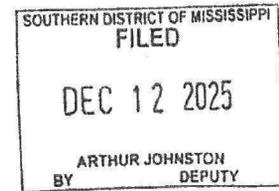


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION



RAFAEL RICARDO MORENO MARTÍNEZ,

A# 

Petitioner,

v.

Civil Action No. 5:25-cv-153-DCB-BWR

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY (DHS);  
UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT (ICE);  
WARDEN, ADAMS COUNTY  
CORRECTIONAL CENTER (ACCC),  
Respondents.

**EMERGENCY MOTION FOR IMMEDIATE RELEASE OR, IN THE  
ALTERNATIVE, TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION**

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**EMERGENCY MOTION FOR IMMEDIATE RELEASE OR, IN THE  
ALTERNATIVE, TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION**

Petitioner respectfully moves this Honorable Court for an order granting his immediate release from civil immigration detention due to serious medical deterioration, lack of adequate medical treatment, and unconstitutional conditions of confinement at Adams County Correctional Center (“ACCC”). In support thereof, Petitioner states:

## **I. INTRODUCTION**

1. Petitioner is a civil immigration detainee with no criminal history who was detained arbitrarily at a voluntary ICE check-in on October 17, 2025.
2. Since entering ICE custody, Petitioner's physical and emotional health have declined significantly, including respiratory illness, urinary complications, worsening lumbar pain, hidradenitis flare-ups, weight loss, and lack of adequate medical treatment.
3. The conditions at ACCC and the absence of proper medical care place Petitioner at substantial and imminent risk of irreparable harm.
4. Immediate release is necessary to prevent further medical deterioration and protect Petitioner's constitutional rights under the Fifth Amendment.

## **II. STANDARD FOR EMERGENCY INJUNCTIVE RELIEF**

1. Courts grant emergency relief when the movant demonstrates:
  - (1) a substantial likelihood of success on the merits;
  - (2) irreparable harm absent the requested relief;
  - (3) the balance of equities favors the movant; and
  - (4) the requested relief serves the public interest.
2. Petitioner satisfies all four criteria.

### **III. ARGUMENTS IN SUPPORT OF RELIEF**

#### **A. Substantial Likelihood of Success on the Merits**

1. Petitioner's continued detention violates substantive and procedural due process because it is arbitrary, unnecessary, and punitive.

2. ICE has not provided any individualized justification for detention, despite Petitioner's perfect compliance with supervision, lack of criminal record, and strong family ties.

#### **B. Petitioner Faces Irreparable Harm**

1. Petitioner suffers from congenital hydronephrosis, hidradenitis suppurativa, and lumbar scoliosis, all of which require appropriate medical management.

2. In detention, Petitioner has developed respiratory illness, urinary frequency, pain, weakness, and weight loss, none of which have been adequately evaluated or treated.

3. Irreparable harm is established where a detainee's medical needs are ignored or where detention conditions create severe health risks.

#### **C. Balance of Hardships Favors Petitioner**

1. Petitioner's health continues to decline, while Respondents face no hardship by releasing a non-dangerous individual under supervision.

#### **D. Public Interest Supports Release**

1. Protecting constitutional rights and preventing harm to individuals in government custody are fundamental public interests.

#### **IV. REQUEST FOR EMERGENCY RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Order his immediate release under reasonable conditions of supervision;
- B. OR, in the alternative, issue a Temporary Restraining Order requiring Respondents to:
  - 1. Provide immediate and adequate medical evaluation and treatment,
  - 2. Arrange transfer to a medical facility if needed,
  - 3. Refrain from any action endangering Petitioner's health;
- C. Grant any further relief deemed just and proper.

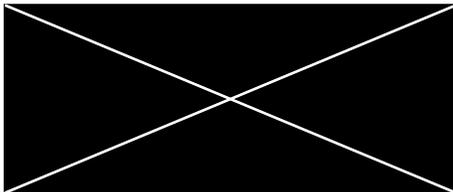
Respectfully submitted,



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MAIRIM RAFAELA MARTÍNEZ ESPINOZA

Next Friend of Petitioner



Date: December 5th, 2025

**CERTIFICATE OF SERVICE**

I certify that on December 5th, 2025, I mailed copies of the Petition for Writ of Habeas Corpus, Emergency Motion for Release, and all accompanying exhibits to:

Office of the Principal Legal Advisor (OPLA – ICE)

New Orleans Field Office

1250 Poydras Street, Suite 1800

New Orleans, LA 70113

And to:

Warden

Adams County Correctional Center

20 Hobo Fork Road

Natchez, MS 39120



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**MAIRIM RAFAELA MARTÍNEZ ESPINOZA**