

Procedure 65, for entry of a temporary restraining order to prevent his removal by Immigration and Customs Enforcement (“ICE”) from the United States during the pendency of his petition for writ of habeas corpus. Petitioner Riseepan Sachchithanathan-Pakeerathan is currently at the Immigration and Customs Enforcement (“ICE”) Joe Corley Processing Center, located at 500 Hilbig Road, Conroe, TX 77301. He has been in ICE custody since April 7, 2025, and seeks emergency relief to obtain his release and prevent his unlawful removal. In support thereof, Petitioner states the following:

II. FACTUAL BACKGROUND

Petitioner is a thirty-six-year-old male native and citizen of Sri Lanka. *See attached*, Exhibit A: Petitioner’s Identification. He first entered the United States without inspection on or about November 20, 2019, after fleeing Sri Lanka to escape threats and violence directed against him. Petitioner fears that, if returned to Sri Lanka, he would face serious harm and substantial risk of persecution or torture. Upon arrival Petitioner was apprehended by Border Patrol and issued an expedited-removal order. Petitioner provided a sworn statement in which he expressed fear of returning to Sri Lanka due to persecution and threats of violence. *See attached*, Exhibit B: Form I-860 (Notice & Order of Expedited Removal); Form I-867 (Sworn Statement)

Petitioner was referred for a credible-fear interview with USCIS. Between November and December 2019, he participated in multiple interviews describing his past persecution, including beatings, threats, and extortion by [REDACTED]. USCIS issued a negative credible-fear determination. *See attached*, Exhibit C: USCIS Credible Fear Worksheet, Interview Notes, and Written Determination.

On January 6, 2020, an Immigration Judge conducted a de novo review and affirmed USCIS's negative credible-fear determination, returning the case to DHS for execution of the expedited removal order. *See attached*, Exhibit D: Immigration Judge's Order. Following issuance of the 2020 expedited removal order, DHS did not remove Petitioner. Instead, he remained in the United States for over five years. During this period, he lived peacefully, worked steadily, and established community ties. Because there was no attempt to execute the removal order for several years, Petitioner continued working and living openly in the United States without incident.

On April 7, 2025, Petitioner voluntarily appeared at the New York Federal Office to renew his employment authorization document. Instead of processing his application, ICE officers arrested him at the appointment. Petitioner was fully cooperative. He was initially held at the Nassau County Correctional Center for approximately two weeks before being transferred to the Joe Corley Processing Center in Conroe, Texas, where he remains detained. *See attached*, Exhibit E: Detainee Locator Results

The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention. Since April 2025, the government has failed to demonstrate that Petitioner's removal is significantly likely in the reasonably foreseeable future. Petitioner has cooperated fully with all requests made by ICE. Despite this, ICE continues to detain him without: any bond hearing, any explanation of danger or flight risk, or any progress toward effectuating removal. Petitioner, through Counsel, now submits the present Petition for Writ of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order Respondents to effect his 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 disserve 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. Petitioner Faces Immediate and Irreparable Harm from Continued Detention

Petitioner has been detained by ICE since April 7, 2025, Petitioner's removal has not been effectuated since his detention or order of removal issued on January 6, 2020. He has demonstrated no conduct indicating that he is a threat to the United States or otherwise eligible for deportation.

Petitioner has no administrative avenue for release and remains indefinitely detained without judicial review—an ongoing deprivation of his most fundamental liberty interest.

Continued confinement of a noncitizen without lawful authority constitutes irreparable harm. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 529–30 (2003). Each additional

day of unlawful detention deepens the constitutional injury and cannot be remedied by monetary damages. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Petitioner's prolonged confinement also exacerbates his medical conditions, further establishing immediate and irreparable harm absent this Court's intervention.

B. Petitioner is Substantially Likely to Succeed on the Merits

Petitioner poses no flight risk or danger to the community—he has no criminal record, has complied with all ICE reporting requirements. ICE's failure to articulate any legitimate reason for his detention demonstrates that it is punitive, not regulatory, and therefore unconstitutional. *Zadvydas*, 533 U.S. at 690–91.

For these reasons, Petitioner is substantially likely to prevail on the merits of his habeas corpus petition and is entitled to immediate release.

C. The Balance of Harms Favors Petitioner

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 his 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. The Public Interest Supports Immediate Release

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 his 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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CERTIFICATE OF EMERGENCY

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

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

11/24/2025
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

11/24/2025
Date

CERTIFICATE OF SERVICE

On November 24, 2025, Counsel for Petitioner served a copy of the Motion via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Grant Dickey, in his official capacity as Co-Associate Warden of the Joe Corley Processing Center**; at the Immigration and Customs Enforcement (“ICE”) Joe Corley Processing Center, located at 500 Hilbig Rd, Conroe, TX 77301.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

11/24/2025
Date

CERTIFICATE OF SERVICE

On November 24, 2025, Counsel for Plaintiff served a copy of the Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Raymond Thompson, in his Official Capacity as Co-Associate Warden of the Joe Corley Processing Center**, at (1) Office of the Warden, 500 Hilbig Road, Conroe, Texas 77301, 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

Matthew Mendez
Attorney for Petitioner

11/24/2025

Date

CERTIFICATE OF SERVICE

On November 24, 2025, Counsel for Petitioner served a copy of the Motion via USPS Certified 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 (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, 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

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/s/ Matthew Mendez

Matthew Mendez
Attorney for Petitioner

11/24/2025

Date

CERTIFICATE OF SERVICE

On November 24, 2025, Counsel for Petitioner served a copy of the Motion 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

Matthew Mendez
Attorney for Petitioner

11/24/2025

Date

CERTIFICATE OF SERVICE

On November 24, 2025, Counsel for Petitioner served a copy of the attached Motion 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

11/24/2025

Date