



writ of habeas corpus. Petitioner Mario Anguiano Reyes is currently at the Immigration and Customs Enforcement (“ICE”) Port Isabel Service Detention Center, located at 27991 Buena Vista Blvd, Los Fresnos, Texas, 78566 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 fifty-three year old male native and citizen of Mexico. He first entered the United States in or about 2006 after fleeing Mexico to escape threats and violence. Petitioner fears that, if returned to Mexico, he would face serious harm and substantial risk of persecution or torture on account of his membership in a particular social group. Petitioner also fears the prospect of losing custody of his two USC children in the event he is deported from the United States.

On November 20, 2025, Petitioner was taken into ICE custody during a traffic stop. He was compliant and cooperative. Petitioner has no criminal history and has never been arrested or charged with any offense. Following his arrest, Petitioner was transported to the Port Isabel Detention Service Center in Los Fresnos, Texas, where he remains detained to this day.

Petitioner will be filing an application for 42B Cancellation of Removal. Petitioner’s removal proceedings are currently pending before the Port Isabel Immigration Court, where he is scheduled for a hearing on December 10, 2025.

The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention pending the outcome of his removal proceedings. Petitioner poses no threat to the community. 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 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 November 20, 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.

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 any preexisting medical conditions, further establishing immediate and irreparable harm absent this Court’s intervention.

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

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. His removal proceedings are pending, and no final removal order has been issued against him. Accordingly, the government lacks statutory authority to detain him under § 1231(a).

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).

Petitioner poses no flight risk or danger to the community—and has no criminal record.

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 /s/            
Matthew Mendez  
Attorney for Petitioner  
State Bar No. 24098092  
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Houston, Texas 77081  
Tel. (346) 205-4343  
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 his habeas corpus petition moot and cause irreparable

constitutional harm.

/s/ Matthew Mendez /s/ \_\_\_\_\_ 12/9/2025 \_\_\_\_\_ Attorney for Petitioner

**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 /s/ \_\_\_\_\_ 12/9/2025 \_\_\_\_\_ Attorney for Petitioner

**CERTIFICATE OF SERVICE**

On December 9, 2025, Counsel for Plaintiff 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, Michael J Pitts, in his official capacity as Warden of the Port Isabel Service Detention Center;** at the Immigration and Customs Enforcement (“ICE”) Port Isabel Service Detention, located at 27991 Buena Vista Blvd, Los Fresnos, TX 78566.

/s/ Matthew Mendez /s/ \_\_\_\_\_ 12/9/2025 \_\_\_\_\_ Attorney for Petitioner

**CERTIFICATE OF SERVICE**

On December 9, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 (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 77002.

/s/ Matthew Mendez /s/ \_\_\_\_\_ 12/9/2025 \_\_\_\_\_ Attorney for Petitioner

**CERTIFICATE OF SERVICE**

On December 9, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 (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 /s/ \_\_\_\_\_ 12/9/2025 \_\_\_\_\_ Attorney for Petitioner

**CERTIFICATE OF SERVICE**

On December 8, 2025, Counsel for Plaintiff served a copy of the attached Motion 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 USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez /s/ \_\_\_\_\_ 12/9/2025 Attorney for Petitioner

**CERTIFICATE OF SERVICE**

On December 9, 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, Michael J Pitts, in his Official Capacity as Warden of the Port Isabel service Detention Center**, at (1) Office of the Warden, 27991 Buena Vista Blvd, Los Fresnos, Texas, 78566, 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 Respondent

12/9/2025 \_\_\_\_\_  
Date

On December 9, 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 (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 77002.

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

12/9/2025 \_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

On December 9, 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 (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 Respondent

12/9/2025  
Date

On December 9, 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 (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 Respondent

12/9/2025  
Date

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION  
CIVIL No.**

MARIO ANGUIANO REYES ,  
 Petitioner  
 vs.  
 RANDY TATE, in his official capacity as  
 Warden of the Montgomery Processing Center;  
 Et. al.  
 Respondents.

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**PETITION FOR  
WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C§2241**

**PROPOSED WRIT OF HABEAS CORPUS**

Having considered Petitioner's Petition for Writ of Habeas Corpus, and good cause appearing, IT IS HEREBY ORDERED that:

1. Respondents shall effect the IMMEDIATE RELEASE of Petitioner from ICE/DHS custody;
2. Petitioner shall comply with all reporting requirements set by ICE, as well as ankle monitoring, at the discretion of ICE, while hIS appeal is pending at the BIA;
3. Respondents, their agents, employees, and successors are RESTRAINED and ENJOINED from removing Petitioner, from the United States;
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. Security is waived / set at \$\_\_\_\_\_;
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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