

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

Yeison Eduardo Molina Trejo )  
 )  
 Petitioner, )  
 )  
 -against- )  
 )  
 Patricia Hyde, et. al. )  
 )

Case No.: 2:25-cv-00842-mkl

MEMORANDUM IN SUPPORT OF PRELIMINARY INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF HABEAS CORPUS

**I. Introduction**

Petitioner, by and through undersigned counsel, submits this short memorandum in response to the request of Honorable Judge Reiss of the United States District Court for the District of Vermont for additional information and evidence in support of preliminary injunctive relief as stated in her October 17, 2025 Temporary Restraining Order and Order to Show Cause. This memorandum will provide evidence of the concrete and substantial risk of sexual, emotional, and physical harm that Petitioner faces if kept in detention due to their sexuality, perceived gender, traumatic history of sexual and physical abuse, and medical profile. This memorandum will also further explain why Respondents’ reasoning for holding Petitioner in detention without bond is unconstitutional and legally invalid. Petitioner plans to provide more substantial briefing on these issues at the time when full briefing for the habeas petition is appropriate.

**II. Risk of Immediate and Irreparable Harm to Petitioner in Detention Facilities**

A temporary restraining order may be issued where, *inter alia*, “immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard

in opposition.” Fed. R. Civ. P. 65(b)(A)(1); *see also* *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Courts may discretionarily extend a TRO or other such injunctive relief where good cause exists. Fed. R. Civ. P. 65(b)(2).

The temporary restraining order in this instance must be extended because Petitioner is at risk of immediate and irreparable injury if transferred to an ICE detention center. On October 17, 2025, this Court requested additional evidence and information to support preliminary injunctive relief, including further information on the potential of imminent harm to Petitioner. There is ample documentation demonstrating the systemic mistreatment of LGBTQ people in ICE detention. Some of this documentation includes:

- A complaint filed in 2024 by the American Immigration Council, the National Immigration Project, and the Rocky Mountain Immigrant Advocacy Network that details the harassment, discrimination, isolation, and medical neglect faced by transgender and non-binary people in ICE detention facilities, particularly the Aurora ICE Processing Center. Ex. C, Complaint Underscoring Why People Who are Transgender and Nonbinary Should Not be Detained in Civil Immigration Detention.
- A complaint filed in 2025 by RFK Human Rights, ACLU Louisiana, the National Immigration Project, and the Southeast Dignity not Detention Coalition that details the forced labor, sexual assault, stalking, and retaliation suffered by transgender and non-binary people in the South Louisiana ICE Processing Center. Ex. D, RE: Systemic Sexual Abuse and Harassment, Physical Assault, Verbal Abuse and LGBTQ+ Discrimination, Forced Labor, Retaliation, Medical Neglect and Disability Discrimination, Excessive Use of Solitary Confinement, Suppression of Constitutional Rights, and Denial of Grievance Procedures at the South Louisiana ICE Processing Center in Basile, Louisiana.
- A complaint filed in 2023 by the National Immigrant Justice Center that details the medical neglect, harassment, and abuse suffered by a transgender woman at the Pine Prairie ICE Processing Center. Ex. E, RE: Request for Investigation into Violations of Transgender Care Individuals.
- A policy brief by the Williams Institute explaining how transgender and nonbinary individuals are disproportionately harmed by the mistreatment they face in immigration detention due to the abuse and mistreatment they have often already suffered in their pasts. Ex. F, The Disproportionate Harm of Immigration Detention for Transgender and Nonbinary People Requires an End to the Use of Confinement.

- An Intercept article from March 2025 explaining how Customs and Immigration Enforcement cut transgender care requirements from contracts made with detention facility contractors. Ex. G, ICE is Erasing Rules that Protected Trans Immigrants.

Petitioner has testified in a declaration that they are experiencing sexual harassment in the Northwest State Correctional Facility where they are currently being held, including 

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 Ex. H, Declaration of Petitioner at para. 16. They testify that the harassment they are experiencing is made worse because of the extensive abuse and rape they suffered in their past. *Id.* at para. 17. They detail the psychological toll that detention is having on them, exacerbating their depression and anxiety. *Id.* at para. 26. They explain their fear of
- being moved to an ICE detention facility, where they believe that they will experience worse mistreatment at the hands of Latino men based on their experiences in Honduras and Mexico. *Id.*
  - at para. 28. Petitioner testifies that they are physically and mentally unsafe in the detention context and must be released for their safety. *Id.* at para. 29.

### **III. Unmet Medical Needs of Petitioner**

This Court requested additional further information on Petitioner's medications and diagnosis of neuropathy, as well as further information on their potential of imminent harm based on their reports of sexual abuse and harassment. Petitioner has prepared a declaration wherein they testify to the sexual and physical abuse they have suffered in Honduras and Mexico, the harassment they have suffered at NWSCF, their fear of sexual assault in detention, the required medications for their myriad medical conditions, and the intense and chronic pain they are suffering due to an untreated injury that requires surgery and specialized care. *See* Ex. H. Petitioner testifies that the NWSCF facility is unable to provide comprehensive care for this pain; the facility often doesn't

respond to medical requests for days and when it does, only offers Tylenol even though Petitioner cannot take Tylenol due to having had liver cancer. *Id.* at para. 24-25.

Petitioner's statements are corroborated by the medical records of Petitioner provided by NWSCF. Ex. I, NWSCF Medical Records of Yeison Molina Trejo. The medical records confirm Petitioner's diagnoses of neuropathy, depression, anxiety, and PTSD; their history of liver cancer; their history of sexual abuse and sex trafficking; and their prescribed medications administered and reasons for administration. The records also provide further information on one of Petitioner's reports on sexual assault and harassment while detained, substantiate Petitioner's fear based on the assault and harassment, and acknowledges that Yeison fears they are in immediate danger. Counsel is still waiting on additional reports to be produced by Vermont Department of Corrections either at Counsel's request or on discovery.

#### **IV. Unconstitutionality of Holding Petitioner Without Bond**

Courts may discretionarily extend a TRO or other such injunctive relief where good cause exists. Fed. R. Civ. P. 65(b)(2). Here, good cause is established by merit of the constitutional questions raised in Petitioner's initial habeas petition. Habeas relief is available when a person is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). As the TRO is necessary to effectuate the relief ought by Petitioner before this Court by preventing their transfer outside the jurisdiction thereof, its dissolution would constructively deny Petitioner their very opportunity to be heard relative to the relief so sought before this Court. Ultimately, dissolution of the TRO will directly facilitate the precise harm from which Petitioner now seeks redress through this Court – namely, their continued detention in violation of the Constitution of the United States. The Court must

therefore extend the TRO in order to remain vested with jurisdiction to hear Petitioner's habeas request and effectuate the due process owed to them.

As made clear in the BIA's recent decision in *Matter of Yajure Hurtado*, I&N Dec. 216 (BIA 2025), Petitioner is unlikely to obtain relief from their continued detention through the administrative process. The Board's decision in that matter is binding upon the agency and the immigration courts alike, rendering the administrative process a futile means by which to seek relief from detention for noncitizens situated similarly to Petitioner. Furthermore, as the BIA lacks authority to consider constitutional challenges, habeas corpus before this Court remains Petitioner's sole means of redress. Accordingly, it follows that the TRO exceeds the mere scope of addressing the humanitarian concerns raised above. Petitioner seeks relief from their detention without meaningful opportunity for individualized review of their custody.

Petitioner's inability to seek administrative review of their custody under the Board's current interpretation of the law amounts to a violation of both their Fourth and Fifth Amendment rights. It is solely within the purview of this Court to grant redress for the harms thus suffered by Petitioner through the adjudication of their request for habeas corpus. Extending the TRO until such time that this Court might fully adjudicate Petitioner's request is necessary to effectuate the relief so sought, thereby clearly demonstrating good cause for such extension, as required under Fed. R. Civ. P. 65(b)(2).

#### **V. Imminent Harm if Order is Dissolved**

Dissolving the temporary restraining order would allow ICE to transfer Petitioner to an ICE detention facility, likely in Louisiana, Florida, or Texas. This would result in the exact harm this habeas petition seeks to avoid. Under 28 U.S.C. § 2243, a court entertaining an application for a writ of habeas corpus shall initially award the writ or issue an order directing the

respondent to show cause why the writ should not be granted, unless it appears from the application that the detainee is not entitled to relief. Such writ should be directed at the person having custody of the detainee and shall be returned within three days, lest good cause exist for additional time, though not to exceed twenty days. 28 U.S.C. § 2243. Petitioner is entitled to relief based on the evidence provided.

#### **VI. Conclusion**

On October 17, 2025, this Court requested additional evidence and information to support preliminary injunctive relief, including further information on Petitioner's medications and diagnosis of neuropathy, and further information on potential to imminent harm to Petitioner from their reports of sexual abuse and harassment. The additional evidence outlined above and submitted with this memorandum taken in conjunction with the information on relevant caselaw relating to lack of bond outlined above substantiates the legitimacy of the related counts in Mx. Molina Trejo's Petition for Writ of Habeas Corpus and the need to maintain the Temporary Restraining Order through the pendency of Petitioner's habeas proceedings. Taken altogether, the additional evidence and information offered demonstrate that the bases of Petitioner's Petition for Writ of Habeas Corpus and the corresponding immediate harms that Petitioner's request for TRO seek to avoid are not conclusory but firmly grounded in both law and fact. The burden is therefore on the government to show cause as to why the TRO should be dissolved, not upon Petitioner to show cause as to why it should be maintained.

WHEREFORE, Petitioner moves this Court to extend the TRO until such time that Petitioner's pending habeas petition can be heard and adjudicated by and before this Court.

Respectfully submitted,

DATED this 24<sup>th</sup> day of October, 2025.

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\*Admission pending