CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

ANTONIO DELGADO JAIMES

(b) County of Residence of First Listed Plaintiff Travis
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

Georgia S Laurent 13785 research Blvd, Ste 125
SanLaurent Law Group Austin, TX 78750 512-693-9343

DEFENDANTS

Reynaldo Castro, Sylvester Ortega, Pamela J. Bondi, Todd M. Lyons, Kristi Noem

County of Residence of First Listed Defendant Frio County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

Lacy L. McAndrew
Mary F. Kruger

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☒ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☒ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
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- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☒ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. § 2241

Brief description of cause:
Unlawful Detention of Alien Having Granted Relief

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE Xavier Rodriguez DOCKET NUMBER 5:25-cv-01434-XR

DATE 11/12/2025

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Antonio Delgado-Jaimes,	§
Petitioner,	§ No.5:25-cv-01434-XR
V.	§
Pamela J. Bondi, Attorney General of the United States	§
Reynaldo Castro, Warden, South Texas Ice Processing Center;	§
Sylvester Ortega, Field Office Director, ICE;	§
Todd M. Lyons, Director, Ice;	§
Kristi Noem, Secretary, Department of Homeland Security.	§

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Designation as EMERGENCY is warranted. Each day of custody inflicts irreparable harm: Petitioner's physical liberty is restrained; health is disrupted; and the Government has threatened removal steps without affording the country-specific protections and procedures required by law. No adequate remedy exists absent immediate intervention. Petitioner therefore respectfully requests that the Court: (1) enjoin removal and any transfer from this Division pending resolution; (2) restore Petitioner to supervised release; (3) set the matter for an expedited hearing at the Court's earliest availability; and (4) under Rule 65(c), waive security or set a nominal bond given the constitutional claims asserted against the Government. Mr. Delgado Jaimes has been held in ICE custody for 118 days – since July 17, 2025. He filed his Petition for Writ of Habeas Corpus on November 5, 2025.

Petitioner Antonio Delgado-Jaimes, by and through undersigned counsel, respectfully moves this Court for a temporary restraining order and preliminary injunction ordering his immediate release from unlawful detention at the South Texas Detention Facility in Pearsall, Texas. This Motion seeks emergency relief to halt an ongoing deprivation of liberty that violates federal regulations, exceeds statutory authority, and contravenes constitutional guarantees of due process. This motion is supported by the following facts and legal authorities.

For over eight years (2017–2025), Petitioner lived in Rodgers, Texas, under an Order of Supervision without incident—attending every government mandated check-in, committing no crimes, after in 2017 the Pearsall immigration judge ("IJ") grant of Withholding of Removal protection under 8 U.S.C. §1231(b)(3) (which remains in force and bars removal to Mexico). On July 17, 2025, Immigration and Customs Enforcement detained him at a scheduled office visit—without written notice of revocation, without the mandatory informal interview, and without any individualized finding or signature by an official with delegated revocation authority—and has provided no country-specific reasonable-fear process for any third-country removal. See 8 C.F.R. §§ 241.4(l)(1)–(2), 241.13, 208.31, 1208.31(g), and 1241.8(e).

During this time, he has provided for his family, which includes two U.S. citizen children. His sudden detention has caused significant irreparable harm to his family, including the recent birth of his second child on [redacted], 2025, whom he has not been able to meet. The government has provided no indication that removal is imminent. No receiving country has agreed to accept him, and ICE has made no progress in securing travel documents. Under these circumstances, continued detention is both unlawful and arbitrary, and immediate judicial intervention is warranted. These facts and the supporting record are set out in the habeas petition, which is incorporated here.

FACTUAL BACKGROUND

Petitioner incorporates by reference all factual allegations set forth in his Petition for Writ of Habeas Corpus filed on November 5, 2025.

LEGAL STANDARD

1. The purpose of a TRO is to preserve the status quo and prevent irreparable harm until the court makes a final decision on injunctive relief. A temporary restraining order or preliminary injunction

may be granted where the moving party demonstrates: (1) a likelihood of success on the merits; (2) a substantial threat of irreparable harm; (3) that the balance of equities favors the moving party; and (4) that the injunction serves the public interest.[1]

2. A preliminary injunction is appropriate when: (1) the movant has shown a substantial likelihood of success on the merits; (2) there is a substantial threat that the movant will suffer irreparable harm if the injunction is denied; (3) the threatened injury to the movant outweighs the threatened harm to the opposing party; and (4) granting the injunction will not disserve the public interest. *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 20 (2008); *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012).

