

**UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF LOUISIANA**

Francisco RODRIGUEZ ROMERO, *et al.*,

Petitioners,

v.

Scott LADWIG, *et al.*,

Respondents.

Case No. 3:25-cv-01106-JWD-EWD

Judge John W. deGravelles

Magistrate Judge Erin Wilder-Doomes

**PETITIONERS' REPLY IN SUPPORT OF THEIR
MOTION FOR TEMPORARY RESTRAINING ORDER / PRELIMINARY
INJUNCTION**

INTRODUCTION

Respondents fail to address the stark reality of this case: Petitioners did not receive the procedural due process to which they are entitled when their Orders of Supervision (“OSUPs”) were revoked, and their detention served no lawful purpose then—nor does it now. Instead, Respondents attempt to create new standards for Petitioners to meet, distracting from the fact that Petitioners’ detention is unconstitutional and cannot go on. Respondents’ silence on critical facts and the regulations at issue speaks for itself and makes clear that Respondents had, and have, no lawful justification for Petitioners’ detention. Accordingly, and because they are suffering irreparable harm every day, Petitioners are entitled to restoration of the *status quo ante* and their liberty while the Court determines whether they may be detained.

ARGUMENT

I. The Preliminary Relief Requested is Appropriate.

The relief requested in Petitioners’ TRO/PI is not duplicative of their ultimate prayer for relief.¹ Petitioners seek only temporary relief: restoration of the *status quo ante* while the Court determines whether, and under what circumstances, they may be detained. *See* Fed. R. Civ. P. 65(b)(2); *see generally* Dkt. 7-1 (“Mot.”). Such relief is necessary “to protect the [Petitioners] from irreparable injury and to preserve the district court’s power to render a meaningful decision after a trial on the merits.” *Canal Auth. of State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). Here, Petitioners are suffering irreparable injury with each day they remain unlawfully detained.²

¹ At the outset, Petitioners note that habeas is the appropriate vehicle for the relief they seek. *Jimenez v. Bostock*, No. 25-CV-00570, 2025 WL 2430381, at *3 (D. Or. Aug. 22, 2025) (citing *Trump v. J.G.G.*, 604 U.S. 670 (2025)). Moreover, information about the conditions of confinement “support[] their claim of irreparable harm” for injunctive relief. *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1154 n.5 (D. Minn. 2025).

² This fact alone differentiates Petitioners from the cases Respondents cite. *See Edwards v. Lavespere*, No. 21-CV-59, 2021 WL 2386198, *2 (M.D. La. June 10, 2021) (declining to grant TRO where plaintiff did not show “that there is a substantial threat he will suffer irreparable injury if the requested relief is not granted” and “any harm which may come to the plaintiff is likely to not be irreparable and can be compensated for monetarily and” by post-judgment orders); *Truman v. LeBlanc*, No. 16-CV-339, 2017 WL 1734041, *2 (M.D. La. May 2, 2017) (denying preliminary

Kostak v. Trump, No. 25-CV-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025) (holding in the immigration context that “the unconstitutional deprivation of liberty, even on a temporary basis, constitutes irreparable harm”); *see also* Mot. at 26–28.³

District courts in the Fifth Circuit and beyond routinely order such relief pursuant to a TRO/PI in the immigration context. *See, e.g., Abuelhawa v. Noem*, No. 25-CV-04128, 2025 WL 2937692, *1, *12 (S.D. Tex. Oct. 16, 2025) (granting PI and ordering immediate release of petitioner who had been on an OSUP since 2010 “without incident”); Memorandum Order at 9, *Guerra Leon v. Noem*, No. 3:25-1495 (W.D. La. Oct. 30, 2025) (ordering immediate release pursuant to a motion for TRO and PI); *Kostak*, 2025 WL 2472136, at *4 (ordering either a bond hearing or “release[] until it has been determined” that the petitioner should be detained); *Martinez v. Trump*, No. 25-CV-1445, 2025 WL 3124847, at *3 (W.D. La. Oct. 22, 2025) (ordering release via the ability to post bond in a TRO); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, 2025 WL 2637663, at *5 (W.D. Wash. 2025) (ordering release in a TRO).

