

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ALEJANDRO AGUILAR ROSADO,

Plaintiff-Petitioner,

v.

MARY DE ANDA YBARRA in her official capacity as Field Office Director of El Paso Field Office of U.S. Immigration & Customs Enforcement;

WARDEN in his or her official capacity as Warden of Camp East Montana Detention Facility, U.S. Immigration & Customs Enforcement;

TODD LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security;

PAMELA BONDI, in her official capacity as Attorney General of the United States,

Defendants-Respondents.

Civil No. 3:25-cv-654-LS

MOTION FOR TEMPORARY RESTRAINING ORDER (TRO)

COMES NOW Plaintiff-Petitioner ALEJANDRO AGUILAR ROSADO and hereby respectfully requests this Court for a TRO pursuant to Rule 65 of the Federal Rules of Civil Procedure (FRCP) and Local Rule CV-65. In support thereof Plaintiff-Petitioner states the following:

1. On December 11, 2025, Plaintiff-Petitioner filed a Petition for Habeas Corpus and Complaint for Declaratory and Injunctive Relief and served Defendants-Respondents with notice of the Petition and Complaint. ECF No.1.
2. The Western District Court of Texas entered an Order for Service on December 15, 2025, requiring Defendants-Respondents to file a response no later than January 5, 2026. ECF No.2.
3. Defendants-Respondents filed their response on December 17, 2025. ECF No. 3.
4. To date, the Court has not issued a decision in this matter.
5. Due to the ongoing deprivation of his liberty and urgent irreparable harm flowing to himself and his loved ones, Plaintiff-Petitioner is filing this Motion for Temporary Restraining Order in accordance with Fed. R. Civ. P. 65.
6. The Plaintiff-Petitioner must show (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable harm if the injunction is not granted, (3) that the threatened injury outweighs any harm the injunction might cause the defendant, and (4) that granting the injunction will not disserve the public interest. See Fed. R. Civ. P. 65. See also, *Anderson v. Jackson*, 556 F.3d 351, 360 (5th Cir. 2009).
7. Plaintiff-Petitioner has been in ICE custody since July 22, 2025, and remains detained at Camp East Montana Detention Facility. ECF Nos. 1-4, 1-9.
8. Plaintiff-Petitioner's removal proceedings remain pending before the El Paso, Texas SPC Immigration Court before Immigration Judge Stephen Ruhle. ECF No. 1-12.
9. Plaintiff-Petitioner's detention of over five months has caused severe hardship to himself, his family, and his community. ECF Nos.1, 1-6.
10. Plaintiff-Petitioner's U.S. Citizen fiancée, siblings, and others have provided letters

describing the harm caused by Plaintiff-Petitioner's detention. ECF Nos. 1, 1-3.

11. Plaintiff-Petitioner is requesting that the Court order Respondents not to transfer Plaintiff-Petitioner from this jurisdiction or remove him from the United States, while his habeas petition is pending, as removing the Plaintiff-Petitioner from this jurisdiction would cause irreparable harm in the form of unreasonable delay and needless detention that would be even further prolonged.
12. Plaintiff-Petitioner is likely to proceed on the merits, as many district courts have agreed that the policy underlying *Matter of Yajure-Hurtado* is unlawful. ECF No. 1. Furthermore, Plaintiff-Petitioner has established that he is a member of the nationally certified class in *Maldonado Bautista*, which rendered a final judgement on December 18, 2025. *Maldonado Bautista et. al. v. Santacruz et. al.*, 5:25-cv-01873-SSS-BFM [Doc.92]. In doing so, the district court rejected the government's argument that its prior class certification was merely interlocutory, declared the policy unlawful, and certified the class by entering Final Judgment on Counts I-III. *Id.*
13. As discussed in detail in the Petition and Complaint, Plaintiff-Petitioner is being detained in direct violation of the governing statutory and regulatory scheme, as interpreted by the Supreme Court. ECF No. 1.
14. Defendants-Respondents have denied under erroneous and *ultra vires* authority Plaintiff-Petitioner any bond redetermination hearing or other individualized hearing with constitutionally adequate procedures. ECF No. 1.
15. As a direct and proximate result of his wrongful, unlawful, and *ultra vires* detention by Defendants-Respondents absent any meaningful bond redetermination hearing or other individualized and constitutionally adequate hearing under 8 U.S.C. § 1226(a),

Plaintiff-Petitioner has suffered and will continue to suffer injury. ECF No.1.

