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

P.B, Petitioner, v. **THOMAS BERGAMI,** Warden, Prairieland Detention Center; **JOSHUA JOHNSON,** Field Office Director, Dallas Field Office, U.S. Immigration and Customs Enforcement **KRISTI NOEM,** Secretary of the U.S. Department of Homeland Security; **PAMELA BONDI,** Attorney General of the United States, in their official capacities Respondents.	**CIVIL ACTION NO. 3:25-cv-2978**

MEMORANDUM OF LAW IN SUPPORT OF PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Rules

INTRODUCTION

Petitioner P.B. seeks a temporary restraining order to secure her immediate release from continued detention at the Prairieland Detention Center in Alvarado, Texas ("Prairieland").

P.B. is a Colombia national who fled to the United States after the Revolutionary Armed Forces of Columbia (the "FARC") repeatedly threatened her life and the life of her teenage sister. After arriving in the United States, P.B. immediately presented to border patrol agents and was detained pursuant to Section 235(b)(1), 8 U.S.C. § 1225. During her detention, an asylum officer interviewed P.B. and concluded that she demonstrated a credible fear of persecution or torture. Based on that finding, a Supervisory Asylum Officer vacated her Section 235(b)(1) order pursuant to 8 C.F.R. § 208.30 and set a hearing on her claim for asylum. That hearing is currently pending.

In the meantime, ICE released P.B. is on parole under Section 1182(d)(5)(A) for "urgent humanitarian reasons or significant public benefit." P.B. was fitted with a wrist monitor and instructed to report for immigration check-ins and court dates. After she was released, P.B. moved to Dallas and lived peacefully with her family. She diligently complied with all of her parole conditions, including appearing for multiple immigration check-ins and a court hearing with no issues. However, on or around October 14, 2025, when she presented for her second scheduled check-in, P.B. was detained without reason.

During her detention, P.B. has been subjected to inhumane conditions, including inadequate sleeping arrangements, insufficient doses of the insulin she needs to treat her Type 1 diabetes, and inadequate access to water—causing P.B. to resort to drinking her

own urine and requiring her to be hospitalized for several days. This Court is P.B.'s only recourse. P.B. has filed a petition for writ of habeas corpus, alleging that her detention violates the Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, and the Rehabilitation Act. Because she is likely to succeed on the merits of her claims, she faces a substantial threat of irreparable injury while unlawfully detained without adequate medical care, no harm will result from her release, and her release will not disserve the public interest, P.B. respectfully requests that this Court immediately issue a temporary restraining order requiring Respondents to release her from custody, or alternatively, prohibiting her transfer from Prairieland pending the Court's ruling on her habeas petition.

NATURE AND STAGE OF THE PROCEEDINGS

This habeas action seeks the immediate release of P.B., as her continued detention violates Immigration and Nationality Act, the Due Process Clause of the Fifth Amendment, the Administrative Procedure Act, and the Rehabilitation Act. She has filed a petition for writ of habeas corpus, Dkt. No. 1, and now seeks a temporary restraining order requiring her immediate release from detention.

SUMMARY OF ISSUES

P.B. seeks a temporary restraining order to compel her immediate release from detention, or alternatively, prohibiting her transfer from Prairieland pending the Court's ruling on her habeas petition. P.B. meets each of the four requirements for a temporary restraining order to be issued: "(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the [temporary restraining order] is not issued, (3)

that the threatened injury if the injunction is denied outweighs any harm that will result if the [temporary restraining order] is granted, and (4) that the grant of a [temporary restraining order] will not disserve the public interest." *Jones v. Tex. Dep't of Criminal Justice*, 880 F.3d 756, 759 (5th Cir. 2018) (citation omitted); *Whole Woman's Health v. Paxton*, 264 F. Supp. 3d 813, 818 (W.D. Tex. 2017) (applying preliminary injunction standard to issue a temporary restraining order is the same as for a preliminary injunction). P.B. also will suffer "immediate and irreparable injury" before a preliminary injunction hearing, meriting a temporary restraining order. *Smith v. Tarrant Cty. College Dist.*, 670 F. Supp. 2d 534, 537 (N.D. Tex. 2009) (quoting Fed. R. Civ. P. 65(b)(1)(A)).