The TRO/PI does not seek a permanent order of release, nor a declaration of rights. *See generally* Mot. Petitioners seek only a restoration of the *status quo ante*—ordered to prevent irreparable harm *now*, while the Court determines the parties’ rights and responsibilities moving forward.⁴ *See Abuelhawa*, 2025 WL 2937692, at *6 (first citing *Callaway*, 489 F.2d at 576, and

relief where the record showed that plaintiff was not experiencing irreparable harm but rather was refusing physicians access to treat or examine him); *Pegues v. Hooper*, No. 23-CV-270, 2023 WL 3574793, *1 (M.D. La. May 19, 2023) (plaintiff failed to address any of the injunctive relief elements, including irreparable harm); *see also Chambliss v. Ashcroft*, No. 04-CV-0298, 2004 WL 718998, *2 (N.D. Tex. Apr. 1, 2004), *R. & R. adopted*, 2005 WL 724206 (N.D. Tex. Mar. 30, 2005) (denying relief where petitioner relied on habeas petition and did not address irreparable harm).

³ Page numbers here and to all ECF-stamped documents refer to the ECF-stamped page number.

⁴ Respondents argue that a “standard” briefing schedule is appropriate to address Petitioners’ claims, Dkt. 13 (“Opp.”) at 3 n.4, but ignore the basis for the injunctive relief Petitioners seek: the irreparable harm they are facing every day. Petitioners are not otherwise proceeding on an expedited basis, and as such their Motion is not duplicative. *Rodriguez v. Lyons*, No. 25-CV-1926, 2025 WL 3553742, *1 (W.D. La. Dec. 8, 2025) (denying preliminary relief where the Magistrate Judge had already granted the petitioner’s request for an expedited briefing schedule); *Flores Perez v. Noem*, No. 25-CV-2920, 2025 WL 3532430, *7 (N.D. Tex. Nov. 14, 2025), *R. & R. adopted*, 2025 WL 3530951 (N.D. Tex. Dec. 9, 2025) (denying the TRO when granting the fully-briefed habeas petition).

then citing *United States v. FDIC*, 881 F.2d 207, 210 (5th Cir 1989)). Release would not circumvent “the normal procedures for litigation,” but instead would maintain the Court’s ability to render a final decision on the merits which is meaningful.⁵ *See Pegues*, 2023 WL 3574793, at *1. As such, and like many other courts in this Circuit have done before, this Court can order Petitioners’ immediate release to prevent ongoing irreparable injury as it continues to consider the merits of the underlying petition. *Callaway*, 489 F.2d at 572.

II. Petitioners are Likely to Succeed on Their Due Process Claims.

A. Petitioners were arrested and detained in violation of 8 C.F.R. § 241.4, 8 C.F.R. § 241.13, and the *Accardi* doctrine.

Petitioners are likely to succeed on their procedural due process claims because ICE revoked each Petitioner’s OSUP in clear violation of its own regulations and requirements. *See generally* Dkt. 1 (“Pet.”); Mot.; *see also United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures.”). Petitioners do not need to show substantial prejudice where the regulations in question were designed to protect certain rights and guard against unfettered discretion. And, contrary to the government’s suggestion otherwise, retaining counsel months after a due process violation does not cure the violation.

At the outset, Respondents do not dispute that ICE failed to provide Petitioners with the mandatory procedural safeguards in the OSUP regulations—nor can they, as Petitioners received incomplete process or no process at all.⁶ Instead, Respondents argue that notice and an interview

⁵ Regarding the merits, Petitioners also differ from Respondents’ cited cases in that they have shown a likelihood of success on the merits of their Petition. *See supra* note 1.

⁶ Neither Mr. Blanco Chomat nor Mr. Gaston Sanchez received any paperwork associated with the revocation of their OSUPs. Pet. ¶¶ 75, 87. Mr. Rodriguez Romero and ██████████ received revocation notices written in English and without the signature of an authorized official. *Id.* at ¶¶ 59, 110–11. No Petitioner *ever* received an informal interview—before or during their detention at Camp 57 (or elsewhere)—or an opportunity to present evidence as to why revocation was not appropriate. *See id.* ¶¶ 60, 76, 88, 112.

may occur after detention. Opp. at 14. Petitioners have never argued the contrary. *See* Mot. In any event, it is well established that the mandatory due process requirements must be provided “promptly.” *See* 8 C.F.R. §§ 241.4(1)(1), 241.13(i)(3); *M.S.L. v. Bostock*, No. 25-CV-01204, 2025 WL 2430267, at *11 (D. Or. Aug. 21, 2025) (explaining that a dilatory notice and a belated informal interview “cannot paper over the procedural defects in [p]etitioner’s detention”).⁷

1. *Petitioners need not show prejudice because ICE violated regulations designed to protect their constitutional rights.*