3. When the government is the opposing party, the third and fourth factors merge because "the Government's interest in enforcing its laws is always substantial." *Nken v. Holder*, 556 U.S. 418, 435 (2009).

4. All four elements must be demonstrated to obtain injunctive relief. *Lakey*, 667 F.3d at 574.

ARGUMENT

I. Likelihood of Success on the Merits

5. Petitioner is likely to succeed on his habeas petition because his detention is unlawful. He has demonstrated a substantial—indeed overwhelming—likelihood of success on multiple independent grounds: (1) ICE violated mandatory procedural requirements for revoking supervised release; (2) Petitioner's detention violates *Zadvydas* because removal is not reasonably foreseeable; and (3) ICE exceeded its authority by attempting to nullify judicially granted Withholding of Removal protection. Each ground independently warrants granting the requested relief. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

[1] Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); see Enrique Bernat F., S.A. v. Guadalajara, Inc., 210 F.3d 439, 442 (5th Cir. 2000).

ICE Violated Mandatory Procedural Requirements for Revoking Supervised Release

The record shows a wholesale failure to comply: no revocation signed by an official **with proper delegated authority**; no contemporaneous written notice stating that supervision was revoked or why (in fact, only approximately two months after his detention, around the end of August 2025, did Respondents conduct a cursory *post hoc* revocation, without his counsel present, *see ECF No. 1 at page 5*. According to the Petitioner, the post hoc "revocation documents" provided do not indicate any reasons why they decided to revoke his order of supervision. In addition, said notice has not been provided to the Petitioner's counsel. The respondents have not provided a significant likelihood of removal in the reasonably foreseeable future, and still to date, after four months, have provided no evidence of it. *See ECF No. 1, Exhibit 11*.

6. Rather, removal is no more likely now after more than eight years on supervision and eight years after his final removal order. Nor has ICE identified any violation of supervision conditions. The Respondents have tried to browbeat and threaten him with lengthy detention in order to try to coerce him to sign stating he is no longer in fear of Mexico, which he has refused to do.

7. Revocation authority is vested by 8 C.F.R. § 241.4(l)(2) in the Executive Associate Director for ERO, and—only if referral is not reasonably possible—the Field Office Director. Here, the plain language requires a "District Director" to issue the revocation. The Petitioner requires proof that the officer who issued said document has the authority to do so. A Deputy Field Office Director is not a named official in the regulation. Naming the decisionmakers excludes others; a notice or decision issued by a deportation officer (or signed "for" a superior) is *ultra vires* under *Accardi* (*United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954)).

> l) Revocation of release— (1) Violation of conditions of release. Any alien described in paragraph (a) or (b)(1) of this section who has been released under an order of

> supervision or other conditions of release who violates the conditions of release may be returned to custody. Any such alien who violates the conditions of an order of supervision is subject to the penalties described in section 243(b) of the Act. Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.
>
> (2) Determination by the Service. The Executive Associate Commissioner shall have authority, in the exercise of discretion, to revoke release and return to Service custody an alien previously approved for release under the procedures in this section. A district director may also revoke release of an alien when, in the district director's opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner. Release may be revoked in the exercise of discretion when, in the opinion of the revoking official:
>
> (i) The purposes of release have been served;
> (ii) The alien violates any condition of release;
> (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or
> (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.
>
> (3) Timing of review when release is revoked. If the alien is not released from custody following the informal interview provided for in paragraph (l)(1) of this section, the HQPDU Director shall schedule the review process in the case of an alien whose previous release or parole from immigration custody pursuant to a decision of either the district director, Director of the Detention and Removal Field Office, or Executive Associate Commissioner under the procedures in this section has been or is subject to being revoked. The normal review process will commence with notification to the alien of a records review and scheduling of an interview, which will ordinarily be expected to occur within approximately three months after release is revoked. That custody review will include a final evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release. Thereafter, custody reviews will be conducted annually under the provisions of paragraphs (i), (j), and (k) of this section.
> § 241.4 Continued detention of inadmissible, criminal, and other aliens beyond the removal period.

The regulation specifically requires notification of "the reasons for the revocation . ." and an opportunity to respond to "the reasons for the notification stated in the notification." Respondents do not adequate reasons. 8 C.F.R. § 241.4(l) requires notice and an interview be given to the alien "promptly" upon return to custody". Moreover, the ICE revocation notice contains no allegation that Petitioner violated a condition of supervision. The Notice simply informs him that his case has been

reviewed and it has been determined that he will be kept in the custody of the U.S. Immigration and Customs Enforcement (ICE) at this time.

The Respondents' action is *ultra vires* under *Accardi.* Also, simply reciting the regulatory language is not enough –An agency must also show that it actually considered the relevant factor—simply "[s]tating that a factor was considered … is not a substitute for considering it.[2] These are not technicalities; they are the core safeguards that prevent arbitrary detention. Federal agencies are bound by their own regulations, which have the force and effect of law, and disregard renders decisions invalid. *Gulf States Mfrs., Inc. v. NLRB*, 579 F.2d 1298, 1308 (5th Cir. 1978); see *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (*per curiam*).

8. ICE's failure to comply with these self-imposed procedural safeguards renders Petitioner's detention unlawful and void. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

Detention Violates Zadvydas Because Removal Is Not Reasonably Foreseeable

9. The Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), that due process prohibits indefinite post-removal-order detention. The Court established that detention is limited to the period reasonably necessary to bring about the removal. *Id.* at 699.

10. The Court specifically stated: "if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." *Id.* at 699-700.

11. After a presumptively reasonable six-month period, the burden shifts to the Government to prove that removal is reasonably foreseeable. *Id.* at 701.

12. However, even within the six-month period, whether detention is constitutional hinges on whether removal is reasonably likely in the foreseeable future. *Ali v. Dep't of Homeland Sec.*, 451 F. Supp. 3d

[2] Getty v. Fed. Sav. & Loan Ins. Corp., 805 F.2d 1050, 1055 (D.C. Cir. 1986).

703, 707 (S.D. Tex. 2020) (the "six-month presumption is not a bright line" and *Zadvydas* "did not require a detainee to remain in detention for six months . . . before a habeas court could find that the detention is unconstitutional").

13. Petitioner's judicially-granted Withholding protection, which remains in full force and effect, bars his removal to Mexico—the country specified in his removal order and the only country to which he has any claim of citizenship or legal status.

14. ICE cannot lawfully remove Petitioner to Mexico without first formally terminating his withholding of removal protection through proceedings before an Immigration Judge. ICE has not initiated any such proceedings and has given no indication that it intends to do so. This legal barrier to removal has existed for over eight years since the Immigration Judge granted withholding protection in 2017. ICE has suggested possible removal to a third country but has taken no lawful steps toward such removal. ICE has not initiated proceedings to terminate Petitioner's withholding protection through an IJ; ICE has not provided the required reasonable fear screening under 8 C.F.R. §1208.31; ICE has not obtained cooperation from any other third country; ICE has not requested Petitioner's assistance in obtaining travel documents; ICE has provided no evidence that any country has agreed to accept Petitioner or that travel documents are being processed; ICE has not even officially informed Petitioner which country it intends to remove him to.

15. The government's track record demonstrates that removal is not foreseeable: Petitioner's removal order dates to 2017—over eight years ago. For over eight years, the government has been unable to identify any third country willing to accept Petitioner. Considering all of these factors—the insurmountable withholding protection barrier, the procedural requirements that must be satisfied, the government's eight-year failure to identify a willing third country, the lack of any current removal efforts—there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future.

16. Petitioner has demonstrated good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. The Government cannot meet its burden to prove otherwise. Petitioner therefore has a substantial likelihood of success on his *Zadvydas* claim.

17. Under deeply rooted principles of administrative law, not to mention common sense, government agencies are generally required to follow their own regulations." *Fed. Defs. of New York, Inc. v. Fed. Bureau of Prisons*, 954 F.3d 118, 130 (2d Cir. 2020); see also *Gulf States Mfrs., Inc. v. Nat'l Labor Relations Bd.*, 579 F.2d 1298, 1308 (5th Cir. 1978) ("It is well settled that an Executive Agency of the Government is bound by **its own** regulations, which have the force and effect of law, and the failure of an agency to follow its regulations renders its decision invalid."); *Gov't of Canal Zone v. Brooks*, 427 F.2d 346, 347 (5th Cir. 1970) (*per curiam*) ("It is equally well established that it is a denial of due process for any government agency to fail to follow its own regulations providing for procedural safeguards to persons involved in adjudicative processes before it."). Multiple courts have held that the government's failure to follow its own immigration regulations may warrant the release of a detained noncitizen. See, e.g., *Bonitto*, 547 F. Supp. 2d at 756; *Zhu v. Genalo*, No. 1:25-cv-06523 (JLR), 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *Guillermo M.R. v. Kaiser*, No. 25-cv-05436-RFL, —— F.Supp.3d ——, 2025 WL 1983677 (N.D. Cal. July 17, 2025); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 165 (W.D.N.Y. 2025); *Rombot v. Souza*, 296 F. Supp. 3d 383, 389 (D. Mass. 2017) ("While ICE does have significant discretion to detain, release, or revoke aliens, the agency must still follow its own regulations, procedures, and prior written commitments."). The government's position that it can choose, based on a **change in administration**, not to comply with its own regulations is unprecedented. *Villanueva v. Tate*, 2025 WL 2774610, at *7 (S.D.Tex., 2025).

II. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief

1. The loss of physical liberty—the most fundamental of all freedoms—constitutes irreparable harm per se. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

2. Each day Petitioner remains detained without due process constitutes a continuing violation of his constitutional rights. These violations cannot be remedied by money damages after the fact.

3. Petitioner is the sole provider for his family, and his wife is currently in the *postpartum* period. Their newborn daughter, born in October after the Petitioner's detention, has not yet met her father. The family is relying on donations to meet their basic needs, a situation that is not sustainable in the long term.

4. For eight years, Petitioner maintained stability through supervised release: Living with family who provide support; Accessing health care and medications; Maintaining employment authorization & a driver's license; Complying with all requirements.

5. His unlawful detention destroys this stability and causes immense hardship on himself, his wife and children. This harm cannot be undone. And because § 241.4(l) safeguards are liberty-protective, continued custody imposed without those safeguards is itself an ongoing constitutional injury not compensable by damages.

6. He will suffer irreparable harm were he to remain detained after being deprived of his liberty and subjected to unlawful incarceration by immigration authorities without being provided the constitutionally adequate process that this motion for a temporary restraining order seeks. Detainees in ICE custody are held in "prison-like conditions." *Preap v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016). As the Supreme Court has explained, "[t]he time spent in jail awaiting trial has a detrimental

impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972); accord *Nat'l Ctr. for Immigrants Rights, Inc. v. I.N.S.*, 743 F.2d 1365, 1369 (9th Cir. 1984). Moreover, the Ninth Circuit has recognized in "concrete terms the irreparable harms imposed on anyone subject to immigration detention" including "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez*, 872 F.3d at 995.

7. The government itself has documented alarmingly poor conditions in ICE detention centers. See, e.g., DHS, Office of Inspector General (OIG), Summary of Unannounced Inspections of ICE Facilities Conducted in Fiscal Years 2020-2023 (2024) (reporting violations of environmental health and safety standards; staffing shortages affecting the level of care detainees received for suicide watch, and detainees being held in administrative segregation in unauthorized restraints, without being allowed time outside their cell, and with no documentation that they were provided health care or three meals a day). See also "*Concerns Grow Over Dire Conditions in Immigrant Detention: Mass immigration arrests have led to overcrowding in detention facilities, with reports of unsanitary and inhumane conditions*," Miriam Jordan and Jazmine Ulloa, New York Times, July 1, 2025, available at https://www.nytimes.com/2025/06/28/us/immigrant-detention-conditions.html (visitor reported that several detainees complained that they had been given few opportunities to shower, had been limited to two bottles of drinking water per day and were unable to flush their toilets for days at a time.) See also "*Under Trump Policy, Bonds for Immigrants Facing Deportation Are Vanishing*," Miriam Jordan, New York Times, September 24, 2025, https://www.nytimes.com/2025/09/24/us/immigrants-trump-detention.html ("[D]enying bonds is just the latest move by this administration to pressure people into giving up and leaving the United States, including many who would likely win their case to stay," said Madeline Lohman, a director at the

Advocates for Human Rights, a nonprofit in Minneapolis that monitors the immigration court that covers Minnesota, North Dakota and South Dakota.") .

8. In addition, see Austin Kocher, *"'You Have Arrived in Hell': New Evidence Confirms Torture of Deported Venezuelans in El Salvador,"* **Substack** (Nov. 12, 2025), https://austinkocher.substack.com/p/you-have-arrived-in-hell. In his November 12, 2025 article, Austin Kocher reports on an 81-page investigation by Human Rights Watch (HRW) and Cristosal documenting the systematic torture of 252 Venezuelans deported by the Trump administration to El Salvador's CECOT mega-prison in March and April 2025. According to the report, nearly half of those deported had no criminal record, and many were asylum seekers whose cases were pending in U.S. immigration courts. The research—based on more than 190 interviews, forensic review, and corroboration by UC Berkeley's Human Rights Center—found that detainees were beaten, psychologically abused, sexually assaulted, and held incommunicado for months under conditions that meet the international definition of torture and enforced disappearance.

