

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Mario Martinez Campuzano, §

Petitioner, §

V. §

KRISTI NOEM, Secretary of the United States §

Department of Homeland Security; §

PAMELA BONDI, United States Attorney §

General; §

MIGUEL VERGARA, San Antonio Field Office §

Director for Enforcement and Removal, U.S. §

Immigration and Customs Enforcement, §

Department of Homeland Security; §

CHARLOTTE COLLINS, Warden, T. Don Hutto §

Detention Center, Taylor, Texas; §

OSCAR MONTEMAYOR; Acting Chief Counsel, §

U.S. Immigration and Customs Enforcement, §

Department of Homeland Security; §

CELESTIN NKENG; Assistant Chief Counsel, §

U.S. Immigration and Customs Enforcement, §

Department of Homeland Security; §

UNITED STATES DEPARTMENT OF §

HOMELAND SECURITY; §

UNITED STATES IMMIGRATION AND §

CUSTOMS ENFORCEMENT; §

Civil Case No. 1:25-cv-1715

Respondents.

**PETITIONER'S MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I. PRELIMINARY STATEMENT

1. Petitioner Mario Martinez Campuzano, through counsel, moves this Court pursuant to Federal Rule of Civil Procedure 65 for a preliminary injunction to enjoin Respondents from continuing his mandatory detention without a bond hearing at the T. Don Hutto Detention Center, pending resolution of his Emergency Petition for Writ of Habeas Corpus filed on October 23, 2025. This relief is necessary to prevent irreparable harm and preserve the status quo.

II. FACTUAL BACKGROUND

2. Petitioner, a 53-year-old Mexican national, entered the United States in January of 1997 near McAllen, Texas, and has resided continuously for over 28 years, establishing significant family and community ties. The petitioner has two U.S. citizen children.

3. In July of 2025, ICE detained Petitioner following an arrest for driving without a license and issued a Notice to Appear, charging inadmissibility under INA § 212(a)(6)(A)(i), subjecting him to mandatory detention because judges lack jurisdiction to grant bond to individuals present in the U.S. without admission per Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).

4. The petitioner has no criminal history. He has applied for INA § 42-B relief and a T-Visa, and no removal is foreseeable; he has been detained for over two months without a bond hearing.

5. This detention violates Petitioner's Fifth Amendment due process rights and exceeds the permissible scope of INA § 235(b)(2)(A).

III. LEGAL STANDARD

6. A preliminary injunction requires: (1) likelihood of success on the merits; (2) likelihood of irreparable harm absent relief; (3) balance of equities favoring Petitioner; and (4) public interest. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). In immigration habeas cases, courts routinely grant such relief to prevent unlawful detention. See, e.g., *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025) (granting habeas and enjoining detention under similar facts).

IV. ARGUMENT

A. PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

1. First, the mandatory detention provision of § 1225(b)(2)(A) does not apply to long-term EWIs like Petitioner, who are governed by § 1226(a). The plain text of § 1226 applies to all noncitizens "pending a decision on whether the [noncitizen] is to be removed," including those charged as inadmissible under § 1182(a)(6)(A)(i). See Petition ¶¶ 35-40. By contrast, § 1225(b) targets "arriving" aliens at ports of entry or recent border crossers. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). The BIA's reliance on *Matter of Yajure Hurtado* ignores legislative history, longstanding agency practice (62 Fed. Reg. 10312, 10323 (1997)), and DHS's prior positions (*Jennings* oral argument). See Petition 30.

2. Multiple federal courts, including in Texas, have agreed that this novel interpretation is illegal. See *Hernandez-Ramiro v. Bondi*, No. 5:25-cv-01207-XR (W.D. Tex. Oct 15, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-CV-112 (S.D. Tex. Oct. 8, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB) (D. Ariz. Aug. 11, 2025); and others cited in Petition ¶¶ 35-36.

3. Second, the detention violates bond regulations (8 C.F.R. §§ 236.1, 1236.1, 1003.19), which historically afforded bond hearings to long-resident EWIs. Petition ¶¶ 53-56.

4. Third, the indefinite detention without bond violates due process. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Petition ¶¶ 57-60.

5. Therefore, the Petition is likely to succeed on the merits based on these multiple federal court precedents holding the government's interpretation illegal and granting relief to the Petitioners in similar cases.

B. PETITIONER WILL SUFFER IRREPARABLE HARM ABSENT RELIEF

9. Absent an injunction, Petitioner faces irreparable harm from indefinite detention—over two months, including loss of liberty and potential mootness if removed, which cannot be remedied by damages.

C. THE BALANCE OF EQUITIES TIPS IN THE PETITIONER'S FAVOR

10. The equities favor Petitioner. Granting the injunction preserves his liberty with minimal burden on Respondents, who lack evidence of flight risk or danger, while continued detention unjustly harms Petitioner.

D. THE PUBLIC INTEREST FAVORS RELIEF

11. Enjoining unlawful detention promotes due process and adherence to the INA, especially amid judicial consensus rejecting *Matter of Yajure Hurtado*. There is no public interest in perpetuating erroneous agency actions.

REQUEST FOR RELIEF

Petitioner requests that this Court:

1. Issue a preliminary injunction enjoining Respondents from continuing Petitioner's mandatory detention without a bond hearing pending habeas resolution;
2. Schedule an expedited hearing if necessary, pursuant to Fed. R. Civ. P. 65;
3. Grant such other relief as deemed just.

Respectfully submitted, October 23, 2025.



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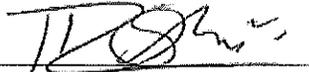
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CERTIFICATE OF SERVICE

I, Patricio Garza Izaguirre, certify that on this date a true and correct copy of this **PETITIONER'S MOTION FOR A PRELIMINARY INJUNCTION**, and all the attached documents described in the index above, were served to the following by the CM/ECF system:

1. KRISTI NOEM, Secretary of the United States Department of Homeland Security;
2. PAMELA BONDI, United States Attorney General;
3. MIGUEL VERGARA, San Antonio Field Office Director for Enforcement and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security;
4. CHARLOTTE COLLINS, Warden, T. Don Hutto Detention Center, Taylor, Texas;
5. UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
6. UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
7. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

On October 23, 2025



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