Respondents’ harmless error argument ignores Supreme Court and Fifth Circuit precedent. Where, as here, regulations were (1) designed to curb unfettered agency discretion or (2) compelled by the Constitution or statute, litigants need not show substantial prejudice.⁸

The Supreme Court has distinguished between violations of regulations “adopted for the orderly transaction of business before [the agency],” requiring a showing of substantial prejudice, and those “intended primarily to confer important procedural benefits” which control for “otherwise unfettered discretion,” not requiring substantial prejudice. *Am. Farm Lines v. Black Ball Freight Serv.*, 397 U.S. 532, 538–39 (1970) (citing *Vitarelli v. Seaton*, 359 U.S. 535 (1959)). Accordingly, the Fifth Circuit has recognized that where an agency rule provides for the “extension of important procedural benefits,” substantial prejudice is not required. *Alamo Exp., Inc. v. United States*, 613 F.2d 96, 97–98 (5th Cir. 1980). Nor is substantial prejudice required where, as here, a

⁷ The cases cited by Respondents are easily distinguishable. *See Vongdasy v. Harper*, No. 25-CV-1589, 2025 WL 3091706, at *1 (W.D. La. Oct. 23, 2025) (petitioner unsure whether he received notice and admitted his removal was imminent); *Nguyen v. Noem*, No. 25-CV-057, 2025 WL 2737803, at *4 (N.D. Tex. Aug. 10, 2025) (petitioner alleged “virtually no facts to support any violation” of § 241.13(i)(3)); *Surovtsev v. Noem*, No. 25-CV-160, 2025 WL 3264479, at *2 (N.D. Tex. Oct. 31, 2025) (petitioner already had a travel document application to his home country).

⁸ Respondents’ contention that a subsequent counseled habeas petition retroactively cures due process violations should be readily dismissed. Opp. at 16. Such an interpretation of due process renders the OSUP revocation regulations a nullity and obviates Fifth Circuit precedent on the issue of prejudice. *See* Opp. 14–17. The Supreme Court and the Fifth Circuit have rejected the post-deprivation ability to sue as an adequate remedy. *See, e.g., Armstrong v. Manzo*, 380 U.S. 545, 551 (1965) (disagreeing with lower court’s conclusion that “whatever constitutional infirmity resulted from the failure to give the petitioner notice had been cured” by a hearing on his motion to set aside the decree); *Dailey v. Vought Aircraft Co.*, 141 F.3d 224, 231 (5th Cir. 1998).

regulation’s contents are “compelled by the constitution or statute.” *Francois v. Garland*, 120 F.4th 459, 466 (5th Cir. 2024); *see also Gov’t of Canal Zone v. Brooks*, 427 F.2d 346, 348 (5th Cir. 1970) (holding that *Accardi* plaintiff must show that the agency’s regulatory breach “deprived him of the procedural safeguard of notice *or* prejudiced his rights in an[] adjudicative proceeding” (emphasis added)).

The OSUP regulations at issue are exactly the kind that do not require a showing of substantial prejudice per *American Farm Lines* and *Francois*.⁹ *See Bonitto v. Bureau of Immig. & Customs Enf’t*, 547 F. Supp. 2d 747, 756 (S.D. Tex. 2008) (“insist[ing]” on ICE’s compliance with 8 C.F.R. § 241.4 because it “do[es] not merely facilitate internal agency housekeeping, but rather afford[s] important and imperative procedural safeguards to detainees”); *Cifuentes Rivera v. Arnott*, No. 25-CV-00570 (W.D. Mo. October 7, 2025), Dkt. 19 at 12–13 (“No showing of prejudice is necessary to afford habeas relief for ICE’s failure to abide by its own regulations” when such regulations “confer important procedural benefits upon individuals in the face of otherwise unfettered discretion”); *Santamaria Orellana v. Baker*, No. 25-CV-1788, 2025 WL 2444087, at *6 (D. Md. Aug. 25, 2025) (holding that prejudice “is presumed” because OSUP revocation “regulations are intended to provide due process”); *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017) (holding detention unlawful without requiring prejudice because the OSUP regulations were “promulgated to protect . . . the opportunity to be heard”); *see also* 66 Fed. Reg. 220, 56,967, 56,968 (Nov. 14, 2001) (explaining 8 C.F.R. § 241.13 was promulgated “in light of” the constitutional and statutory limits announced in *Zadvydas v. Davis*, 533 U.S. 678 (2001)).