This Court has authority to order P.B.'s release. Courts have broad power to fashion equitable remedies to address constitutional violations in prisons. *Hutto v. Finney*, 437 U.S. 678, 687 n.9 (1978). "[W]hen constitutional violations of rights of individuals . . . are brought to [a court's] attention," the court is "bound to redress them." *Williams v. Edwards*, 547 F.2d 1206, 1218 (5th Cir. 1977). 28 U.S.C. § 2241 provides a district court with jurisdiction over petitions for habeas corpus where a petitioner is "in custody in violation of the Constitution or law or treaties of the United States." 28 U.S.C. § 2241(c)(3); *see INS v. St. Cyr*, 533 U.S. 289, 305 (2001). Habeas corpus has been recognized as an appropriate vehicle through which noncitizens may challenge the fact of their civil immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 688 (2001); *see generally Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) (ruling on merits of habeas petition challenging validity of indefinite mandatory detention). In addition, the Supreme Court has not foreclosed the use of habeas for conditions-of-confinement claims. *See*

Boumediene v. Bush, 553 U.S. 723, 792 (2008) (implying that traditional writs of habeas corpus reach conditions-of-confinement claims). The Fifth Circuit has not explicitly limited habeas petitions to only "fact or duration" challenges and has described its own precedent on the subject as "less clear." *Poree v. Collins*, 866 F.3d 235, 242–44 (5th Cir. 2017); *see id.* at 244 n.28. The Fifth Circuit has stated that habeas is appropriate if a ruling in the petitioner's favor would "automatically entitle [the petitioner] to accelerated release." *Carson v. Johnson*, 112 F.3d 818, 821 (5th Cir. 1997). Moreover, courts across the country have ordered immediate release of particularly vulnerable detainees from ICE facilities under writs of habeas corpus. *See, e.g., Vazquez Barrera v. Wolf*, 455 F. Supp. 3d 330 (S.D. Tex. 2020) (ordering the immediate release of an individual in ICE detention due to health concerns related to a pre-existing condition); *Coreas v. Bounds*, No. TDC-20-0780, 2020 WL 1663133, at *7 (D. Md. Apr. 3, 2020) ("[A]lthough the grounds on which they seek release relate to their conditions of confinement, Petitioners seek complete release from confinement, which is 'the heart of habeas corpus.'").

Because P.B. faces immediate, irreparable harm in the absence of a temporary restraining order, she requests that this Court order her immediate release. First, P.B.'s unlawful detention in violation of her constitutional rights is itself irreparable harm. Moreover, given the conditions of her detention at Prairieland and Respondents' failure to provide her with adequate medical care for her Type 1 diabetes, she is suffering from symptoms of high blood sugar and is vulnerable to long-term adverse health consequences, including the risk of having a seizure and entering a diabetic coma. The conditions of her continued detention therefore independently violates the Due Process Clause: her unlawful

detention with inadequate medical care is not rationally related to any legitimate government purpose, and it exposes her to a substantial risk of serious harm. Further, P.B.'s release is in the public interest, as her continued detention violates the Constitution.

Alternatively, to the extent that the Court does not order P.B.'s immediate release, she respectfully requests that the Court retain jurisdiction over her habeas petition and issue an order prohibiting her transfer out of the Prairieland pending the Court's ruling on her habeas petition.

