

the risk of summary removal or out-of-district transfer that would defeat this Court's jurisdiction and Petitioner's access to counsel. See Rule 65(b)(1)(A). Petitioner's counsel will file a certification detailing efforts to give notice and why notice should not be required at this time. See Rule 65(b)(1)(B).

Grounds

3. Petitioner has reason to expect (1) Substantial likelihood of success on the merits; (2) irreparable harm absent relief; (3) the balance of equities favors Petitioner; (4) the public interest supports preserving the status quo and safeguarding access to the courts.** (1) Substantial likelihood of success on the merits; (2) irreparable harm absent relief; (3) the balance of equities favors Petitioner; (4) the public interest supports preserving the status quo and safeguarding access to the courts.

FACTS (ABBREVIATED)

4. Petitioner is a citizen/national of Venezuela, married to a U.S. citizen (Jorge Abraham De Leon, Jr.). A Form I-130 was filed on her behalf May 19, 2025; she has strong North Texas ties (resides in Mansfield, TX).
5. She was detained at a routine ICE check-in (check-ins ongoing since Jan. 2022).
6. She is presently detained at Karnes County Detention Facility under ICE authority.
7. She has no criminal history, is not a danger, and is not a flight risk.

Equities

INCORPORATION BY REFERENCE

8. Petitioner attaches as Exhibit 1 the Motion for Bond filed in Immigration Court on October 23, 2025, together with its exhibits. Petitioner incorporates by reference all facts, declarations, and documentary exhibits A-D contained therein as if set forth fully here. For the Court's convenience, those exhibits to the Motion for Bond are: Exhibit A (I-130 receipt), Exhibit B (marriage evidence, to U.S. Citizen Jorge Abraham DeLeon Jr.: license with photos), Exhibit C (employment reference and 17 character letters), and Exhibit D (husband Mr. DeLeon Texas Driver License and birth certificate: born in Ft. Worth, Texas.).
9. Petitioner also attaches Exhibit 2, Denial of the Motion for Bond with no individualized explanation, Exhibit 3, Date of first Jailing, and Exhibit 4, Notice of Individual Hearing set for February 14, 2028.

Jurisdiction & Proper Forum

10. Habeas jurisdiction and Venue over a detainee under 28 U.S.C. § 2241 lies where the Petitioner is in custody in this District; the Warden of the Karnes Detention Center in Karnes County exercises control over Petitioner and the facility lies within W.D. Texas.

LEGAL STANDARD

11. A TRO/PI issues when the movant shows (1) a substantial likelihood of success on the merits, (2) irreparable harm absent relief, (3) the balance of equities favors relief, and (4) the public interest supports it. See *Winter v. NRDC*, 555 U.S. 7, 20 (2008).

Texas v. United States, 809 F.3d 134, 150–51 (5th Cir. 2015). The Fifth Circuit applies the same standard to TROs and preliminary injunctions. *Valley v. Rapides Par. Sch. Bd.*, 118 F.3d 1047, 1051 (5th Cir. 1997); *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). The Court may waive or set nominal security under Rule 65(c) in public-interest cases. *Kaepa, Inc. v. Achilles Corp.*, 76 F.3d 624, 628 (5th Cir. 1996); *City of Atlanta v. MARTA*, 636 F.2d 1084, 1094 (5th Cir. 1981).

ARGUMENT

Likelihood of Success (28 U.S.C. § 2241; due process; All Writs)

12. Unlawful/unduly prolonged custody & failure to consider least-restrictive alternatives under 8 U.S.C. § 1226(a) and the Fifth Amendment. ICE must consider non-punitive, less-restrictive conditions based on individualized factors; continued incarceration of a married, employed, charge-free noncitizen with extensive Texas ties is arbitrary and excessive relative to the government's goals.
13. The Due Process Clause requires procedures commensurate with the liberty at stake. When the Government seeks to curtail physical liberty, it should bear a heightened burden—clear and convincing evidence—because the risk of erroneous deprivation is grave. See, by analogy, *Addington v. Texas* (civil commitment) and *Santosky v. Kramer* (parental rights). To jail a person for over two years without a criminal charge, much less a conviction, is uncalled for, excessive and an assault on Petitioner's Fifth Amendment rights. She is married to a U.S. Citizen, has a home and a job, pays taxes. She is the definition of a person who is not a flight risk.

14. Anti-transfer authority. The All Writs Act, 28 U.S.C. § 1651, authorizes orders necessary to preserve habeas jurisdiction, including anti-transfer injunctions to prevent forum-divesting moves that would frustrate review.

