

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

KETKEO HENDERSON,

Petitioner,

v.

KRISTI NOEM, Secretary of the
Department of Homeland Security;
PAMELA BONDI, Attorney General of
The United States; TODD M. LYONS, Acting
Director of U.S. Immigration and
Customs Enforcement; MARY DE
ANDA-YBARRA, El Paso Field Office
Director, U.S. Immigration and Customs
Enforcement; and WARDEN of ERO
El Paso Camp East Montana.

Respondents.

Civil Action No: 3:35-cv-00521

AGENCY FILE No.



**PETITIONER'S NOTICE OF EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER**

PRELIMINARY STATEMENT

Petitioner respectfully moves this Court for a temporary restraining order pending its adjudication of her Petition for Writ of Habeas Corpus. Specifically, Petitioner request the Court to order Respondents to cease any ongoing actions and refrain from taking any additional actions toward effectuating Petitioner's removal from the United States until the Court has adjudicated her petition.

On or about November 2, 2025, Petitioner was transferred to the ERO El. Paso Camp East Montana detention facility from the South Louisiana ICE Processing Center. Petitioner advised

her family today that she was being removed today. It is unknown whether ICE is attempting to remove her to her native Laos or a third country.

Henderson is a fifty-five-year-old native and citizen of Laos who has lived in the United States for more than forty-five years—since she arrived as a 10-year child refugee in approximately 1980. For nearly two decades, Henderson lived lawfully in the community under an Order of Supervision (OSUP) issued by U.S. Immigration and Customs Enforcement (“ICE”) following a final order of removal entered on February 3, 2005. Henderson does not challenge the order of removal that was entered against her or U.S. Immigration and Customs Enforcement (“ICE”) authority to remove her. Instead, she challenges the processes ICE has employed and continues to employ in its effectuation of the removal order and removal from the U.S., which include the improper revocation of her Order of Supervision.

Because Henderson is likely to succeed in her petition, as well as to avoid the significant irreparable harm Henderson would suffer if Defendants proceed with its current removal plans – which, upon information and belief, is scheduled to occur today or is currently in process – Henderson requests the Court to issue an order restraining Defendants from further action at the present time.

BASIS OF HABEAS PETITION

The habeas corpus petition challenges the unlawful detention of KETKEO HENDERSON (“Petitioner” or “Henderson”), who is currently in the custody of Immigration and Customs Enforcement (“ICE”) at the ERO El Paso Camp East Montana detention facility located in El Paso, Texas.

Henderson is a fifty-five-year-old native and citizen of Laos who has lived in the United States for more than forty-five years—since she arrived as a 10-year child refugee in approximately

1980. For nearly two decades, Henderson lived lawfully in the community under an Order of Supervision (OSUP) issued by U.S. Immigration and Customs Enforcement (“ICE”) following a final order of removal entered on February 3, 2005. During that time, she demonstrated unwavering compliance with all reporting requirements, worked continuously, raised three U.S. citizen children and four grandchildren, married her long-time U.S. citizen partner, and served as the primary caregiver to her medically fragile sister.

On August 6, 2025, ICE abruptly and without warning revoked Ms. Henderson’s long-standing Order of Supervision and took her into custody at her routine check-in, despite twenty years of full compliance, deep family and community ties, and severe ongoing health conditions—including a history of leiomyosarcoma, a rare and aggressive gynecological cancer requiring continuous medical surveillance. ICE has not alleged that Henderson poses any danger to the community or risk of flight, nor has it demonstrated that her removal to Laos, which has been impossible since 2005, is reasonably foreseeable.

Henderson is currently detained at the ERO El Paso Camp East Montana detention facility in El Paso, Texas.

Henderson’s re-detention is arbitrary, punitive, and unlawful under the Immigration and Nationality Act (INA), 8 U.S.C. § 1231(a)(6), violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Her prolonged and unnecessary detention directly contravenes the constitutional and statutory principles set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, which forbid indefinite detention absent a significant likelihood of removal in the reasonably foreseeable future.

HENDERSON WILL SUFFER IRREPARABLE HARM IF SHE IS REMOVED

Under the four-factor test, “[a] showing of irreparable harm is the single most important prerequisite for the issuance of a preliminary injunction.” *Faiveley Transport Malmo AB v. Wabtec Corp.*, 559 F.3d 110, 118 (2d Cir. 2009) (internal citation and quotation marks omitted). Under this prong, a party seeking a TRO and PI must show that “but for the grant of equitable relief, there is a substantial chance that upon final resolution of the action the parties cannot be returned to the position they previously occupied.” *Brenntag Int’l Chems., Inc. v. Bank of India*, 175 F.3d 245, 249 (2d Cir. 1999); *see also Salinger v. Colting*, 607 F.3d 68, 81-82 (2d Cir. 2010). In addition, the harm must be “neither remote nor speculative, but actual and imminent.” *Freedom Holdings, Inc. v. Spitzer*, 408 F.3d 112, 114 (2d Cir. 2005) (citation omitted).

Here, Henderson satisfies the irreparable harm prong in four ways.

