



Immigration and Customs Enforcement (“ICE”) from the United States during the pendency of his petition for writ of habeas corpus. Petitioner is currently in ICE custody at the Montgomery Processing Center, located at 806 Hilbig Road, Conroe, Texas 77301, and seeks emergency relief to obtain her release and prevent her unlawful removal to El Salvador. In support thereof, Petitioner states the following:

## II. FACTUAL BACKGROUND

Petitioner is a 37-year-old native and citizen of El Salvador, mother of three U.S. citizen children, two of whom have serious medical and developmental disabilities. Petitioner has no criminal history, has fully complied with an Order of Supervision since 2017, and voluntarily appeared for ICE check-ins.

On November 13, 2025, Petitioner was detained after attending her scheduled ICE appointment. She remains in custody without any ability to appear before an Immigration Judge, and has filed a stay of removal.

Her continued detention constitutes immediate, irreparable harm to her U.S. citizen children, including a daughter with [REDACTED] and a son with autism, who is non-verbal. Petitioner is the primary caregiver, and her detention prevents her from providing medically necessary care, therapy, and supervision.

The government has not been able to articulate any meaningful reason why the Petitioner should continue to remain in detention. She now submits the present Petition for Writ

of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order her immediate release.

### **III. LEGAL STANDARD**

The standard for granting a temporary restraining order ("TRO") in the Fifth Circuit requires the petitioner to demonstrate:

- (1) a substantial likelihood of success on the merits;
  - (2) a substantial threat of irreparable injury if the injunction is not granted;
  - (3) that the threatened injury outweighs any harm the injunction may cause the government;
- and
- (4) that the injunction will not harm the public interest.

*Mississippi Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985).

In the immigration habeas context, a TRO serves to preserve this Court's jurisdiction and prevent continued unlawful restraint of liberty in violation of the Constitution and federal law. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

### **IV. ARGUMENT**

#### **A. Likelihood of Success on the Merits**

Petitioner's habeas petition demonstrates that her detention is unlawful under INA § 241(a)(6) and the Fifth Amendment. She cannot be removed in the reasonably foreseeable future due to her filed stay of removal. She poses no flight risk or danger to the community, and

her prolonged detention violates substantive and procedural due process (*Zadvydas*, 533 U.S. 678).

The Fifth Circuit has recognized that immigration detention must be narrowly tailored and subject to constitutional limits. *Zadvydas v. Underdown*, 185 F.3d 279 (5th Cir. 1999), rev'd on other grounds, 533 U.S. 678 (2001). Absent a final removal order or individualized finding of necessity, detention becomes arbitrary and violates substantive due process. See *Reno v. Flores*, 507 U.S. 292, 302 (1993).

#### **B. Petitioner Faces Immediate and Irreparable Harm from Continued Detention**

Petitioner is the sole caregiver for two disabled U.S. citizen children. Her continued detention prevents her from providing daily medical care, therapy, and supervision, and critical emotional and developmental support.

The harm to these children is immediate, irreparable, and cannot be remedied by money damages.

#### **C. Balance of Equities**

The equities favor granting a TRO. Petitioner poses no risk of flight or danger. ICE and DHS suffer minimal, if any, harm, as Petitioner has a long history of compliance with Orders of Supervision. Meanwhile, continued detention threatens the health, safety, and constitutional rights of U.S. citizen children.

Petitioner poses no flight risk or danger to the community—she has no criminal record, has complied with all ICE reporting requirements, and possesses valid work authorization.

ICE's failure to articulate any legitimate reason for her detention demonstrates that it is punitive, not regulatory, and therefore unconstitutional. *Zadvydas*, 533 U.S. at 690–91.

The harm to Petitioner from continued unlawful detention—loss of liberty in a facility meant for criminal aliens, deterioration of health, and ongoing constitutional injury—vastly outweighs any administrative burden on the government in effecting her release under appropriate conditions. The government retains full authority to supervise Petitioner through reporting or monitoring conditions, rendering detention unnecessary to ensure appearance.

Where, as here, the government cannot articulate a lawful basis for custody, continued detention serves no legitimate purpose and inflicts disproportionate harm.

#### **D. Public Interest**

Releasing a mother to care for her U.S. citizen children serves the public interest, promoting family unity and protecting vulnerable children with serious medical needs.

The public interest is served by ensuring that government detention authority is exercised within constitutional and statutory bounds. Upholding due process and preventing unlawful imprisonment preserves confidence in the rule of law and the integrity of immigration proceedings.

Granting the requested relief promotes judicial economy by ensuring this Court can fully adjudicate the habeas petition without the case becoming moot due to prolonged or arbitrary detention.

## V. CONCLUSION

Because Petitioner has shown (1) a substantial likelihood of success on the merits of his habeas claim; (2) irreparable harm from continued detention; (3) that the balance of equities strongly favors release; and (4) that release under appropriate safeguards serves the public interest, this Court should grant the temporary restraining order and order Petitioner's **immediate release from ICE custody under appropriate safeguards determined by DHS.**

## VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court **IMMEDIATELY** issue a temporary restraining order:

1. **Directing Respondents to immediately release Petitioner from custody;**
2. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
3. Directing Respondent to take all necessary steps to halt any removal preparations;
4. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
5. Set an expedited hearing on Petitioner's motion for preliminary injunction;

6. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
7. Waive or set security in a nominal amount;
8. Award attorney's fees and costs; and
9. Grant such other relief as this Court deems just and proper.

#### **VII. SECURITY AND NOTICE**

Petitioner respectfully requests that the Court waive the security requirement under Fed. R. Civ. P. 65(c) due to her indigent status, or alternatively, set security in a nominal amount.

Petitioner has taken reasonably calculated steps to effect service of process on each of the Respondents named herein, and has provided them with copies of the present motion as described in the Certificate of Service, below.

Respectfully submitted,

*/s/Matthew Mendez*

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Matthew Mendez  
Attorney for Petitioner  
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matt@mendezlawoffice.com

**CERTIFICATE OF EMERGENCY**

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render her habeas corpus petition moot and cause irreparable constitutional harm.

\_\_\_\_\_/s/Matthew Mendez\_\_\_\_\_  
Matthew Mendez  
Attorney for Petitioner

\_\_\_\_11/21/25\_\_\_\_\_  
Date

**CERTIFICATE OF CONFERENCE**

I hereby certify that due to the emergency nature of this motion and the imminent threat of removal, I have been unable to confer with opposing counsel regarding this motion.

/s/Matthew Mendez \_\_\_\_\_  
Matthew Mendez  
Attorney for Petitioner

11/21/25 \_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the Respondent, Randy Tate, in his Official Capacity as Warden of the Montgomery Processing Center, at Office of the Warden, 806 Hilbig Road, Conroe, Texas 77301.

/s/Matthew Mendez \_\_\_\_\_  
Matthew Mendez  
Attorney for Petitioner

11/21/25 \_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office**, at the Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060.

/s/Matthew Mendez \_\_\_\_\_

11/21/25 \_\_\_\_\_

Matthew Mendez  
Attorney for Petitioner

Date

**CERTIFICATE OF SERVICE**

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS 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 the Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530.

  /s/Matthew Mendez  \_\_\_\_\_  
Matthew Mendez  
Attorney for Petitioner

  11/21/25  \_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

On November 21, 2025, Counsel for Plaintiff served a copy of the attached Complaint via USPS 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 the U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001.

  /s/Matthew Mendez  \_\_\_\_\_  
Matthew Mendez  
Attorney for Petitioner

  11/21/25  \_\_\_\_\_  
Date

