

FILED

DEC 01 2025

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: 
DEPUTY CLERK

DAVID JOSE CEDENO-HEREDIA,
Petitioner,
A# 

SA25CA1617 FB

v. Civil Action No. Pending

WARDEN, KARNES COUNTY IMMIGRATION PROCESSING CENTER,
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),
U.S. DEPARTMENT OF HOMELAND SECURITY (DHS),
SECRETARY OF DHS (OFFICIAL CAPACITY),
Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
UNDER FED. R. CIV. P. 65(b)
(FILED PRO SE — REQUEST FOR IMMEDIATE RELIEF)**

I, **David Jose Cedeno-Heredia**, the Petitioner in this case, respectfully submit this Emergency Motion for a Temporary Restraining Order (“TRO”) pursuant to Rule 65(b) of the Federal Rules of Civil Procedure. I am filing this motion **pro se** because I do not have an attorney to represent me.

I am currently detained at the **Karnes County Immigration Processing Center** in Karnes City, Texas, and I am suffering ongoing harm due to my prolonged and indefinite detention without any possibility of requesting bond before an Immigration Judge.

I. INTRODUCTION

I have been detained in civil immigration custody since **September 2, 2025**. I have **no criminal history**, no violent conduct, and I pose no danger to the public. The only reason I am detained is because I entered the United States without inspection.

Because of the way DHS and ICE classified my case, the Immigration Judge **cannot** give me a bond hearing. I am legally barred from even asking for one. This means I am being held **indefinitely**, without any hearing, without custody review, and without a way to request release. My next Master Calendar Hearing in Immigration Court is scheduled for **November 26, 2025**, but I must stay detained until that date and possibly for many months afterward, still with no way to request a bond hearing. This makes my detention punitive and violates the Due Process Clause of the Fifth Amendment.

For this reason, I ask the Court for immediate protection through a Temporary Restraining Order.

II. LEGAL STANDARD (WINTER v. NRDC)

A Temporary Restraining Order may be granted when the Petitioner shows:

- a likelihood of success on the merits,
- irreparable harm without the TRO,
- that the balance of equities favors the Petitioner, and

- that the TRO serves the public interest.

I believe I meet all four requirements.

III. LIKELIHOOD OF SUCCESS ON THE MERITS

My detention violates:

- the Fifth Amendment Due Process Clause,
- *Zadvydas v. Davis*,
- *Jennings v. Rodriguez*,
- and multiple federal court decisions requiring custody review when detention becomes prolonged.

I have:

- no criminal history,
- been detained almost three months already,
- no legal ability to request bond,
- no statutory time limit on my detention.

This is the type of detention the Supreme Court has warned is unconstitutional in civil immigration cases.

Therefore, I am likely to succeed on the merits of my habeas petition.

IV. IRREPARABLE HARM

Every day I remain detained without any possibility of seeking release causes:

- serious anxiety,
- emotional distress,
- psychological harm,
- physical deterioration, and
- severe stress due to not knowing how long I will be held.

Federal courts have repeatedly held that **loss of liberty in violation of due process is irreparable harm**. This applies directly to my situation.

V. BALANCE OF EQUITIES

The harm I am suffering is extremely serious.

I am:

- peaceful,
- non-violent,
- cooperative,
- not a flight risk, and
- attending my immigration hearings.

The government does not have a strong interest in continuing my detention indefinitely when less restrictive alternatives exist.

VI. PUBLIC INTEREST

The public interest is served by upholding constitutional protections, avoiding indefinite detention, and ensuring humane treatment of detainees.

Granting this TRO supports these principles.

VII. REQUEST FOR RELIEF

Because I am suffering ongoing harm and have no other way to protect my rights, I respectfully ask that this Court:

1. **Order my immediate release under reasonable supervision, OR**
2. **Order ICE to provide an individualized bond hearing within 48 hours, OR**
3. **Order that ICE not transfer me out of the Karnes County facility while this case is being considered.**

VIII. CONCLUSION

For all of the reasons described above, I respectfully ask the Court to grant this Emergency Motion for a Temporary Restraining Order.

Respectfully submitted,

Filed **PRO SE**,



DAVID JOSE CEDENO-HEREDIA

A# 

Karnes County Immigration Processing Center
Karnes City, Texas

Date: 11-26-2025