four to five days and was unable to attend their hearing due to being in the hospital. On December 14, 2022, the Immigration Judge ordered Petitioner removed *in absentia*. For two years, Petitioner was not aware of this removal order.

On or about October 9, 2025, Petitioner traveled by taxi to Canada to seek asylum and explained their situation to a border patrol officer. Around that same date, Petitioner was arrested and is currently detained at Northwest State Correctional Facility (NWSCF) in St. Albans, Vermont.

At NWSCF, Mx. Molina Trejo is placed with men despite being non-binary and having feminine aspects to their appearance. They have already suffered sexual harassment due to this arrangement, which is one basis of the accompanying petition for writ of habeas corpus. However, at NWSCF Petitioner is in a small facility with a limited number of men and shares sleeping space with one cellmate. If Petitioner were to be transferred to an ICE detention facility out of state, they would likely suffer much worse sexual harassment. In ICE detention centers,

large numbers of men are placed together in open rooms filled with bunk beds.² With such an arrangement, Petitioner could easily be the victim of multiple men without any recourse or escape.

Additionally, Petitioner requires multiple medications to manage neuropathy, including [REDACTED] Petitioner is currently waiting for a psychiatrist appointment at NWSCF to get on the correct medication schedule. If transferred, Petitioner's complex medication schedule is very likely to not be administered correctly as ICE commonly does not adhere to medication schedules as required for the health and safety of detainees.

Critically, at NWSCF Petitioner has easy access to their attorneys at the Vermont Asylum Assistance Project. If Petitioner were to be transferred to an ICE detention facility out of state, it would become much more difficult for them to access their attorneys. *See Ex. A, No Fighting Chance: ICE's Denial of Access to Counsel in U.S. Immigration Detention Centers.* Given the complex and sensitive nature of Petitioner's immigration case, Petitioner needs to have unhindered access to their attorneys to have a fair opportunity at seeking relief from deportation to countries where they have been abused, tortured, and trafficked.

² *See* U.S. Immigration and Customs Enforcement National Detainee Handbook 2024.

Furthermore, Petitioner has a partner currently residing in Burlington, Vermont. Both Petitioner and partner have suffered extensive abuse and are indigent. If Petitioner were transferred to an ICE detention facility out of state, they would effectively lose access to their partner because neither Petitioner nor their partner could afford the exorbitant costs of making telephone calls in ICE detention centers. *See* Ex. B, Loss of Free Phone Access – A Critical Lifeline in Detention – Triggers Hunger Strikes. As a matter of equity, Petitioner needs to remain in the District of Vermont to remain in contact with their loved one.

In light of these facts, Petitioner respectfully requests this Court grant a Temporary Restraining Order to protect their statutory, constitutional, and regulatory rights.

ARGUMENT

If Petitioner is removed from the United States, they will be deported to either of two countries where they have suffered egregious persecution and torture on account of their gender identity. Such a removal would be a violation of their Fifth Amendment Due Process rights. If Petitioner is kept in the United States but transferred to an ICE detention facility out of state, they will be effectively punished for multiple reasons, in violation of established Supreme Court precedent that civil detention should be non-punitive. *See, e.g., Wong Wing v. United States*, 153 U.S. 228 (1896); *see also Zadvydas v. Davis*, 533 U.S. 678 (2001). If transferred, will be placed in a locale that would (1) significantly hinder access to their attorneys, (2) would effectively block access to their loved one, (3) would hinder their ability to receive required medication, and (4) would place them in a situation ripe for unfettered sexual harassment.

This Court has recently issued orders prohibiting the transfer of petitioners with habeas petitions from the District or ordering the government to transfer petitioners back to the District, citing the need for petitioners to consult with their attorneys, to appear in court to provide testimony, lack of prejudice to the government, and to promote judicial efficiency. *See Mahdawi v. Trump*, Case No. 2:25-cv-00389, Order Extending Temporary Restraining Order, p. 2-3, ECF No. 34 (D.Vt. Apr. 24, 2025); *see also Ozturk v. Trump*, __ F.Supp.3d __, Case No. 2:25-cv-374, 2025 WL 1145250 (2025 D.Vt.) (citing the All Writs Act, 28 U.S.C. § 1651(a), empowering courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law”).

Indeed, under the inherent equitable powers of the Court and the breadth of All Writs Act, the Court has the power and should exercise it in ordering the requested relief. The relief is appropriate in the aid of the Court’s jurisdiction over this case. Also, the administration is not prejudiced by a stay order—Petitioner will remain within the District of Vermont. Should this Court or Respondents need to produce Petitioner to provide testimony or any other reason, it will be significantly less costly if they are held within the District of Vermont.

Further, if Petitioner is transferred out of the District, it is likely to cause delays in the proceedings due to lack of access to counsel as well as increase costs and time constraints at any necessary hearings. Petitioner cannot be ensured a meaningful opportunity to have their claims heard, have meaningful access to counsel, or be provided meaningful relief if they are transferred out of this District.

Accordingly, Petitioner moves that this Court, to preserve its jurisdiction over the petition pursuant to the equitable powers of the Court and the All-Writs Act, 28 U.S.C. § 1651 (*see F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), and immediately order that Mx. Molina Trejo not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.

As set forth in the Petition, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgment), the All-Writs Act, 28 U.S.C. § 1651. It is appropriate for the Court to preserve such jurisdiction by ordering that the Petitioner remain in this district pending further action by the Court.

Respectfully submitted,

/s/ Jill Martin Diaz, Esq.
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Pro Bono Counsel for Petitioner

DATED this 17th day of October 2025.