

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

GUILHERME CAVALCANTE MOL

CIVIL ACTION NO. 1:25-CV-02023

VERSUS

JUDGE TERRY A. DOUGHTY

ELEZAR GARCIA, ET AL

MAGISTRATE JUDGE PEREZ-
MONTES

RESPONSE TO PETITIONER'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND/OR PRELIMINARY INJUNCTION

In accordance with the Court's Order dated December 13, 2025 (Doc. No. 5), Federal Respondents, U.S. Immigration & Customs Enforcement, Department of Homeland Security, Brian Acuna, Todd Lyons and Kristi Noem¹, in their official capacities, file this response to Petitioner's Motion for Temporary Restraining Order (TRO) and/or Preliminary Injunction (Doc. No. 2). Respondents respectfully request that Petitioner's Motion for TRO and Preliminary Injunction be denied because the relief sought therein, release from ICE custody or, in the alternative, a prompt bond hearing, is duplicative of the relief sought in Petitioner's Petition for Habeas Corpus (Doc. No. 1).

Both Petitioner's habeas corpus petition and motion for TRO are based on the argument that she is entitled to release under *Zadydas v. Davis*, 533 U.S. 678 (2001). And both the habeas petition and the instant motion seek the same relief – immediate release from custody. Accordingly, the request for injunctive relief is duplicative of the habeas petition and should be denied so the habeas can proceed to decision on the merits.

¹ The undersigned does not represent Eleazar Garcia, Winn Correctional Center (WCC), as WCC is a private facility and Warden Garcia is not a federal employee. However, all arguments made on behalf of the remaining Respondents apply with equal force to Warden Garcia, as he is detaining the Petitioner at the request of the United States.

The purpose of preliminary relief is always to prevent irreparable injury to preserve a court's ability to render a meaningful decision on the merits. *Canal Auth. Of State of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974). Therefore, a TRO should not be used as a device "to give a plaintiff the ultimate relief he seeks" in his underlying claims. *Peters v. Davis*, No. 6:17-cv-595, 2018 WL 11463602, at *2 (E.D. Tex. Mar. 27, 2018); accord *Lindell v. United States*, 82 F.4th 614, 618 (8th Cir. 2023) ("This Court has repeatedly recognized that the purpose of injunctive relief is to preserve the status quo; it is not to give the movant the ultimate relief he seeks."); *Kane v. De Blasio*, 19 F.4th 152, 163 (2d Cir. 2021) ("The purpose of a preliminary injunction is not to award the movant the ultimate relief sought in the suit but is only to preserve the status quo by preventing during the pendency of the suit the occurrence of that irreparable sort of harm which the movant fears will occur." (cleaned up)). Because the purpose of a TRO is not to award the ultimate relief sought, it should be denied when it is "is no more than a 'motion to win.'" *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, No. 3:25-cv-516-BN, 2025 WL 1211272, *1 (N.D. Tex. April 25, 2025).

The very basis of a habeas action is to challenge the statutory or constitutional basis for detention. See *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 117 (2020) ("[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.") (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)). Seeking injunctive relief that mirrors the relief requested in the habeas petition is nothing more than a motion to decide my habeas petition now. See *Garcia-Aleman v. Thompson*, No. 5:25-CV-00886, ECF No. 20 (S.D. Tex. Oct. 30, 2025). The Court should not allow Petitioner to commit an end-run around the habeas process.

District courts have denied TROs on this basis in similar habeas matters with claims for release from immigration detention. See *Oliveira v. Patterson*, 25-cv-1463, 2025 WL 3091705 (W.D. La. Oct. 9, 2025)(denying a TRO and noting "[t]he remainder of the relief requested...is consistent with the relief

sought in the Habeas Petition and shall be addressed by the Court pursuant to the expedited briefing schedule already entered by the Court...”); *see also Garcia-Aleman, supra* (collecting cases). In *Garcia-Aleman*, the court noted that petitioner sought an injunction granting the same relief he sought on the merits of the already expedited habeas proceeding but also stated that TROs are for *ex parte* relief and entry of injunctive relief would be inappropriate at that point in the proceeding, as respondents had notice and were actively participating in the proceeding. In fact, on December 8, 2025, three Orders were issued in this District and reached the same conclusion. *See Alessandro da Silva v. Heriberto Tellez et al*, No. 25-1960 (W.D.La. Dec. 8 ,2025), attached hereto as Government Exhibit A, *Rodriguez v. Todd M. Lyons et al*, No. 25-1926 (W.D.La. Dec. 8 , 2025), attached hereto as Government Exhibit B, and *Khurguani v. Ladwig, et al*, No 25-1959 (W.D.La. Dec. 8, 2025), attached hereto as Government Exhibit C.

Because the preliminary relief sought in the instant motion— immediate release—mirrors the ultimate relief sought in the habeas petition and the arguments for both are the same, and because Respondents are actively participating in this proceeding, Petitioner’s Motion for a Temporary Restraining Order and/or Preliminary Injunction should be denied. Furthermore, in the interest of judicial economy, especially considering the unprecedented volume of habeas litigation already pending on the issue in raised in this case, Respondents should only be required to substantively respond to the habeas petition, which requires a different legal standard than the preliminary relief sought herein, in accordance with the normal habeas procedures of this Court.

For the foregoing reasons, the Respondents urge the Court to deny the Petitioner’s motion for temporary restraining order and/or preliminary injunction, Doc. No. 2.

Respectfully submitted,

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