First, her allegations of constitutional violations permit a *per se* finding of irreparable harm. *See e.g., Conn. Dep’t of Env’tl. Prot. V. O.S.H.A.*, 356 F.3d 226, 231 (2d Cir. 2004) (“[W]e have held that the alleged violation of a constitutional right triggers a finding of irreparable injury.”) (internal citations and quotation marks omitted); *Jolly v. Coughlin*, 76 F.3d 468, 482 (2d Cir. 1996) (“[An] *alleged* violation of a constitutional right . . . triggers a finding of irreparable harm.”) (emphasis in original). In her petition, Henderson raised specific allegations of violations of her Fifth Amendment right to due process, both substantive and procedural. *See* ECF No. 1, Pet. for Writ of Habeas Corpus. These allegations center on Respondents-Defendants’ failure to follow the correct legal procedure for the revocation of an Order of Supervision.

Second, Henderson satisfies irreparable harm by demonstrating that but for this Court's granting of equitable relief, there is a substantial chance she cannot be returned to the position he previously occupied. Henderson faces imminent removal.

Third, Henderson raises allegations of constitutional violations, violations of the Administrative Procedure Act (APA) and the *Accardi* doctrine. Henderson satisfies irreparable harm by demonstrating that but for this Court's granting of equitable relief, Henderson cannot be returned to the position that she currently occupies with respect to her constitutional rights and physical presence in the U.S. Since deportation will result in the loss of her right to challenge the illegal revocation of her Order of Supervision she faces a significant irreparable injury absent a TRO.

Fourth, Henderson is likely to win on the merits of her claim that the government's detention of him and their revocation of his order of supervision is unlawful. *See Rombot v. Souza*, 296 F. Supp. 3d 383, 387–88 (D. Mass. 2017). Only individuals who are flight risks or dangers may be detained. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Henderson is neither.

HENDERSON IS LIKELY TO SUCCEED ON HER PETITION

Having demonstrated a likelihood of irreparable harm, Henderson must demonstrate a likelihood of success on the merits of her petition.

Henderson is likely to succeed on her claim that her ongoing detention and imminent removal violate her Fifth Amendment Right to Substantive Due Process and Procedural Due Process, the Administrative Procedures Act and Runs Afoul of the *Accardi* Doctrine.

**A TRO WOULD NOT SEVERELY HARM THE
GOVERNMENT OR PUBLIC INTEREST**

Henderson merits a TRO because a TRO would not significantly impede the government or public interest. In inquiries concerning the government's effort to remove a noncitizen, the government and public interest factors merge as the government is both the opposing litigants and public interest representative. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

Here, temporarily restraining the Respondents from effectuating Henderson's removal would not be detrimental to the government's interest because the requested relief is temporary, narrowly tailored and will only last pending the instant motion.

**THE COURT SHOULD NOT REQUIRE HENDERSON TO PROVIDE SECURITY
PRIOR TO ISSUING A TEMPORARY RESTRAINING ORDER**

Federal Rule of Civil Procedure 65(c) provides that “[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” However, “Rule 65(c) invests the district court with discretion as to the amount of security required, if any.” *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003) (internal quotation marks and citation omitted). District courts routinely exercise this discretion to require no security in cases brought by indigent and/or incarcerated people. *See, e.g., Toussaint v. Rushen*, 553 F. Supp. 1365, 1383 (N.D. Cal. 1983) (state prisoners); *Orantes–Hernandez v. Smith*, 541 F. Supp. 351, 385 n. 42 (C.D. Cal. 1982) (detained immigrants). This Court should do the same here.

STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. Petitioner reserves the right to amend and supplement this Statement of Facts upon receipt of her complete immigration and agency files from her pending Freedom of Information Act (FOIA) requests before USCIS and EOIR.

2. Petitioner Ketkeo Henderson ("Henderson") is a native and citizen of Laos. She was born on  1970, and is currently fifty-five years old.

3. Henderson fled Laos with her mother and two older sisters, when she was approximately five years old, amid the political upheaval following the Vietnam War.

4. After spending several years in a refugee camp in Thailand, Henderson and her family resettled in the United States as refugees in or around 1980, when she was approximately ten years old.¹

5. Following her arrival in the United States, Henderson adjusted her status to that of a lawful permanent resident, a status she maintained until February 3, 2005, when she was ordered removed by the Oakdale Immigration Court.²

6. When Henderson was fifteen years old, her mother passed away from cancer, leaving her older sisters to serve as her guardians.

7. Henderson has extensive and longstanding family and community ties in the United States.

¹ The exact date of entry into the U.S. and adjustment of status is currently unknown, as Respondent cannot recall the precise details due to her young age at the time of entry into the U.S. and because her application for adjustment of status was filed on her behalf as a minor. A Freedom of Information Act (FOIA) request is currently pending to obtain relevant records.

² *Id.*

8. Henderson is the mother of three U.S. citizen adult children: (1) **Tykell Henderson**, a daughter born on [REDACTED] 1993; (2) **Alani Kianta Hathaway**, a daughter born on [REDACTED] 1996; and (3) **Jaysileen Tynak Hathaway**, a son born on [REDACTED] 1998.