9. Kocher emphasizes that these abuses were systematic and foreseeable, not isolated incidents, and that the United States is legally and morally complicit for funding the detentions and transferring people to known conditions of torture, violating the principle of *non-refoulement.* The U.S. knowingly disregarded its own State Department reports warning of inhumane conditions in El Salvador's prisons. The piece concludes that torture and enforced disappearance can never be justified as immigration enforcement tools and calls for accountability from both U.S. and Salvadoran governments. *See Exhibit 1* attached. Here, the Respondents are doing exactly that. They are enforcing a new policy of detaining individuals indiscriminately, with the intent to break them down emotionally so they will either sign their own deportation to a country where they fear persecution

and death, or accept removal to any other place where they are equally at risk of losing their lives or being ultimately refouled to their country of origin, where they face grave danger.

III. The Balance of Hardships Tips Sharply in Favor of Petitioner

10. Petitioner suffers the most severe hardship possible under our constitutional system— deprivation of physical liberty—in violation of constitutional and regulatory requirements. He experiences:

A. Ongoing violation of fundamental constitutional rights;

B. Separation from family and established support systems;

C. Destruction of the stability maintained for eight years;

D. Loss of income for himself and his family;

E. Loss of a major event in his life (the birth of his daughter);

F. Indefinite detention with no foreseeable end date.

11. Ordering Petitioner's release or providing a bond hearing imposes minimal burden on the Government.

12. Restoring Petitioner to supervised release returns him to the very status he maintained without incident for eight years (2017–2025). The Government already determined in 2017 that he was neither dangerous nor a flight risk; nothing since suggests otherwise. He has no criminal record since release, never absconded, appeared for every check-in, lives with his wife and children in Rodgers, and has a community there.

13. The Government's legitimate interest is in lawful detention only—not detention procured in defiance of statute or rule. It may not detain where removal is not reasonably foreseeable, may not ignore its own liberty-protective regulations, and may not swap process for a policy slogan. *Villanueva v. Tate*, No. H-25-3364 2025 WL 2774610 *5 (S.D. Tex. Sept. 26, 2025).

14. The equities are lopsided. Physical freedom is a core constitutional value; its loss is a "grievous" harm that weighs heavily in any balance. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972). Against Petitioner's continued unlawful confinement and ongoing constitutional injury, the Government can claim only a minimal administrative burden from restoring lawful supervision. The balance tips sharply—indeed, overwhelmingly—in Petitioner's favor.

IV. Granting the Injunction Serves the Public Interest

15. The public has a profound interest in ensuring that government agencies comply with constitutional requirements and respect fundamental rights. Allowing ICE to detain individuals without following mandatory procedural requirements undermines the rule of law.

16. Federal agencies must follow their own regulations. The public interest is served by compelling ICE to comply with mandatory procedural requirements in 8 C.F.R. §§ 241.4(l) and 241.13. Agencies cannot be permitted to ignore regulatory safeguards designed to protect individual liberty simply because enforcement priorities have changed. For eight years, Petitioner successfully complied with supervised release—attending every check-in, committing no crimes, maintaining stable residence, and cooperating fully with ICE. This demonstrates that supervised release can be an effective alternative to detention.

18. The public interest is served by using the least restrictive means necessary to achieve immigration enforcement objectives. Unnecessary detention imposes significant costs on taxpayers; causes unnecessary hardship to individuals and families; strains detention resources that could be used for individuals who actually pose dangers or flight risks; and undermines public confidence in the fairness of the immigration system.

19. The public interest strongly—indeed overwhelmingly—favors granting the injunction: Every relevant public interest consideration supports granting injunctive relief. There is no legitimate public interest in maintaining unlawful detention.

PROPOSED INJUNCTIVE RELIEF

Petitioner respectfully asks the Court to grant the following preliminary relief:

1. Order immediate release to the prior Order of Supervision (or substantively equivalent conditions), consistent with 8 U.S.C. § 1231(a)(3) and ICE's eight-year course of supervised compliance.

2. Declare that ICE's revocation and detention violated binding regulations—8 C.F.R. §§ 241.4(l), 241.13, and the country-specific protections in §§ 1208.31 & 1241.8(e)—and violated due process.

3. DHS may not attempt third-country removal without first providing country-specific notice and the reasonable-fear process (including de novo IJ review upon request) mandated by 8 C.F.R. § 1208.31(g).

4. Enjoin any transfer from the current facility during the pendency of this case and require 48-hours' written notice to counsel before any attempted removal action.

Respectfully submitted on November 12, 2025.

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