16. Plaintiff-Petitioner requests this Court to issue this Order to protect the status quo until this Court decides his petition for habeas corpus and petition for declaratory and injunctive relief. *Norman Bridge Drug Co. v. Banner*, 529 F.2d 822 (5th Cir. 1976).
17. A TRO in this matter will not harm the defendant or disserve the public interest, as there is no significant governmental interest at stake related to Plaintiff-Petitioner's continued detention because his availability for removal proceedings may be secured by less restrictive means, i.e., bond, in light of the fact that Plaintiff-Petitioner is neither a danger to any community nor a flight risk, as well as the high likelihood he will succeed in obtaining favorable relief in his removal proceedings.
18. As a direct and proximate result of the violation of Plaintiff-Petitioner's procedural due process rights, Plaintiff-Petitioner has suffered and will continue to suffer injury. A decision in favor of Plaintiff-Petitioner would serve the public interest, as it would protect Plaintiff-Petitioner's constitutional rights and uphold the rule of law.
19. Plaintiff-Petitioner requests that the Court use its discretion to determine that no security in this matter is required, as Plaintiff-Petitioner has not been able to work during the five months he has been detained. See *Maduhu v. Maduhu*, A-23-CV-00142-XR (W.D. Tex. Feb 10, 2023).
20. For these reasons, Plaintiff-Petitioner requests this Court to issue a temporary restraining order restraining Respondents from transferring Plaintiff-Petitioner from the El Paso-Western District of Texas jurisdiction or from removing Plaintiff-Petitioner from the United States until further order of the Court.

WHEREFORE Plaintiff-Petitioner respectfully requests the Court, for good cause shown, to enter an Order directing the Defendant-Respondents (1) not to transfer Plaintiff-Petitioner to another detention center outside of the El Paso jurisdiction in the Western District of Texas and (2) not to remove Plaintiff – Petitioner from the United States, for the next 14 days and renewable as the Court deems necessary, or during the remaining time that this petition is pending, and to any other emergency relief which this Court deems that that the Plaintiff-Petitioner is entitled to.

Date: January 2, 2026

Respectfully submitted,

THE RUIZ LAW FIRM, PLLC

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United States District Court
Western District of Texas
El Paso Division

Alejandro Aguilar Rosado

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Ybarra, et al.,
Respondents.

No. 3:25-cv-00654-LS

ORDER

On this day the Court considered Plaintiff-Petitioner’s Motion for Temporary Restraining Order and finds it to be meritorious. The motion is accordingly **GRANTED**.

Accordingly, the Defendants-Respondents are hereby **ORDERED** (1) not to transfer Plaintiff-Petitioner to another detention center outside of the El Paso jurisdiction in the Western District of Texas and (2) not to remove Plaintiff – Petitioner from the United States,

_____ for the next 14 days and renewable as the Court deems necessary;

_____ during the remaining time that the habeas corpus petition remains pending.

SO ORDERED on this ____ of _____, 20__.

THE HONORABLE LEON SCHYDLOWER
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 2, 2026, the foregoing was electronically filed with the Clerk of Court by causing a copy to be electronically filed via the CM/ECF system, which will send notice of the filing to all attorneys of record.

/s/ Elisabeth Ruiz
ELISABETH RUIZ, ESQ.
Attorney for Plaintiff-Petitioner