

2. Petitioner entered the United States on or about October 10, 2023, at approximately 15 years of age. He is now 17 years old and remains a minor under federal law.

3. On February 19, 2025, an Immigration Judge ordered Petitioner removed. The removal order was issued after Petitioner's prior counsel—who was not from undersigned counsel's office—filed an incomplete and inadequate application for relief that was pretermitted by the Immigration Judge. Counsel failed to meaningfully develop the factual record, failed to supplement the filing, and failed to timely appeal the order to the Board of Immigration Appeals. As a result, Petitioner now faces a final order of removal that became administratively final in or around March 2025.

4. On or about October 1, 2025, months after the removal order became final, Petitioner was taken into immigration custody and placed in an adult immigration detention facility under the authority of U.S. Immigration and Customs Enforcement ("ICE"), purportedly pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and INA § 241, 8 U.S.C. § 1231, which the Government construes as authorizing his continued post-order detention.

5. Petitioner has now been detained for over one month in ICE custody and, counting from his final order of removal on February 19, 2025, his post-order detention has exceeded the six-month period the Supreme Court identified as presumptively reasonable in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

6. Petitioner's prolonged incarceration—particularly as a minor under a final order of removal—violates the Fifth Amendment's Due Process Clause, the Immigration and Nationality Act ("INA"), and specific federal statutes and agreements governing the treatment of children in immigration custody, including the Trafficking Victims Protection Reauthorization Act

(“TVPRA”), 8 U.S.C. § 1232, the Office of Refugee Resettlement (“ORR”) statute, 6 U.S.C. § 279, and the Flores Settlement Agreement, which collectively require that children be held in the least restrictive setting and released without unnecessary delay to a suitable sponsor.

7. Supreme Court precedent—*Plyler v. Doe*, 457 U.S. 202 (1982); *Reno v. Flores*, 507 U.S. 292 (1993); *Zadvydas v. Davis*, 533 U.S. 678 (2001); and *Clark v. Martinez*, 543 U.S. 371 (2005)—together with Fifth Circuit law construing immigration detention statutes through habeas review, make clear that the Government may not warehouse a minor in civil immigration detention indefinitely based only on a generalized policy and without a meaningful individualized determination. *Zadvydas* and *Clark* are especially instructive here, because they interpret INA § 241 to forbid open-ended post-order detention when removal is not reasonably foreseeable.

8. Petitioner seeks an order granting the writ of habeas corpus and directing his immediate release from ICE custody to an appropriate sponsor, or at minimum, to a setting consistent with the TVPRA, 6 U.S.C. § 279, and *Flores*, and a declaration that his continued detention is unlawful.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Petitioner moves for a Temporary Restraining Order (“TRO”) and preliminary injunction ordering Respondents to immediately release him from ICE custody, or at minimum, to transfer him to a child-appropriate, least-restrictive setting under ORR supervision and to cease detaining him in an adult immigration detention facility.

I. INTRODUCTION AND FACTUAL BACKGROUND

1. Petitioner incorporates by reference the facts set forth in the Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.
2. Petitioner is a 17-year-old child with no criminal record in the United States. He entered the country on October 10, 2023 at the age of 15 and was ordered removed on February 19, 2025 after his prior counsel filed an incomplete and inadequate application for relief that was pretermitted by the Immigration Judge.
3. No timely appeal was filed with the Board of Immigration Appeals, and Petitioner's order of removal became administratively final in or around March 2025.
4. On or about October 1, 2025, ICE arrested Petitioner and placed him in an adult immigration detention facility in this District, invoking INA § 241, 8 U.S.C. § 1231, and the Board's decision in *Matter of Yajure Hurtado* as the basis for his continued detention.
5. As of the filing of this Motion, Petitioner has been detained for over one month in adult ICE custody, and his total post-order detention now exceeds six months from the date his removal period began following the February 19, 2025 order.
6. Removal is not reasonably foreseeable, and the Government has not shown that any concrete steps have been taken to secure Petitioner's removal in the near future. Instead, the Government seeks to rely on a categorical interpretation of INA § 241 and *Yajure Hurtado* to justify indefinite detention of a child.

II. LEGAL STANDARD AND ARGUMENT

7. Under Fifth Circuit precedent, a TRO and preliminary injunction are warranted where the movant establishes: (1) a substantial likelihood of success on the merits; (2) a substantial threat

of irreparable injury; (3) that the threatened injury outweighs any harm the injunction might cause the defendants; and (4) that the injunction will not disserve the public interest. See *Mississippi Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985); *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 582–85 (5th Cir. 2013).

8. Petitioner is substantially likely to succeed on his habeas claims because, under *Zadvydas* and *Clark*, INA § 241 cannot be construed to authorize indefinite or unreasonably prolonged post-order detention, particularly of a minor, where removal is not reasonably foreseeable and less restrictive alternatives are available. Petitioner is a child with no criminal history, removal is not imminent, and there is no evidence that he poses a danger or serious flight risk that cannot be reasonably mitigated by conditions of release.

9. Petitioner faces irreparable harm in the absence of immediate relief because every additional day of detention inflicts serious psychological and emotional harm on a child and constitutes an ongoing deprivation of liberty and due process that cannot be remedied by money damages. Courts in this Circuit recognize that the loss of constitutional rights, even for minimal periods of time, constitutes irreparable injury.

10. The balance of equities and the public interest strongly favor an injunction, as the Government's interests in enforcing immigration law and ensuring appearance at proceedings can be fully served through less restrictive means, while the harm to Petitioner from continued detention is grave and compounding.

III. REQUESTED RELIEF

11. For these reasons, Petitioner respectfully asks that the Court issue an immediate Temporary Restraining Order directing Respondents to release him from ICE custody within 48 hours to a parent, legal guardian, or other suitable sponsor under reasonable conditions of supervision, or, in the alternative, order his prompt transfer to an ORR-supervised, least-restrictive setting consistent with 8 U.S.C. § 1232, 6 U.S.C. § 279, and the Flores Settlement Agreement, and to schedule an expedited hearing on a preliminary injunction.

Respectfully submitted,

/S/ Matthew Mendez

Matthew Mendez
Bar No.: 24098092
Mendez Law Office, PLLC
6300 Gulfton St.,
Houston, TX 77081
Telephone: 346-205-4343
Fax: 281-596-4413

Attorney for Petitioner

PETITIONER VERIFICATION

Petitioner CMC is currently detained in ICE custody, and has authorized Counsel, Matthew Mendez, to verify, on his behalf, that the facts stated therein are true and correct to the best of his knowledge and belief.

/S/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

11/11/2025

Date

CERTIFICATE OF SERVICE

On November 11, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Brett Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations, Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint dr., Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez

11/11/2025

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On November 11, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez

11/11/2025

Matthew Mendez
Attorney for Petitioner

Date

CERTIFICATE OF SERVICE

On November 11, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at (1) U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001; and (2) to the Assistant Attorney General for Administration, U.S. Department of Justice, Justice Management Division, 950 Pennsylvania Avenue, NW, Room 1111, Washington, D.C. 20530; and (3) to the United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

11/11/2025

Date