Irreparable Harm

15. Every additional day of unlawful detention is irreparable. The 282-mile distance to counsel impedes case preparation and chills access to courts; detention also jeopardizes Petitioner's family life. See *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Balance of Equities & Public Interest

16. The government suffers no cognizable harm from maintaining the status quo while the Court adjudicates the legality of detention. The public interest is served by lawful, non-arbitrary detention and the efficient use of scarce detention resources. It imposes substantial taxpayer expense to jail a non-dangerous civil detainee with deep, verifiable ties and a near-term lawful immigration pathway. Less restrictive alternatives (recognizance, reporting, or ATD) accomplish the Government's goals at far lower cost and without inflicting unnecessary harm on Petitioner, her husband and her community.

Consistency with the All Writs Act Promotes Fundamental Fairness

17. The All Writs Act permits interim relief to protect this Court's jurisdiction. Prolonged detention without individualized, evidence-based justification—particularly where an immigration judge has granted bond and DHS nevertheless persists in opposing release—fails any logical test of necessity or tailoring. The Fifth Amendment does

not tolerate civil incarceration by default; the Government must justify detention with specific, individualized proof that no lesser conditions will suffice, and the decisionmaker must consider ability to pay and alternatives.

REQUESTED TRO TERMS

18. No transfer or removal of Petitioner from the Western District of Texas or from Karnes Detention Center pending further order;
19. Immediate release under standard conditions (e.g., report to ICE Dallas, phone check-ins, live-in address verification), or an individualized bond/release hearing within 48 hours before a neutral decision maker with consideration of non-monetary alternatives, burden on the government by clear and convincing evidence of danger/flight risk, and written findings;
20. Expedited Order to Show Cause (OSC) and briefing schedule as set out in the Proposed OSC.

CONFERENCE & NOTICE UNDER RULE 65(B)

21. Petitioner files this emergency TRO without advance conference or notice. Given the imminent transfer, weekend unavailability of opposing counsel, and the risk that pre-filing notice will facilitate the very transfer this Court must prevent to preserve jurisdiction, a conference was not possible and would be futile. Petitioner requests the Court waive any conferral requirement for this emergency filing and permit notice immediately after docketing.

PROPOSED ORDER

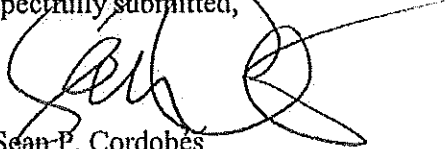
22. See filed Proposed Temporary Restraining Order.

PRAYER

Petitioner respectfully requests that the Court grant this Motion, issue the TRO, set a prompt hearing, and grant all further just relief.

Dated: November 7, 2025

Respectfully submitted,


/s/ Sean P. Cordobés

Attorney for Petitioner

TX Bar No. 00792106

El Cordobés Law & Advisory PLLC

4428 Wildwood, Dallas, TX 75209

Tel: 646-784-2376

Email: seancordobes@gmail.com

Other Admissions: New York 4069282; US District Court for the Northern District of Texas,
US District Court for the Southern District of Texas, US District Court for the Eastern District
of Texas

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

NOV 10 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

GENESIS ARIANNY PEREZ-PUERTA (A# [Redacted])

(A# [Redacted])

Petitioner,

v.

JOSH JOHNSON, ACTING DALLAS FIELD OFFICE DIRECTOR,
U.S. Immigration & Customs Enforcement (ICE ERO);
KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security; and PAMELA J. BONDI,
Attorney General of the United States, and

Warden, Karnes Detention Center,
In their official capacities,

Respondents.

SA25CA1476 OG
Case No. _____

PETITION FOR WRIT OF
HABEAS CORPUS AND
COMPLAINT FOR
INJUNCTIVE RELIEF
(28 U.S.C. § 2241; ALL
WRITS; 28 U.S.C. § 2201-2)

EMERGENCY PROPOSED TEMPORARY RESTRAINING ORDER

Before the Court is Petitioner's EMERGENCY Motion for Temporary Restraining Order. Having considered the filings, the Court ORDERS:

1. **No Removal/Transfer.** Respondents and all persons acting in concert with them are ENJOINED from removing Petitioner Genesis Arianny Perez-Puerta from the United States, and from transferring her outside the San Antonio Division or otherwise beyond this Court's subpoena power, pending further order.
2. **ICE Detainer.** Respondents are ENJOINED from further detention of Petitioner. She is granted immediate release under appropriate least-restrictive conditions; Nothing herein prohibits DHS from employing non-custodial measures (an ankle bracelet is a custodial measure).

3. **Conference.** The parties shall appear for a brief telephonic status conference at the date/time set by chambers, at which a preliminary-injunction schedule will be set.
4. **Service.** This Order takes effect upon docketing. Petitioner shall promptly serve the United States under Fed. R. Civ. P. 4(i) and provide courtesy copies to OPLA Dallas and ERO Dallas.

SO ORDERED this __ day of November, 2025.

United States District Judge

