

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA, MONROE DIVISION**

PEDRO BONILLA ANGAMARCA,

Petitioner,

v.

MELLISSA B. HARPER, in her official capacity as Field Office Director of the New Orleans Field Office of U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations;

Warden JOHN DOE, Jackson Parish Correctional Center;

TODD LYONS, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement;

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; and

PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

Case No.

PETITIONERS' MOTION FOR TEMPORARY RESTRAINING ORDER

Pursuant to Fed. R. Civ. P. 65(b), Petitioner PEDRO BONILLA ANGAMARCA (“Petitioner”), hereby requests a temporary restraining order (“TRO”) pending adjudication of his Petition for a Writ of Habeas Corpus and an order to show cause why a preliminary injunction should not issue pending the final disposition of their habeas petition. As set in the memorandum of law, Petitioners are likely to succeed on the merits of their claim. Relief is

necessary and appropriate to stop grave continuing injury and further irreparable harm to
Petitioners.

Date: 12/2/2025

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

PEDRO BONILLA ANGAMARCA

Petitioner,

v.

MELLISSA B. HARPER, Et. Al.

Respondents.

Case No. _____

**PETITIONER'S MEMORANDUM OF LAW IN SUPPORT OF A MOTION FOR
EMERGENCY TEMPORARY RESTRAINING ORDER**

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I. INTRODUCTION

Since early October of 2025, Respondents have detained Petitioner PEDRO BONILLA-ANGAMARCA (“Petitioner”), then transferred him to the Jackson Parish Correctional Center (“JPCC”), a facility over 850 miles away from Chicago his home town, his family, and his attorney.

Petitioner is currently detained under DHS’s recent re-interpretation of their statutory authority, which has been rejected by the overwhelming majority of courts that have considered this issue. Petitioner demonstrates that he is likely to succeed on the merits of his claim and that his detention violates his statutory and due process rights, that he will suffer irreparable harm absent action by this court, and that the balance of equities weighs in his favor.

Pursuant to Fed. R. Civ. P. 65(b) and Local Rule of Civil Procedure 65.1, Petitioner respectfully moves this Court for an emergency temporary restraining order pending the Court’s adjudication of their Petition for Writ of Habeas Corpus. Specifically, Petitioner requests the Court orders Respondents to immediately release Petitioner pending the adjudication of his habeas petition. In the alternative, we request that this Court order a bond hearing by an immigration judge on the merits with procedural safeguards within 5 days of an order.

II. STATEMENT OF FACTS AND PROCEDURE

Petitioner Pedro Bonilla Angamarca is a 47-year-old man currently detained by ICE at Jackson Parish Correctional Center [“JPCC”] in Jonesboro, Louisiana. He has been in immigration detention since October 8, 2025. Petitioner has continuously resided in the U.S. since June of 1999. He has three U.S. citizen children, but has also been a victim of a crime in the U.S. He applied for a U Visa as a victim of qualifying criminal activity based upon

information and belief.

Respondents are engaged in a practice of arbitrary civil detention without due process for Petitioner. See 5 USC §706. On September 5, 2025, Respondent Bondi, through the Board of Immigration Appeals (“BIA”), issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 228 (BIA 2025), which purports to subject any noncitizen who has not been formally admitted to the United States to mandatory detention. 29 I&N Dec. at 228. Since then, the Department of Justice (DOJ) has refused to provide bond hearings to these detained noncitizens despite a century of settled law and practice. As of present, Petitioner has not received an opportunity to receive release on bail.

III. ARGUMENT

This Court should issue a TRO ordering Petitioner’s release pending adjudication of his habeas petition. The standards for granting a TRO and a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure are identical. Such preliminary relief return to the status quo before the challenged behavior. *Louisiana v. Ctrs. for Disease Control & Prevention*, 603 F. Supp. 3d 406, 423 (W.D. La. 2022); *Granny Goose Foods v. Bhd. of Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 (1974) [purpose of a TRO is to preserve the status quo to prevent irreparable harm until further relief can be determined]. In this case, that would mean releasing Petitioner to where he was living before his detention. *United States v. Federal Deposit Ins. Corp.*, 881 F.2d 207, 210 [granting TRO and noting that “district court has the equitable power to return the parties to their last uncontested status”].