FACTUAL BACKGROUND

I. P.B. Fled to the United States to Escape the Threat of Death at the Hands of [redacted]

In 2024, P.B. fled to the United States to escape death threats and violence by [redacted] [redacted] [1] *See generally*, Exhibit B to Motion to Seal, Declaration of P.B. [redacted]

[redacted]

[redacted] P.B. and her teenage sister remained in Colombia in the care of their paternal

---

[1] This Court may also consider hearsay evidence in determining whether to grant expedited relief. *See Sierra Club, Lone Star Chapter v. F.D.I.C*, 992 F.2d 545, 551 (5th Cir. 1993) ("[A]t the preliminary injunction stage, the procedures in the district court are less formal, and the district court may rely on otherwise inadmissible evidence."); *Texas Commerce Bank Nat. Ass'n v. State of Fla.*, No. 3:96-CV-2814-G, 1997 WL 181532, at *4 (N.D. Tex. Apr. 9, 1997) (Fish, J.) (in deciding whether to grant a preliminary injunction, "the court may rely on hearsay evidence and may even give inadmissible evidence some weight"), *aff'd*,138 F.3d 179 (5th Cir. 1998).

grandmother and her husband. Under their care, P.B.'s grandmother's husband attempted to sexually assault her. In 2024, [redacted] began targeting P.B. On or around August 18, 2024, [redacted] went to P.B.'s home, demanded money, and threatened to kill P.B. and her sister if they did not comply. P.B. paid the money, and the men left. On or around September 6, 2024, [redacted] returned to P.B.'s home and again demanded money. The men threatened to kill P.B. and her sister if they did not comply. When P.B. refused to pay, one of the men punched her in the chest. Shortly thereafter, in November 2024, P.B. and her sister fled to the United States in fear for their lives. The two feared [redacted] would kill them as they had threatened if they remained in Colombia.

II. Since Arriving, P.B. has Complied with All of the Conditions of her Parole.

When P.B. crossed the border, she immediately presented herself to immigration agents. P.B. was taken into custody and remained in a detention center until on or around January 13, 2025. When she was released from custody, P.B. received a monitoring bracelet and instructions to appear for a court hearing and regular check-ins. P.B.'s court date was later transferred from El Paso to Dallas, and she received a new 2027 court date. In the interim, P.B. has lived a quiet life in Dallas caring for her family, including her infant U.S. Citizen sister, learning English, and attending church services with her family. P.B. has not had any issues with police or immigration agents. P.B. appeared for her first scheduled check-in at the Dallas ICE Non-Detained Office on February 19, 2025, as instructed. The check-in was completed without incident. On October 14, 2025, P.B. again reported to the Dallas ICE Non-Detained Office as instructed. She was told to report to a

second location. P.B. complied and was taken into custody, where she has remained as of the date of this filing.

III. Prairieland Has Violated P.B.'s Constitutional Rights by Filing to Provide Her with Adequate Medical Treatment for her Diabetes

Upon her arrival to Prairieland, P.B. requested her necessary dosage of insulin three to four times to no avail. The day after her arrival, P.B. resorted to drinking her own urine when she was denied both insulin and drinking water by Prairieland staff. Complications from inadequate insulin required P.B. to be hospitalized for several days. When she was released from the hospital days later, Prairieland continued to act with deliberate indifference when it failed to provide P.B. with adequate insulin, food appropriate to her condition, or sufficient water. In fact, when P.B. repeatedly requested her required dosage of insulin, 20 units of rapid-acting insulin and 40 units of long-acting insulin, Prairieland staff provided her with only a fraction of her necessary dosage—5-10 units of rapid-acting insulin and 20 units of long-acting insulin. As a result, P.B. experienced headaches, frequent urination, fatigue, and extreme thirst.

These issues have been exacerbated by the fact that Prairieland has failed to provide adequate food for a diabetic diet. Despite her necessary diabetic diet consisting of vegetables, proteins, and fruits, Prairieland provides bread, potatoes, oatmeal, processed meats, and sweet fruit juice. The food provided by Prairieland coupled with the lack of sufficient medical care places P.B. at an imminent risk for further complications due to high blood sugar and continued insulin withdrawal.

