

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

RODRIGO VACA GOMEZ,

PETITIONER,

v.

KRISTI NOEM, et al.,

RESPONDENTS.

Civil Case No. 3:25-cv-560-DB

PROPOSED TEMPORARY RESTRAINING ORDER

Upon consideration of Petitioner's Emergency "Motion for a TRO", ECF No 2 and all applicable law:

Having determined that Petitioner is likely to succeed on the merits of his claims that his detention by ICE without a bond hearing pursuant to 8 U.S.C. § 1226(a) is unlawful as Petitioner, who has resided in the U.S. for more than 15 years and was encountered far from the border in the DFW metroplex area, is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A); rather, Petitioner is entitled to an individualized bond hearing under both the INA and U.S. constitution for the reasons set forth in the detailed Habeas Petition, ECF No. 1, and Motion for a TRO, ECF No. 2; that in the absence of injunctive relief Petitioner will suffer irreparable injury as continued unlawful detention is, by its very nature, an irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976). The balance of hardships strongly favor immediate temporary relief given: he is the sole parent to four children after their mother was traumatically murdered last year; the significant possibility

of erroneous detention given his likelihood of success on the statutory and constitutional claims as well as the fact that at the time he was detained by the government he had valid Deferred Action issued by USCIS; and that the public interest here is plainly served by ensuring Petitioner is not subjected to arbitrary detention.

1. **ORDERED**, Respondents are **DIRECTED** to **RELEASE** Petitioner Rodrigo Vaca Gomez from custody, under appropriate conditions of release, to a public place by **no later than 2:00 p.m. on November 19, 2025**.
2. **ORDERED**, Respondents must **NOTIFY** Vaca Gomez's counsel of the exact location and exact time of Petitioner's release as soon as practicable and **no less than two hours before his release**;
3. **ORDERED**, Respondent's shall **FILE** notice informing the Court whether Vaca Gomez has been released from custody.
4. **ORDERED**, if Vaca Gomez is re-detained pursuant to Section 1226, all applicable procedures must be promptly followed, including that he be afforded a bond hearing at which the government bears the burden of demonstrating flight risk or danger by clear and convincing evidence.

It is so ORDERED.

SIGNED this _____ day of November, 2025.

HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE