

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

**Carlos Noe Mendoza,**  
*Petitioner,*

v.


**MIGUEL VERGARA,**  
in his official capacity as Field  
Office Director, Harlingen Field  
Office, U.S. Immigration &  
Customs Enforcement;

**TODD LYONS,**  
In his official capacity as Acting  
Director, U.S. Immigration and  
Customs Enforcement,

**KRISTI NOEM,**  
In her official capacity as Secretary  
of Homeland Security,

*Respondent.*

**Civil Action No. 25-CV-253**

**Immigration No. A** 

**EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING  
ORDER**

*Oral Argument Requested*

**EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER**

Mr. Carlos Noe Mendoza (“Mr. Mendoza”) is a citizen of El Salvador who is presently being held at the Port Isabel Service Processing Center in Los Fresnos, Texas. On January 5, 2023, Mr. Mendoza was granted deferral of removal under the Convention Against Torture (“CAT”). Upon information and belief, the order states that Mr. Mendoza may not be removed to the country of El Salvador. In order to grant CAT relief, an Immigration Judge must find that a noncitizen is “more likely than not” to be persecuted or tortured in his country of citizenship.

Upon information and belief, ICE intends to imminently remove Mr. Mendoza to a third country, to wit, Mexico, without any opportunity to challenge such removal or otherwise raise a

fear of return, under the current administration's third country removal policies. This removal of Petitioner to a third country without an opportunity to challenge it is in violation of Petitioner's due process rights, statutory law, and/or agency regulations, and is in effect a manner of refoulement of Petitioner to El Salvador without due process, as Mexico is likely to remove Petitioner to his country of persecution.

Accordingly, Petitioner seeks a temporary restraining order on an emergency basis. Petitioner requests an order that he may not be removed to a Third Country without having the opportunity to challenge such removal. Without relief from this Court, Petitioner faces the prospect of being removed to his country of persecution, El Salvador, through a back channel means, via third-country removal to Mexico.

Therefore, Mr. Mendoza asks this court to without delay issue a temporary restraining order to prevent his imminent removal, to preserve the status quo and prevent irreparable harm, until such time as the Court may decide the matters on the merits.

Dated: November 7, 2025

/s/ Matthew K. Borowski

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Matthew K. Borowski  
*Attorney for Petitioner*  
4343 Union Road,  
Buffalo NY 14225  
E-mail: [matthew@borowskilaw.com](mailto:matthew@borowskilaw.com)  
Tel: 716-330-1503