Since October 25, 2025, after approximately eleven days of being detained at Prairieland, P.B. has received inconsistent dosages of insulin at various times of the day. P.B. has been sent to the infirmary multiple times due to prolonged extremely high blood sugar. P.B.'s blood sugar levels have otherwise been uncontrolled. Given Prairieland's deliberate indifference thus far, and continued provision of inadequate food and water, limited and inconsistent medical treatment is insufficient. P.B. remains at risk of severe complications related to unmanaged high blood sugar, including but not limited to, permanent organ damage, vision and hearing loss, seizures, and a diabetic coma.

In addition to inadequate food and water and insufficient insulin, P.B. has been forced to sleep on the floor for several days due to severe overcrowding. Taken together, Prairieland has failed to provide P.B. with even the most basic necessities.

Release from detention is the ***only*** way to adequately protect P.B. from the dire risks posed to her by her continued detention at Prairieland. ICE has already refused to provide her the medical care she needs to treat her diabetes, P.B. Decl. ¶ 19.

ARGUMENT

P.B. will meet her burden to show the need for a temporary restraining order.

I. P.B. Is Likely to Succeed on the Merits.

P.B.'s continued unlawful detention in conditions that place her at substantial risk of serious adverse health consequences violates her due process rights under the Fifth Amendment. Immigration detainees such as P.B. are civil detainees entitled to the same constitutional due process protections as pretrial detainees. *See Zadvydas v. Davis*, 533

U.S. 678, 690 (2001); *Edwards v. Johnson*, 209 F.3d 772, 778 (5th Cir. 2000) ("We consider a person detained for deportation to be the equivalent of a pretrial detainee; a pretrial detainee's constitutional claims are considered under the due process clause instead of the Eighth Amendment.") (citing *Ortega v. Rowe*, 796 F.2d 765, 767 (5th Cir. 1986)). As a result, P.B. cannot be detained without lawful authority and cannot be held in conditions that bear no reasonable relationship to a legitimate governmental interest. *Cadena v. El Paso Cty.*, 946 F.3d 717, 727 (5th Cir. 2020). Nor can she be subjected to a policy maintained with deliberate indifference. *Id.* Respondents' continued unlawful detention of P.B. in conditions that do not provide adequate food, water, bedding, or insulin, violates due process under either standard.

A. P.B.'s Detention Is Unlawful.

P.B. is likely to prevail in proving that her detention is unlawful. P.B. was detained upon entry into the United States in 2024, and is therefore unlawfully detained under Section 1225 now. In the alternative, to the extent DHS is detaining P.B. under Section 1226, her detention is unlawful because DHS has failed to perform the statutorily required individualized assessment.

Section 1225 applies only to "alien[s] at the threshold of initial entry." *Lopez-Arevelo v. Ripa*, 3:25-cv-00337, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025). Therefore, a noncitizen not on the threshold of initial entry—including those who have already been released on parole and established a life in the United States—are not subject to mandatory detention under § 1225. *Id.* (concluding that the petitioner was not detained under § 1225(b) because he had already been detained on his initial entry); *see Martinez v. Hyde*, No. 25-11613-BEM, 2025 WL

2084238, at *4 (D. Mass. July 24, 2025) (dismissing Respondents' argument that "virtually every non-citizen not previously admitted to the United States is subject to mandatory detention, without the possibility of a bond hearing, regardless of how long or under what circumstances that person has maintained a presence in the United States").

P.B. was detained upon her arrival in the United States in 2024 under Section 1225 and released on parole pursuant to INA section 212(d)(5)(A). She is therefore not properly classified as an arriving alien "seeking admission into the country" but rather an "alien[] already in the country pending the outcome of removal proceedings. *Jennings*, 583 U.S. at 289; *but cf. Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020) (emphasizing the ruling's narrow posture—an individual apprehended 25 yards from the border in expedited removal—and reserving broader questions about habeas and due process for noncitizens with more substantial ties or different circumstances). P.B. cannot be actively seeking admission as someone who has already entered the country and resided in the U.S. for nearly a year. Thus, P.B.'s second and continued detention under Section 1225 is unlawful.

