



release and prevent his unlawful removal to El Salvador. In support thereof, Petitioner states the following:

**STATEMENT OF FACTS**

1. Petitioner was born on ~~XXXXXXXXXX~~, in El Salvador.
2. Petitioner has resided in the United States since on or about 2008, when he was merely 16 years old and has built his entire life in Houston, Texas.
3. On or about November 6, 2025, Petitioner was arrested during a traffic stop. He was stopped on his way home from work. He was taken into ICE custody and is now detained at the Houston Contract Detention Facility, 15850 Export Plaza Drive, Houston, TX 77032.
4. DHS subsequently placed Petitioner in removal proceedings before the Houston Immigration Court pursuant to 8 U.S.C. § 1229a, charging him under 8 U.S.C. § 1182(a)(6)(A)(i) as an individual who entered the United States without inspection. *See attached, Exhibit 1: Notice to Appear.*
5. Petitioner's ties to the United States are profound and long-standing. He arrived as a youth and has lived here for nearly two decades and embracing the culture and values of this nation. He understands basic English, considers Houston his only home, and is unfamiliar with his home country.
6. Petitioner has no criminal record of any kind—no arrests, no convictions, and no history of violence. His only encounter with law enforcement arose from this minor traffic stop. This spotless record demonstrates that he poses no danger to the community and lives a law-abiding, productive life.
7. Petitioner has three (3) U.S. citizen children. *See attached, Exhibit 2, Birth Certificates of USC Children.* He works to support his family and participates actively in his

local church and community. Those who know him recognize him as a devoted husband, father, and neighbor—an individual who is American in every meaningful way except on paper.

8. Despite his strong equities and lack of criminal history, ICE issued a custody determination continuing his detention without an opportunity to post bond or be released on conditions.

9. His continued detention serves no legitimate government purpose and has deprived him of the ability to adequately prepare his case while remaining with his family. Petitioner also does not have a criminal history.

10. Without relief from this Court, Petitioner faces months—or even years—of confinement despite his lifelong residence, spotless record, and deep roots in the United States. He respectfully seeks this Court's intervention to restore his liberty and allow him to continue contributing to the only country he has ever called home.

#### **LEGAL STANDARD**

11. 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).

#### **ARGUMENT**

12. 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).

**A. Petitioner Faces Immediate and Irreparable Harm from Continued Detention**

13. Petitioner has been detained by ICE since on or about November 10, 2025, with no final order of removal having ever been issued against him in a removal proceeding, though he is subject to no form of mandatory detention. Petitioner has no criminal history and poses no risk to the community. He has demonstrated no conduct indicating that he is a threat to the United States or otherwise eligible for deportation. *See attached, Exhibit 3: Lack of Criminal Background.*

14. Petitioner would like to request a bond hearing at the earliest availability. As a result, Petitioner has no administrative avenue for release and remains indefinitely detained without judicial review—an ongoing deprivation of his most fundamental liberty interest.

15. 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 family’s emotional conditions, further establishing immediate and irreparable harm absent this Court’s intervention.

**B. Petitioner is Substantially Likely to Succeed on the Merits**

1. Petitioner’s detention is unlawful under 28 U.S.C. § 2241 because no final order of removal exists, and ICE has failed to justify his continued confinement. Under *Zadvydas*, detention authority under 8 U.S.C. § 1231(a) arises only after a removal order becomes final. In Petitioner’s case, his initial removal proceedings before the Houston Immigration Court were

recently commenced on November 10, 2025, without a final removal order being issued against him.

2. Accordingly, the government lacks statutory authority to detain him under § 1231(a).

3. 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).

4. Petitioner poses no flight risk or danger to the community. 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.

5. 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**

6. 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.

7. 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**

8. 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.

9. 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.

**CONCLUSION**

10. 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.**

**REQUEST FOR RELIEF**

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

11. **Directing Respondents to immediately release Petitioner from custody;**
12. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
13. Directing Respondent to take all necessary steps to halt any removal preparations;
14. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;

15. Set an expedited hearing on Petitioner's motion for preliminary injunction;
16. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
17. Waive or set security in a nominal amount;
18. Award attorney's fees and costs; and
19. Grant such other relief as this Court deems just and proper.

#### 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,

CEDILLO LAW FIRM

*By: /s/ Stephanie M. Pimentel, Esq.*

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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 her habeas corpus petition moot and cause irreparable constitutional harm.

/s/ Stephanie M. Pimentel  
Stephanie M. Pimentel  
Attorney for Petitioner

Date 12/09/2025

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**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/ Stephanie M. Pimentel  
Stephanie M. Pimentel  
Attorney for Petitioner

Date 12/09/2025

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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION  
CIVIL No. 4:25-cv-05832**

<p><b>Juan Miguel Ayala Ayala</b></p> <p style="padding-left: 40px;">Petitioner</p> <p style="padding-left: 40px;">v.</p> <p>MARTIN L. FRINK, in his official capacity as Warden of the Houston Contract Detention Facility;</p> <p>Et. al,</p> <p>Respondents.</p>	<p>§</p>	<p><b>MOTION FOR A TEMPORARY RESTRAINING ORDER</b></p>
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**PROPOSED ORDER GRANTING TEMPORARY RESTRAINING ORDER  
AND INJUNCTIVE RELIEF**

Having considered Petitioner's Motion for Temporary Restraining Order, and good cause appearing, IT IS HEREBY ORDERED that:

1. The Court ORDERS the immediate release of Petitioner, Juan Miguel Ayala Ayala, from the Department of Homeland Security ("DHS") custody at the Houston Contract Detention Facility, located at 15850 Export Plaza Drive, Houston, TX, 77032, under appropriate safeguards to be determined and implemented by DHS;
2. Petitioner shall comply with all reporting and supervision requirements set by DHS/ICE while his removal proceedings remain pending before the Houston Immigration Court;
3. Respondents, their agents, employees, and successors are RESTRAINED AND ENJOINED from removing Petitioner from the United States during the pendency of his removal proceedings;
4. Respondents shall immediately notify all relevant personnel, including but not limited to ICE Enforcement and Removal Operations, that Petitioner shall not be removed from the United States;
5. Petitioner must be present for the next hearing in this Court, if any;
6. This Order may be served by facsimile, email, or other means reasonably calculated to provide immediate notice.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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