⁹ Instead of engaging with this case law, Respondents cite cases where Petitioners did not raise *Accardi* claims. *See* Opp. at 14 (citing *Rangel-Betancourt v. Barr*, 820 F. App’x 253, 255 (5th Cir. 2020) (not raising an *Accardi* claim); *Enriquez-Gutierrez v. Holder*, 612 F.3d 400, 407 (5th Cir. 2010) (same); *Nguyen*, 2025 WL 2737803, at *5 (citing to *City of Arlington v. FCC*, 668 F.3d 229, 243–44 (5th Cir. 2012), an APA case concerning the process for promulgating regulations, not the implications of violating them)).

2. Release is an appropriate remedy for these violations.

Release is an appropriate remedy for a Fifth Amendment due process violation like that the Petitioners have suffered here. *See Wenner v. Texas Lottery Comm’n*, 123 F.3d 321, 326 (5th Cir. 1997) (stating that preliminary relief “commonly favor[s] the status quo”); *Callaway*, 489 F.2d at 576 (“If the currently existing status quo itself is causing one of the parties irreparable injury, it is necessary to alter the situation so as to prevent the injury” including “returning to the last uncontested status quo between the parties.”).¹⁰ For each Petitioner, “the last peaceable uncontested status” existing between the parties was immediately prior to his redetention.¹¹ For this reason, other courts in this Circuit and beyond have ordered release on similar facts, as doing so is “consistent with the characterization of the *status quo* by the Fifth Circuit for many years.” *See, e.g., Abuelhawa*, 2025 WL 2937692, *6 (citing *FDIC*, 881 F.2d at 210); *Jimenez*, 2025 WL 243038; *see also* Mot. at 15–16 (collecting cases from the Fifth Circuit and elsewhere). At bottom, Respondents’ authority to revoke Petitioners’ OSUPs is not unlimited and must comport with constitutional due process. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (due process applies to revocation of parole). The loss of liberty is unquestionably one that requires due process—and, if not received, requires release.

B. Petitioners’ detention served no lawful purpose at the time their OSUPs were revoked.

¹⁰ The cases Respondents cite miss this point entirely. *See* Opp. at 17. Unlike Petitioners here, the petitioners in *Surovtsev*, *Nguyen*, and *Nouansisouhak* “d[id] not allege that ICE’s violations of the procedural requirements amount[ed] to a constitutional violation.” *Surovtsev*, 2025 WL 3264479, at *5 (discussing claims in *Surovtsev* and *Nguyen*); Petition, *Nouansisouhak v. Noem*, No. 3:25-cv-222-K-BW (N.D. Tex. Aug. 19, 2025), Dkt. 2 (habeas petition raising regulatory violation and *Zadvydas* claims only).

¹¹ Notably, “the status quo is not the conditions existing at the time the lawsuit was filed or the” PI motion is heard, but is instead the last *uncontested* status—here, before Petitioners were redetained. Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2947 (West 3d ed September 2025 update).

Respondents make no arguments opposing Petitioners' substantive due process claim that there was no lawful purpose for their detention at the time ICE revoked their OSUPs. *See generally* Opp. They have therefore waived any such arguments. *See United States v. Reagan*, 596 F.3d 251, 254 (5th Cir. 2010) (holding that a failure to adequately brief an argument results in waiver). In any event, there are only two lawful justifications for immigration detention: preventing flight risk or protecting the community. *See Zadvydas*, 533 U.S. at 690–91. Neither applies here. *See id.* at 690 (flight risk justification “is weak or nonexistent” where there are no concrete plans for removal); *Tran v. Mukasey*, 515 F.3d 478, 485 (5th Cir. 2008) (significant criminal history cannot justify prolonged detention).¹²

C. Petitioners' detention serves no lawful purpose because removal is not reasonably foreseeable.

Petitioners are also likely to succeed on their claim that now—after months in detention with no progress towards removal—their detention *still* serves no lawful purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (“[D]ue process requires that the nature and duration of commitment bear some reasonable relation to the purpose for which the individual is committed.”).

1. Petitioners' substantive due process claims are not premature.

Petitioners have been detained for more than six months. As they have explained, a petitioner's post-order detention is calculated cumulatively. *See* Mot. at 24–25 (collecting cases). After proper calculations, all four Petitioners have been detained longer than six months.¹³ Rather than address this fact, Respondents point to cases filed before that presumptive period elapsed,

¹² Respondents' reference to Petitioners' criminal histories, Opp. at 3–4, is a red herring. Each Petitioner was released on an OSUP, which ICE then revoked without procedural due process. Now, each Petitioner sits in indefinite detention at Camp 57, in violation of their substantive due process rights.