Although the Attorney General may exercise discretionary authority under 8 U.S.C. § 1226(a) to arrest and detain noncitizens pending a determination on their removability, any detention of P.B. under Section 1226 remains unlawful. *See Jennings*, 583 U.S. at 289 (holding that the INA "authorizes the Government to detain certain aliens seeking admission into the country under §§ 1225(b)(1) and (b)(2)." but it "also authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).") (emphasis added); *Matter of M-S-*, 27 I. & N. Dec. 509, 516 (Att'y Gen. 2019) (determining that §§ 1225 and 1226 "can be reconciled only if they apply to different classes of aliens."). Under Section 1226, P.B. is entitled to an individualized assessment. *See* 8 C.F.R. § 1236.1(c)(8) ("Any

officer authorized to issue a warrant of arrest may, in the officer's discretion, release an alien . . . provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding."); *Martinez v. Noem*, No. 5:25-cv-1007-JKP, 2025 WL 2598379, at *9 (W.D. Tex. Sept. 8, 2025).(interpreting 8 C.F.R. § 1236.1(c)(8) as requiring individualized custody determinations). A noncitizen detained under § 1226(a) is also entitled to a bond hearing in which "the burden of proof should be on the Government to prove by clear and convincing evidence that the detainee poses a danger or flight risk." *Id.* P.B. has not received any of the rights provided by the statute.

Accordingly, having been released on parole, P.B. is unlawfully detained under Section 1225. In the alternative, to the extent P.B. is a detainee under Section 1226, she has not received an individualized assessment or a bond hearing, both of which she is entitled to under the statute. Therefore, her detention under either statute is unlawful.

B. P.B.'s Continued Detention in Conditions That Subject Her to a Serious Risk of Grave Illness or Death Bears No Reasonable Relationship to Any Legitimate Governmental Interest.

P.B. is also likely to prevail in proving that the conditions of her detention are unlawful. "[T]he State cannot punish a pretrial detainee." *Hare v. City of Corinth, Miss.*, 74 F.3d 633, 639 (5th Cir. 1996) (citation omitted); *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Equally, the government violates the due process rights of individuals in civil detention when their conditions of confinement "amount to punishment." *Garza v. City of Donna*, 922 F.3d 626, 632 (5th Cir. 2019), *cert. denied sub nom. Garza v. City of Donna, Texas*, 140 S. Ct. 651 (2019).

Conditions of confinement violate the Fifth Amendment—and therefore immigration detainees' due process rights—where they bear "no reasonable relationship to a legitimate governmental interest." *Duvall v. Dallas Cty., Tex.*, 631 F.3d 203, 207 (5th Cir. 2011). [2]

"[T]he law is well settled that 'even where a State may not want to subject a detainee to inhumane conditions of confinement or abusive jail practices, its intent to do so is nevertheless presumed when it incarcerates the detainee in the face of such known conditions and practices.'" *Id.* at 207(quoting *Hare*, 74 F. 3d at 644); *see also Scott v. Moore*, 114 F.3d 51, 53 & n.2 (5th Cir. 1997) (en banc) (recognizing that "[i]nadequate food, heating, or sanitary conditions," overcrowding, and policies refusing detainees access to medication constitute conditions of confinement).

Here, P.B. is subject to conditions of confinement that expose her to the serious risks associated with untreated Type 1 diabetes.

"[A] pervasive pattern of serious deficiencies" that subjects a detainee to the risk of serious injury, illness, or death amounts to unconstitutional punishment in violation of due process. *See Shepherd v. Dallas Cty.*, 591 F.3d 445, 454 (5th Cir. 2009). Such a pattern is evidenced where, as here, the government refuses access to vital medical care.