To obtain temporary and preliminary injunctive relief, each Petitioner must demonstrate (1) substantial likelihood of success on the merits of her habeas petition, (2) that she will suffer significant risk of harm unremedied by monetary damages or other legal remedies absent the granting of injunctive relief, (3) that the threatened injury outweighs any harm the injunction

may cause Respondents, and (4) finally, that an injunction is in the public interest. *City of El Cenizo v.*

Texas, 890 F.3d 164, 176 (5th Cir. 2018) (citing *Tex. Med. Providers Performing Abortion Servs. v. Lakey*, 667 F.3d 570, 574 (5th Cir. 2012)); *Enrique Bernat F., S.A. v. Guadalajara, Inc.*, 210 F.3d 439, 442 (5th Cir. 2000) (reaffirming the standard to obtain temporary injunctive relief set out in *Sugar Busters L.L.C. v. Brennan*, 177 F.3d 258, 265 (5th Cir.1999)); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). When the government is a party, the balance of equities and public interest merge, and the Fifth Circuit considers the last two factors together. *United States v. Abbott*, 110 F.4th 700, 719 (5th Cir. 2024); *Nken v. Holder*, 556 U.S. 418, 435 (2009). The decision of whether to grant or deny a TRO or preliminary injunction lies in the district court’s discretion. *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017); *see also Mississippi Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985). Under the circumstances presented here, no security bond is required under Fed. R. Civ. P. 65(c).

1. Petitioners are Likely to Succeed on the Merits of Their Petition for Writ of Habeas Corpus.

a. Petitioners Are Likely to Prevail on Their Claims That Their Detention Is Unlawful and Unauthorized by Statute.

Both in the Western District of Louisiana and nationwide, the vast majority of courts have held that detained immigrants, such as the Petitioner, are subject to 8 U.S.C. § 1226(a) and have granted TROs that argue that the underlying habeas will succeed on such a claim. They have based their reasoning on the Supreme Court’s holding in *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018), which distinguished between a noncitizen “already present in the United States,” who shall be subject to Section § 1226, not Section 1225, and is thus not subject to mandatory detention, and those who are otherwise arriving. *See Kostak v. Trump*, 2025 WL 2472136, at *2-3 (W.D. La. Aug. 27, 2025) [holding that mandatory detention of aliens like Petitioner “under Section 1225 was erroneous...” and that they are instead subject to Section 1226]; *see also Lopez*

Santos v. Noem,

2025 WL 2642278, at *3-5 (W.D. La. Sept. 11, 2025) (Doughty, C.J.) [holding same]; *see also Carlos Ventura Martinez v. Donald J. Trump*, No. CV 25-1445 SEC P, 2025 WL 3124847, at *1 (W.D. La. Oct. 22, 2025) [finding that *Matter of Yajure Hurtado* “is incorrect” and that the “[federal district] Court is empowered to ignore it” in the case of noncitizens already present in the U.S. who are likely subject to 1226].

An overwhelming majority of federal courts have disagreed with how the BIA has begun to read §§ 1226(a) and 1225(b)(2)(A) in conjunction with one another. *See Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346, at *3 n.3 (S.D. Tex. Oct. 7, 2025) [collecting six cases granting habeas or injunctive relief for wrongly detained individuals under the faulty statutory interpretation in *Matter of Yajure Hurtado*]; *Padron Covarrubias v. Vergara*, 5:25-cv-00112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Cruz Gutierrez v. Thompson*, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Zafra v. Noem*, EP-25-CV-00541-DB, 2025 U.S. Dist. LEXIS 228645 (W.D. Tex., Nov. 20, 2025).

Here, the circumstance of the Petitioner squarely falls into the pattern of wrongly detained individual under 1225(b)(2) by Respondents. As someone who have lived in the U.S. for years and built community ties, he is likely to succeed in the merits of his claim that he is subject to 1226(a), making this factor rule in favor of granting the TRO.

b. Petitioners are Likely to Prevail on Their Fifth Amendment Due Process Claim.

The Fifth Amendment of the Constitution guarantees that noncitizens receive adequate procedural protections during any executions of the government’s detention and removal authorities. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Such protections are flexible and courts adjudicating a due process claim for a civil detainee have been guided by

considerations

for the “private interest that will be affected[,]” “the risk of an erroneous deprivation of such interest through the procedures used[,]” and “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Courts in this circuit have overwhelmingly granted habeas corpus petitions for detained immigrants without access to a bond hearing or determination on Fifth Amendment Procedural grounds.

