

from family, and interference with Petitioner's ability to prepare and pursue his pending protection and family-based immigration claims. Absent immediate injunctive relief, there is a substantial risk that Respondents may transfer Petitioner outside this Court's jurisdiction or otherwise frustrate meaningful judicial review before the Court can adjudicate the pending Petition for Writ of Habeas Corpus.

Petitioner therefore respectfully requests that the Court: (1) enjoin Respondents from transferring Petitioner outside the Western District of Texas pending resolution of his habeas petition; (2) enjoin Respondents from removing Petitioner from the United States pending resolution of the habeas petition; (3) preserve the *status quo* by ordering that Petitioner remain detained within this District until the Court rules on the merits of his habeas claims or orders appropriate relief; (4) set this Motion for an expedited hearing at the Court's earliest availability; and (5) waive security under Rule 65(c), or alternatively set a nominal bond, given the constitutional and statutory claims asserted.

Petitioner Lenin Melendez-Morales, by and through undersigned counsel, respectfully moves for a temporary restraining order and preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure and states as follows:

I. FACTUAL BACKGROUND

1. Petitioner is a 33-year-old Honduran national who entered the United States without inspection in 2023. Shortly after entry, Petitioner was taken into ICE custody and referred for a fear screening. A deportation officer determined that Petitioner has a credible and genuine fear of persecution or torture if returned to Honduras.

2. Following this determination, ICE released Petitioner on his own recognizance and placed him under an Order of Supervision (“OSUP”) on September 12, 2023. ICE also scheduled Petitioner for removal proceedings, with a merits hearing currently set for June 17, 2026.
3. From September 2023 until October 2025, Petitioner fully complied with all conditions of supervision. He appeared at every scheduled ICE check-in, provided updated contact information as requested, followed all instructions issued by ICE officers, and committed no criminal offenses. Petitioner has no criminal history and has never been accused of conduct suggesting that he is a danger to the community or a flight risk.
4. On October 8, 2025, Petitioner appeared for a routine, scheduled ICE check-in in San Antonio, Texas. Without any allegation of a violation of supervision, change in circumstances, or new conduct, ICE abruptly re-detained Petitioner and transferred him to the Karnes County Immigration Processing Center.
5. Since that date, ICE has held Petitioner without bond. Respondents assert that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b), despite the fact that he was previously released under § 1226 authority, was living in the interior of the United States, and was re-detained long after his initial entry. The immigration court with jurisdiction over Petitioner’s case has indicated that it will not exercise bond jurisdiction over individuals who entered without inspection, rendering any request for bond before the Immigration Judge futile.
6. Petitioner has filed a Petition for Writ of Habeas Corpus in this Court seeking an order requiring Respondents to provide him with a constitutionally adequate bond hearing under 8 U.S.C. § 1226(a), with the correct allocation of burdens, or other appropriate relief.

Petitioner seeks to preserve the *status quo* and prevent irreparable harm while the Court adjudicates the lawfulness of his detention and the denial of any bond hearing.

7. Petitioner incorporates by reference all factual allegations set forth in the Petition for Writ of Habeas Corpus and the exhibits attached thereto.

II. LEGAL STANDARD

8. A temporary restraining order and preliminary injunction are appropriate to preserve the status quo and prevent irreparable harm pending resolution of the merits. To obtain injunctive relief, a movant must show: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm if relief is denied; (3) that the threatened injury outweighs any harm to the opposing party; and (4) that the injunction will not disserve the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008).
9. When the Government is the opposing party, the balance of equities and public interest factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

III. ARGUMENT

A. Petitioner Is Likely to Succeed on the Merits

10. Petitioner has demonstrated a strong likelihood of success on his habeas claims that his continued detention without access to a bond hearing violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.
11. The INA authorizes discretionary detention under 8 U.S.C. § 1226(a) for noncitizens placed in removal proceedings, with the opportunity to seek release on bond unless mandatory detention applies. For decades, individuals apprehended in the interior of the United States and placed in § 1229a removal proceedings have been treated as detained under § 1226(a) and afforded bond hearings.

12. Here, Petitioner was previously released under § 1226 authority, lived in the community for more than two years under ICE supervision, and was re-detained at a routine check-in without any allegation of changed circumstances. Respondents' reclassification of Petitioner as subject to mandatory detention under § 1225(b), and the categorical denial of any bond hearing, is contrary to the statutory framework, longstanding agency practice, and fundamental due process principles.
13. Civil immigration detention is constitutionally permissible only to serve limited purposes—preventing flight or protecting the community—and must be accompanied by adequate procedural safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Detention without any opportunity to seek release before a neutral decision-maker, particularly where the individual has demonstrated compliance and lacks any criminal history, is arbitrary and constitutionally suspect.
14. Petitioner is therefore likely to succeed on the merits of his claims that he is entitled to a bond hearing under § 1226(a) and that Respondents' continued detention without such a hearing violates due process.

B. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief

15. Unlawful physical detention constitutes irreparable harm as a matter of law. Each additional day of detention inflicts a continuing deprivation of liberty that cannot be remedied by monetary damages alone.
16. Petitioner also suffers ongoing harm through separation from his family, inability to support his daughter and elderly father, and significant interference with his ability to prepare and pursue his pending applications for asylum, withholding of removal, protection under the Convention Against Torture, and family-based relief.

17. Absent injunctive relief, Petitioner faces a real risk of transfer outside this Court's jurisdiction, which would impair his access to counsel and potentially frustrate this Court's ability to provide effective relief on the pending habeas petition.

C. The Balance of Equities and Public Interest Favor Relief

18. Respondents have no legitimate interest in continuing detention that exceeds statutory authority and violates constitutional protections. Petitioner seeks only limited injunctive relief to preserve the *status quo* and ensure meaningful judicial review of his detention.

19. The public interest is served by ensuring that the Government complies with the Constitution and the immigration statutes enacted by Congress, and by preventing arbitrary civil detention without adequate process.

D. Security Should Be Waived or Set at a Nominal Amount

20. Under Rule 65(c), the Court has discretion to waive security or set a nominal bond where a movant raises substantial constitutional claims and seeks to enforce compliance with federal law. Petitioner respectfully requests that the Court waive the security requirement or, in the alternative, set a nominal bond.

IV. REQUESTED RELIEF

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Grant this Emergency Motion for Temporary Restraining Order and Preliminary Injunction;
2. Enjoin Respondents, their agents, and all persons acting in concert with them from transferring Petitioner outside the Western District of Texas during the pendency of this action, absent further order of the Court;
3. Enjoin Respondents from removing Petitioner from the United States pending resolution of the Petition for Writ of Habeas Corpus;

4. Preserve the status quo pending adjudication of the habeas petition by ordering that Petitioner remain detained within this District unless and until the Court orders otherwise;
5. Set this Motion for an expedited hearing at the Court's earliest availability; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted on December 18, 2025.

/s/ Georgia Santos Laurent
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CERTIFICATE OF CONFERENCE

I certify that counsel for Petitioner has not conferred with counsel for Respondents because of the emergency nature of the requested relief and the need to prevent irreparable harm. To the extent required, undersigned will promptly confer with Government counsel at the earliest feasible opportunity.

/s/ Georgia Santos Laurent
Georgia Santos Laurent

CERTIFICATE OF SERVICE

I certify that on December 18, 2025, I filed the foregoing via the Court's CM/ECF system, which will send notice to all counsel of record who have entered an appearance.

/s/ Georgia Santos Laurent
Georgia Santos Laurent