---

[2] In such cases, "it is assumed that 'by the [defendant's] very promulgation and maintenance of the complained-of condition . . . it intended to cause the alleged constitutional deprivation.'" *Cadena v. El Paso Cty.*, 946 F.3d 717, 727 (5th Cir. 2020) (quoting *Scott v. Moore*, 114 F.3d 51, 53 (5th Cir. 1997)).

Moreover, refusal to provide proper medical treatment for Type 1 diabetes, including access to adequate insulin, a diabetic-friendly diet, and adequate water, serves no legitimate purpose. *See Shepherd v. Dallas Cty., Tex.*, 2008 WL 656889 at *7 (N.D. Tex. Mar. 6, 2008) (denying government's motion for summary judgment because "a reasonable jury could find under the *Bell* standard that the conditions to which [a detainee] was subjected"—refusal to monitor or provide medicine for a known medical condition that resulted in a stroke—"were not reasonably related to a legitimate government purpose and therefore 'punished' him, in violation of his Fourteenth Amendment rights"). Nor is detention under these circumstances reasonably related to the enforcement of immigration laws. *See Unknown Parties v. Johnson*, 2016 WL 8188563, at *5, *15 (D. Ariz. Nov. 18, 2016), *aff'd sub nom. Doe v. Kelly*, 878 F.3d 710 (9th Cir. 2017). In *Zadvydas v. Davis*, the Supreme Court held that "[t]here is no sufficiently strong special justification . . . for indefinite civil detention." 533 U.S. 678, 690 (2001). If the government's interest in effectuating removal and protecting the community cannot justify indefinite detention, it also cannot justify the similarly "potentially permanent" medical harm and death that P.B. could well face. *See id.* at 690–91.

C. P.B. has also been subjected to inadequate bedding in violation of the Due Process Clause of the Fifth Amendment.

In addition to inadequate medical care, P.B. has been subjected to overcrowding that deprives her of an actual bed and mattress and forced her to sleep on a plastic mat on the floor. This is a clear violation of P.B.'s due process clause rights. *See Scott v. Moore*, 114 F.3d 51, 53 & n.2 (5th Cir. 1997) (en banc) (recognizing that "[i]nadequate food, heating, or sanitary conditions," overcrowding, and policies refusing detainees access to medication constitute conditions of

confinement).

In *Thompson v. City of Los Angeles*, the court held that "[d]etention facilities (and prisons) must provide detainees held overnight with beds and mattresses. The absence of either violates detainees' due process rights." *Thompson*, 885 F.2d 1439, 1448 (9th Cir. 1989); accord *Anela v. City of Wildwood*, 790 F.2d 1063, 1069 (3rd Cir. 1986)). Courts have recognized that detention facilities must provide detainees held overnight with both a bed and a mattress because the absence of either constitutes unconstitutional punishment of civil detainees. That principle has been reaffirmed across jurisdictions, including decisions holding that "the use of floor mattresses—mattresses without bed frames—is unconstitutional without regard to the number of days a person is so confined." *Id.* (quoting *Lareau v. Manson*, 651 F.2d 96, 105 (2nd Cir. 1981))." *Unknown Parties*, 2016 WL 8188563, at *7.

P.B. has been compelled to sleep in precisely these conditions due to overcrowding, which transforms her civil detention into punitive treatment not reasonably related to any legitimate governmental purpose. Respondent's failure to provide basic sleeping accommodations falls below the minimum standards of decency required for civil detention, is excessive in relation to any asserted objective, and therefore violates substantive due process. P.B. is also likely to succeed on her Fifth Amendment claim related to these conditions.