Under the *Mathews v. Eldridge* factor of private interests, courts have established that “the most elemental of liberty interests [is] the interest in being free from physical detention...”

Hamdi

v. Rumsfeld, 542 U.S. 507, 529 (2004). They have weighed the private interest factor in favor of similarly detained immigrants in civil proceedings. *See Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521, at *7 (S.D. Tex. Nov. 14, 2025) [finding that petitioner’s detention weighed in favor of a due process claim violation under a *Mathews* test as he had substantial ties to the community and had previous employment].

Under the second factor, courts have found a significant risk of erroneous deprivation under the current procedures of holding detained people in detention without an individualized determination. *See Martinez v. Noem*, No. EP-25-CV-430-KC, 2025 WL 2965859, at *4 (W.D. Tex. Oct. 21, 2025) [granting habeas relief for a Mexican petitioner who was detained without an individualized bond hearing under the *Mathews* test]. Lastly, courts have weighed the existing alternative procedures in favor of granting habeas for detained petitioners and determined that alternatives are viable. *See e.g., id.; Arcos v. Noem*, No. 4:25-CV-04599, 2025 WL 2856558, at *3 (S.D. Tex. Oct. 8, 2025).

In this case, Respondents have deprived Petitioner of his liberty—an important factor weighing in Petitioner’s favor. Courts nationwide have also recognized the significant risk of

erroneous deprivation that individuals in Petitioner's position face under current practices. Yet Respondents deny Petitioner any bond-determination hearing to assess flight risk or danger to the community, in clear violation of due process, thereby compounding the risk of erroneous deprivation. These factors all weigh heavily in the Petitioner's favor under the *Matthews* test, as release or a bond hearing would protect their liberty interests without harm to Respondents.

Petitioner's detention also violates his substantive due process rights. This is because his detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal. The Fifth Amendment of the Constitution guarantees that people in civil detention may not be subject to conditions of confinement or denial of medical care that "amount to punishment." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Respondents lack a legitimate, non-punitive reason to detain respondents who have no criminal history and until the roadblock in October was living peacefully and supporting his community.

2. Petitioner Has Suffered and Will Continue to Suffer Irreparable Harm Absent Injunctive Relief.

Parties seeking preliminary injunctive relief must also show they are "likely to suffer irreparable harm in the absence of preliminary relief." *Winter*, 555 U.S. at 20. Irreparable harm is harm for which there is "no adequate legal remedy, such as an award of damages." *Ariz. Dream Act. Coal. v. Brewer (Ariz. I)*, 757 F.3d 1053, 1068 (9th Cir. 2014); *see also Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir. 2013).

Courts have agreed that "the unconstitutional deprivation of liberty, even on a temporary basis, constitutes irreparable harm," including in similar situations to the present case. *Parada v. Rice*, 25-cv-1660 SEC P, 2025 U.S. Dist. LEXIS 223539 at *7 (W.D. Louisiana, November 4,

2025) [granting TRO and finding Petitioner who entered the U.S. in 2023 likely to succeed on the merits that he should be entitled to a bond hearing under § 1226(a) and that detention under § 1225(b) is a due process violation], *citing Kostak v. Trump*, 3:25-CV-1093, 2025 WL 2472136 (W.D. La. Aug. 27, 2025) [granting TRO on same § 1226(a) vs. § 1225(b) issue]; *Ventura Martinez v. Trump*, 3:25-cv-01445, 2025 U.S. Dist. LEXIS 221655 (W.D. La. Oct. 22, 2025) [granting TRO and preliminary injunction on same § 1226(a) vs. § 1225(b) issue]; *Book People, Inc. v. Wong*, 91 F.4th 318, 340-41 (5th Cir. 2024) [involving First Amendment violation]. *See also Conn. Dep't of Env't'l. Prot. v. O.S.H.A.*, 356 F.3d 226, 231 (2d Cir. 2004) [“[W]e have held that the alleged violation of a constitutional right triggers a finding of irreparable injury.”]; *Rosales-Mireles v. U.S.*, 138 S. Ct. 1897, 1907 (2018) [“Any amount of actual jail time is significant[] and has exceptionally severe consequences for the incarcerated individual and for society which bears the direct and indirect costs of incarceration.”] (cleaned up).