¹³ Respondents' reliance on *Guerra-Castro v. Parra*, No. 25-CV-22487, 2025 WL 1984300 (S.D. Fla. July 17, 2025), is misplaced. Opp. at 9 n.17. There, the court explained that “[e]ven if it counted prior periods of ICE detention, the cumulative length of detention would be less than six months.” *Id.* at *4 n.5. That is not the case here. Pet. ¶¶ 53, 61 (Mr. Rodriguez Romero, 30 months), ¶¶ 70, 77 (Mr. Blanco Chomat, over 8 months), ¶¶ 81, 89 (Mr. Gaston Sacherz, 8–9 months), ¶¶ 105, 113 (██████████, 8 months).

which is not the situation here.¹⁴ In any event, the six-month presumptive period in *Zadvydas* is not a bright-line rule. *Zadvydas*, 533 U.S. at 699 (reasonableness is measured “primarily in terms of the statute’s basic purpose, namely, assuring the [noncitizen’s] presence at the moment of removal”); *Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d 703, 707 (S.D. Tex. 2020) (“This six-month presumption is not a bright line, however, and *Zadvydas* did not automatically authorize all detention until it reaches constitutional limits.”). Where, as here, Petitioners have shown there is no significant likelihood of removal in the reasonably foreseeable future, they still prevail. *See Villanueva v. Tate*, No. 25-CV-3364, 2025 WL 2774610, at *9 (S.D. Tex. Sept. 26, 2025) (“But nothing in *Zadvydas* precludes a challenge to detention before the presumptively constitutional time period has elapsed”); *Ali*, 451 F. Supp. 3d. at 707.¹⁵

2. *Petitioners have shown that removal is not reasonably foreseeable.*

Relying only on their incorrect assertions that Petitioners’ *Zadvydas* claim is premature, Respondents fail to make any showing that Petitioners removal is, in fact, foreseeable. As such, they have waived any arguments to the contrary. *See Opp.*; *see also Kellam v. Servs.*, No. 12-CV-

¹⁴ *See, e.g., Agyei-Kodie v. Holder*, 418 F. App’x 317, 318 (5th Cir. 2011) (denying habeas filed before petitioner received a final removal order); Appellant’s Brief at 3, *Chance v. Napolitano*, No. 11-50200 (5th Cir. June 6, 2011), Dkt. 17 (noting that petitioner was still challenging his removal order); *Enwonwu v. Joyce*, No. 25-CV-0232, 2025 WL 2112712, at *1 (W.D. La. May 14, 2025) (filed “two weeks” post-order); *Qasem A. v. DHS ICE*, No. 25-CV-841, 2025 WL 2816816, at *2 (N.D. Tex. July 18, 2025) (less than four months post-order); *Etadafimue v. Noem*, No. 25-CV-00282, 2025 WL 2252585, at *1 (W.D. La. July 11, 2025), *R. & R. adopted*, 2025 WL 2248942 (W.D. La. Aug. 6, 2025) (petitioner’s appeal was still pending with the BIA); *Kakhidze v. Venegas*, No. 25-CV-136, 2025 WL 2411229, at *1 (S.D. Tex. Aug. 20, 2025) (petitioner filed before the presumptive period elapsed); *Kim v. Warden*, No. 25-CV-00912, 2025 WL 2451094, at *1 (W.D. La. Aug. 8, 2025), *R. & R. adopted*, 2025 WL 2444595 (W.D. La. Aug. 25, 2025) (same); *Mbaye v. U.S. Immigr. & Customs Enf’t*, No. 25-CV-01449, 2025 WL 3213782, at *1 (W.D. La. Oct. 7, 2025), *R. & R. adopted*, 2025 WL 3209030 (W.D. La. Nov. 17, 2025) (same).