9. Henderson is also the grandmother of four U.S. citizen grandchildren.

10. Henderson is married to Mr. Rickey Latinos Haymer, Sr., a U.S. citizen with whom she has shared an eight-year relationship. They were legally married on July 9, 2025, in Tennessee.

11. Mr. Haymer is working on filing a Form I-130, Petition for Alien Relative, on behalf of Henderson, so that Henderson can apply for adjustment of status with a Form I-601, Application for Waiver of Grounds of Inadmissibility.

12. Henderson is the primary caregiver for her older sister, Ms. Deng Kanjanabout, who suffers from chronic medical conditions and limited mobility. Henderson assists her sister with transportation to medical appointments and grocery stores, meal preparation, daily activities, and provides emotional support.

13. Henderson's detention has caused profound emotional and financial distress to her husband, children, grandchildren, and sister, each of whom describe her as "the pillar of the family".

14. Henderson has not returned to Laos since she fled at age five and has no remaining family, contacts, or meaningful linguistic or cultural ties to that country. Henderson cannot read or write Laotian and communicates exclusively in English.

15. On December 12, 2002, Henderson was convicted under Tennessee Code § 39-14-103 in Rutherford County, Tennessee, and sentenced to six years (suspended all but 60 days), six years of probation, and restitution as determined by probation.

16. Henderson successfully completed all conditions of her sentence and probation. In the twenty-three years since her conviction, she has maintained a spotless record and has had no further contact with law enforcement, effectively demonstrating complete rehabilitation, stability, and good moral character.

17. As a result of her conviction, removal proceedings were initiated against Henderson, culminating in a final order of removal issued on February 3, 2005, by the Oakdale Immigration Court.

18. Following the entry of her removal order, ICE released Henderson from custody under an Order of Supervision (OSUP) requiring her to report annually to ICE.

19. Since her OSUP release, Henderson has faithfully complied with every condition of her Order of Supervision for approximately twenty years.

20. Since her release, Henderson has dedicated her life to her family, including her three children, four grandchildren, and husband. She has been consistently employed as a nail technician and has established a loyal clientele. Despite her medical challenges, she has remained productive and self-sufficient.

21. Henderson has been lawfully employed at Nails So Happy as a nail technician since 2018. Her employer, Mr. Duy Dang, describes her as consistently demonstrating "dedication, professionalism, and integrity in her work" and notes that she is often the first to arrive, the last to leave, and is held in the highest esteem by her clients.

22. Henderson has a documented history of leiomyosarcoma, a rare and aggressive gynecological cancer.

23. Henderson's treating oncologist, Dr. Michael Stany of Tennessee Oncology, confirms that Henderson requires ongoing surveillance and follow-up testing every three months

in accordance with the National Comprehensive Cancer Network (NCCN) guidelines to monitor for recurrence or metastasis.

24. Although Henderson's cancer is currently stable, she remains under continuous medical monitoring and is considered at ongoing risk for recurrence. Her next follow-up oncology appointment is scheduled for November 14, 2025.

25. Henderson also suffers from the following chronic medical conditions, including Type 2 diabetes mellitus (insulin-dependent); hypertension; hyperlipidemia; hypothyroidism; urticaria, and osteoarthritis.

26. Henderson's medicine regimen includes: (1) Jardiance 10 mg (diabetes); (2) 1600 Lantus Solostar injection (insulin); (3) Levothyroxine 75 mcg (hypothyroidism); (4) Losartan 25 mg (hypertension); (5) Atorvastatin (high cholesterol).³

27. While detained, Henderson's access to specialized medical care and consistent medication management has been severely disrupted, placing her at grave medical risk.

28. On August 6, 2025, Henderson reported for her routine ICE check-in in Tennessee, where she was taken into custody without prior notice.

29. Henderson was subsequently transferred to the South Louisiana ICE Processing Center in Basile, Louisiana.

30. On October 22, 2025, through Counsel, Henderson submitted an Urgent OSUP Request to ICE seeking to be released based on humanitarian and health-related grounds. On October 29, 2025, Assistant Field Office Director Charles G. Ward denied the request.

31. On or about November 2, 2025, Henderson was transferred to the ERO El Paso Camp East Montana facility in El Paso, Texas, where she remains detained.

³ *Id.*

32. ICE has been unable to remove Henderson to Laos since 2005.

33. Given these facts, Henderson's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6), and the constitutional principles articulated in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Despite her two decades of full compliance under supervision, her advanced age, medical vulnerability, and deep community ties, ICE has arbitrarily revoked her Order of Supervision and re-detained her without justification. Her ongoing detention serves no legitimate governmental purpose, contravenes due process, and warrants immediate judicial intervention.

CONCLUSION

Henderson respectfully requests that the Court grant her motion for a temporary restraining order and maintain the status quo until this Court has an opportunity to assess Henderson's underlying petition.

Dated: November 4, 2025

Respectfully submitted,

/s/ Veronica Semino

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