II. Suffering the Short-Term Consequences and Long-Term Risks of Untreated Diabetes Constitutes Irreparable Harm.

Threat of imminent harm warrants immediate relief. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (explaining that "a prison inmate . . . could successfully complain about demonstrably unsafe drinking water without waiting for an attack of dysentery"). Irreparable injury does not require "that harm is inevitable." *Humana, Inc. v. Jacobson*, 804 F.2d 1390, 1394 (5th Cir. 1986). Rather, there must be "a significant threat" of "imminent" injury that cannot be "fully repair[ed] by money damages." *Id.*

P.B. easily meets this threshold. First, deprivation of a constitutional right itself constitutes irreparable harm. See, e.g., Opulent Life Church v. City of Holly Springs, Miss., 697 F.3d 279, 295 (5th Cir. 2012) (indicating that the deprivation of a constitutional right alone suffices for irreparable harm). As such, P.B.'s unlawful detention in violation of her constitutional rights is itself sufficient to satisfy this requirement for a temporary restraining order.

Moreover, P.B. is at great risk of suffering significant long-term health consequences associated with inadequately treated Type 1 diabetes. Cf. McKinney, 509 U.S. at 33 ("It would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them."); Gates v. Cook, 376 F.3d 323, 339 (5th Cir. 2004) ("[Prisoner] does not need to show that death or serious illness has yet occurred to obtain relief."). Prairieland's violation of P.B.'s due process rights, in its ongoing failure to provide adequate medical care to protect her basic health and safety, is irreparable harm.

III. The Remaining Factors Weigh Heavily in Favor of a Temporary Restraining Order.

The public interest and balance of the equities strongly favor P.B.'s release. First, and fundamentally, "'[i]t is always in the public interest to prevent the violation of a party's constitutional rights.'" *Jackson Women's Health Org. v. Currier*, 760 F.3d 448, 458 n.9 (5th Cir. 2014) (quoting *Awad v. Ziriax*, 670 F.3d 1111, 1132 (10th Cir. 2012)). Further, the public's interest in maintaining public safety also weighs in favor of P.B.'s release. P.B. has no criminal history and has been fully compliant with the conditions of her release. She has had no issues with law enforcement and has remained at home caring for her family.

Whatever minimal interest Respondent may assert in P.B.'s continued detention, it is outweighed by the harm they, other detainees, Prairieland staff, and the public at large face if she remains detained in violation of her due process rights. ICE has a number of tools available—beyond physical detention—to meet its enforcement goals, as demonstrated by the enforcement measures already used when people with serious medical conditions are released from detention. For example, ICE's conditional supervision program, called ISAP (Intensive Supervision Appearance Program), relies on the use of electronic ankle monitors, biometric voice recognition software, unannounced home visits, employer verification, and in-person reporting to supervise participants. A government-contracted evaluation of this program reported a 99% attendance rate at all immigration court hearings and a 95% attendance rate at final hearings. La France Decl., Ex. R, U.S. Gov't Accountability Office, *Alternatives to Detention: Improved Data Collection and*

Analyses Needed to Better Assess Program Effectiveness, GAO-15-26, 30 (Nov. 2014).[3] In fact, the monitoring bracelet and scheduled check-ins were effective in monitoring P.B.

P.B. poses no flight risk or danger to the community, as evidenced by her model compliance with her conditions of release since January 2025. P.B. seeks only to live peacefully with her family and the ability to properly manage her Type 1 diabetes out of detention with a proper diet and consistent, medical care.

CONCLUSION

For the foregoing reasons, P.B. respectfully requests that this Court grant her motion for a temporary restraining order, order P.B.'s immediate release, or alternatively prohibit her transfer from Prairieland pending the Court's ruling on her habeas petition, and any such further relief as the Court deems proper.

Dated: November 1, 2025

/s/ Betty X. Yang

Betty X. Yang
Texas Bar No. 24088690
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, Texas 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2900
byang@gibsondunn.com

Attorney for Petitioner

---

[3] P.B., as a detained individual seeking to enforce her civil rights, requests that this Court exercise its discretion to require no security in issuing this relief. *See, e.g., Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996); *Advocacy Ctr. for Elderly & Disabled v. Louisiana Dep't of Health & Hosps.*, 731 F. Supp. 2d 603, 626–27 (E.D. La. 2010).