



Hilbig Rd, Conroe, Texas 77301 and seeks emergency relief to obtain her release and prevent her unlawful removal to Ecuador. In support thereof, Petitioner states the following:

**TEMPORARY RESTRAINING ORDER**

1. 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).

2. 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).

**STATEMENT OF FACTS**

1. Petitioner is a thirty-five-year-old female and a native and citizen of Ecuador. *See attached*, Exhibit 1: Petitioner's Work Permit.

2. Petitioner first entered the United States through Miami, Florida, on or about December 27, 2023, pursuant to a B-1 visa.

3. Petitioner subsequently fled Ecuador due to escalating violence, targeted threats, and severe economic instability that placed her safety and well-being in immediate jeopardy. She arrived in the United States at or near Lukeville, Arizona, on or about April 14, 2024, seeking protection from the dangerous conditions she faced. *See attached*, Exhibit 2: Notice to Appear.

4. Petitioner was apprehended by DHS and placed in removal proceedings before the Houston Greenspoint Park Immigration Court pursuant to 8 U.S.C. § 1229(a), alleging inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i). *See id.*

5. On April 17, 2024, Petitioner was subsequently released on her own recognizance pursuant to Section 236 of the INA, reflecting DHS's determination that she posed no danger to the community and no flight risk. *See attached*, Exhibit 3: Order of Release on Own Recognizance. Courts have long recognized that such a release creates a protected liberty interest and an "implied promise" that the individual will not be re-detained absent a violation of release conditions or a material change in circumstances. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd*, 905 F.3d 1137 (9th Cir. 2018); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

6. Petitioner has developed substantial ties to the United States during her period of residence. She has embraced the culture and values of this country and has been an active, contributing member of her community.

7. On or about February 13, 2025, Petitioner filed an affirmative asylum application with the Executive Office for Immigration Review (EOIR). She had an initial master calendar hearing set for 2027. That application remains pending and unresolved. *See attached*, Exhibit 4: Form I-589 Application.

8. Petitioner has no criminal history whatsoever and poses no risk to the community. Nothing in her background indicates she is a danger to the United States or that her detention is necessary for public safety.

9. On or about November 21, 2025, Petitioner was arrested while attending her scheduled ICE check-in. Without warning or explanation, she was taken into ICE custody and is

currently detained at the Montgomery Processing Center, located at 806 Hilbig Rd., Conroe, Texas 77301.

10. Petitioner's abrupt re-detention—after over a year of full compliance with all ICE check-ins and immigration requirements—lacks any valid procedural or substantive justification. *See attached*, Exhibit 5: Evidence of Petitioner's ICE Check-Ins. The government has identified no violation of conditions, new derogatory information, or changed circumstances that would justify revoking the liberty previously granted under INA § 236. Such a sudden reversal is arbitrary, procedurally defective, and constitutionally impermissible, as it disregards DHS's original risk assessment and Petitioner's reliance on her prior release to build a stable life and prepare her asylum case. Her continued confinement severely impairs her ability to prepare her claim, consult with counsel, and support her family. These harms are immediate, concrete, and irreparable.

11. If not enjoined, Petitioner faces months or even years of prolonged detention despite her strong equities, pending asylum claim, documented compliance history, and the absence of any risk factors. Such ongoing custody violates her constitutional rights and undermines the procedural protections afforded under federal law.

12. Petitioner respectfully seeks this Court's emergency intervention to restore her liberty and prevent further irreparable harm while her underlying immigration proceedings continue.

13. The Government has failed to provide any meaningful justification for her sudden arrest or continued detention. Given the absence of individualized findings supporting custody, the arbitrary revocation of her prior release, and the grave and immediate harms at stake, Petitioner

now submits this Emergency Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and respectfully requests that this Honorable Court order her immediate release.

#### **LEGAL STANDARD**

14. 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**

15. 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**

16. Petitioner has been detained by ICE since on or about November 21, 2025, with no final order of removal having ever been issued against her in a removal proceeding, though she is subject to no form of mandatory detention. Petitioner has no criminal history and poses no risk to the community. She has demonstrated no conduct indicating that she is a threat to the United States or otherwise eligible for deportation.

17. 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 her most fundamental liberty interest.

18. 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 her 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**

19. Petitioner’s detention is unlawful under 28 U.S.C. § 2241 because no final order of removal exists, and ICE has failed to justify her 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, her initial removal proceedings before the Houston Greenspoint Park Immigration Court were recently commenced on April 17, 2024, without a final removal order being issued against her.

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

2. 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).

3. Petitioner poses no flight risk or danger to the community. ICE’s failure to articulate any legitimate reason for her detention demonstrates that it is punitive, not regulatory, and therefore unconstitutional. *Zadvydas*, 533 U.S. at 690–91.

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

**C. The Balance of Harms Favors Petitioner**

5. 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 her release under appropriate conditions. The government retains full authority to supervise Petitioner through reporting or monitoring conditions, rendering detention unnecessary to ensure appearance.

6. 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**

7. 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.

8. 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**

9. Because Petitioner has shown (1) a substantial likelihood of success on the merits of her 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:

10. **Directing Respondents to immediately release Petitioner from custody;**
11. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
12. Directing Respondent to take all necessary steps to halt any removal preparations;
13. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
14. Set an expedited hearing on Petitioner's motion for preliminary injunction;
15. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
16. Waive or set security in a nominal amount;
17. Award attorney's fees and costs; and
18. 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 her 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 his habeas corpus petition moot and cause irreparable constitutional harm.

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

12/09/2025  
Date

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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

12/09/2025  
Date

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