¹⁵ *See also Zavvar v. Scott*, No. 25-CV-2104, 2025 WL 2592543, at *4 (D. Md. Sept. 8, 2025) (holding that the six-month presumption period is rebuttable, especially where the petitioner has been at liberty for many years and the government has the opportunity to effectuate the arrest throughout); *Cruz Medina v. Noem*, 794 F. Supp. 3d 365, 375 (D. Md. 2025) (noting that “what *Zadvydas* did make clear was that it was adopting a presumption—not a conclusive bar to adjudication of whether continued detention is authorized that lifts only after six months have elapsed”); *Hoang Trinh v. Homan*, 333 F. Supp. 3d 984, 994 (C.D. Cal. 2018) (“*Zadvydas* outlined a ‘guide’ for approaching these detention challenges . . . not a prohibition on claims challenging detention less than six months.”); *Cesar v. Achim*, 542 F. Supp. 2d 897, 905 (E.D. Wis. 2008) (concluding that “while detention pursuant to § 1231(a)(6) for up to six months is presumptively lawful, a [noncitizen] may still state a claim for and demonstrate a constitutional violation within the six-month window”).

352, 2013 WL 12093753, at *3 (N.D. Tex. May 31, 2013). In any event, Petitioners have shown that there is no significant likelihood of removal in the reasonably foreseeable future.

First, Petitioners have significant diplomatic or legal barriers to removal, *see* Pet. ¶¶ 53, 62, 70, 78, 81, 96, 103, 115, which alone provides sufficient reason to grant relief. *See e.g.*, *Zadvydas*, 533 U.S. at 684, 699–700; *Balza v. Barr*, No. 20-CV-00866, 2020 WL 6143643, at *4–5 (W.D. La. Sept. 17, 2020) (a “political and diplomatic standoff” was good reason to believe removal was not reasonably foreseeable). Second, ICE has either *already* been unable to remove Petitioners to a third country (such as Mexico), Pet. ¶¶ 62, 78, 96, or has provided no information whatsoever about their removal, Pet. ¶¶ 114–16. On this record, release is appropriate. *See Zadvydas*, 533 U.S. at 699; *Abuelhawa*, 2025 WL 2937692, at *8 (petitioner established prima facie case that there was no significant likelihood of removal because, *inter alia*, sociopolitical issues made it unlikely that countries to which the U.S. sought to deport him would receive him); *Villanueva*, 2025 WL 2774610, at *9 (S.D. Tex. Sept. 26, 2025) (government’s past and current failure to identify countries for removal meant removal not reasonably foreseeable). Respondents do not mention, let alone satisfy, their burden to rebut this showing. *See generally* Opp.

Because Petitioners have shown that removal is not reasonably foreseeable, and because Respondents have made absolutely no showing to the contrary, Petitioners are likely to succeed on their claim that their ongoing detention violates their substantive due process rights.

III. Petitioners’ Have Established Irreparable Harm

Petitioners have each established a clear and substantial threat of irreparable injury to justify injunctive relief. *See* Mot. at 26–28. Suffering from progressive neurodegenerative disorders, being at risk of suicide, being separated from a severely developmentally disabled family member, suffering from chronic pain, and experiencing worsening mental health issues

cannot be dismissed as what “any habeas corpus petitioner in immigration custody” faces. Opp. at 18; *see also* Mot. at 26–28. Even without these acute issues, “the unconstitutional deprivation of liberty, even on a temporary basis, constitutes irreparable harm.” *Kostak*, 2025 WL 2472136, at *3; *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012).

IV. The Balance of Equities and Public Interest Favors Petitioners’ Release

The balance of equities and public interest clearly require Petitioners’ immediate release from Camp 57. *See* Mot. 28–29. Respondents offer no serious rebuttal, nor can they, since “there is . . . no public interest in the perpetuation of unlawful agency action.” *R.J. Reynolds Vapor Co. v. Food & Drug Admin.*, 65 F.4th 182, 195 (5th Cir. 2023). “To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *VanDerStok v. BlackHawk Mfg. Grp. Inc.*, 639 F. Supp. 3d 722, 731 (N.D. Tex. 2022) (quoting *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016)). Further, “injunctions preventing the violation of constitutional rights are always in the public interest.” *Lee v. Lawrence*, Nos. 23-cv-1229-, 23-cv-1313, 2024 WL 3385644, at *12 (M.D. La. July 12, 2024) (quotation omitted). Respondents have not identified any public interest served by Petitioners’ indefinite and unlawful detention, at Camp 57 or elsewhere. These factors accordingly weigh heavily in favor of granting injunctive relief.

CONCLUSION

For all these reasons, the Court should grant Petitioners’ Motion and order their immediate release from detention.

Dated: December 16, 2025

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Respectfully submitted,

/s/ Bridget Pranzatelli
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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2025, a true and correct copy of the foregoing document was electronically filed via the Court's CM/ECF system.

Dated: December 16, 2025

Respectfully submitted,

/s/ Bridget Pranzatelli

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