Here, Respondents are violating Petitioner’s procedural and substantive due process rights under the Fifth Amendment by subjecting him to punitive confinement without the bond-hearing procedures required under § 1226(a). As a wrongfully detained man, Petitioner is suffering an ongoing deprivation of their constitutional rights—and that violation alone constitutes irreparable harm. *See, e.g., Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) [noting that unconstitutional detention is irreparable harm and emphasizing harm related to economic burdens due to missed work and the harm that results from separating people from their community, including family].

The Fifth Amendment of the Constitution guarantees that people in civil detention may not be subject to conditions of confinement or denial of medical care that “amount to punishment.” *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Each passing day that Petitioner remains

in detention,

they are enduring suffering and injury related to their due process rights. Petitioner's injuries are not speculative or imminent; rather, they have commenced and are ongoing.

Congress has crafted a framework over the last several decades for the application of immigration laws to noncitizen victims of serious crimes. In 2000, Congress created a vehicle for permanent residence, the "U-Visa," for noncitizen survivors of certain serious crimes who help law enforcement prosecute those crimes. *See* VAWA 2000, § 1513(a)(2)(B); 8 U.S.C. § 1101(a)(15)(U). Congress's express aim in doing so was to improve public safety for all people by encouraging noncitizen crime victims to come forward without fear of deportation. *See id.* § 1513(a)(2). Petitioner has an additional due process right to access the protection of this legislation without being impeded by unnecessary detention.

3. Balance of Hardship and Public Interest Weighs Heavily in Petitioners' Favor.

By creating a category of immigration relief for victims of serious crimes in the U.S., Congress acted based on the public interest in incentivizing such victims to come forward, and protecting them from removal proceedings while they cooperate with law enforcement. 8 U.S.C. §§ 1227 (d)(1)-(3) [authorizing DHS to issue a stay of removal against a U-Visa petitioner]; 8 U.S.C. §§ 1184(p)(6) [authorizing employment for U visa petitioners with a pending application]. Thus, the release of Petitioner, which would facilitate his ability to apply for and receive the benefits of a U-Visa, is in the public interest.

Petitioner also has the right to seek non-LPR cancellation in EOIR, because he has more than ten years of continuous physical presence, no criminal history, and three U.S. citizen children. However, to do so requires consolidation of evidence to prove continuous physical presence and hardship factors to his U.S. citizen children. This effort will require close collaboration with

other family members.

There is also a public interest in ensuring people's constitutional rights are upheld. As noted in other cases in this Court, the continued detention without a bond hearing in violation of his Fifth Amendment rights far outweighs the burden of Respondents in conducting an individualized bond hearing before an immigration judge pursuant to § 1226(a). *See Pineda Parada v. Rice*, 2025 WL 3146250, at *3 (W.D. La. Nov. 4, 2025). Furthermore, it is in the public interest that the

government follow its own statutes and regulations. *Kostak v. Trump*, 2025 WL 2472136, at *4 [“The Court also finds that granting Petitioner injunctive relief serves the public interest, as it will require the Government to ensure compliance with its own laws.”].

So, too in the instant case. The Court must weigh the unconstitutional detention of Petitioner against the minimal governmental burden of providing release while the habeas petition is pending. Furthermore, this Petitioner is neither dangerous nor presents a flight risk. Given the lack of risk posed by the Petitioner, the strong public interest in the reporting of crimes and cooperation with law enforcement, and the strong public interest in assuring that the government follows the law and does not detain people illegally, the overwhelming public interest lies in releasing him, immediately!

IV. CONCLUSION

For the foregoing reasons, Petitioner requests that this Court grant temporary injunctive relief, ordering Respondents to immediately release the Petitioner. In the alternative, we request that Respondents be ordered to conduct a bond hearing at which the government must bear the burden of justifying Petitioner's continued detention by clear and convincing evidence. Absent

this Court's intervention, Petitioner will remain unlawfully detained, separated from their families, and forced to endure preventable suffering.

Dated: 12/2/2025

Respectfully submitted,

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