

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

DEC 15 2025

SOLOMON AYOR,
Petitioner,
v.

Nathan Ochsner, Clerk of Court

ATTORNEY GENERAL OF THE UNITED STATES, et al.,
Respondents.

Case No.: _____

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER**

I. INTRODUCTION AND REQUEST FOR EMERGENCY RELIEF

Petitioner Solomon Ayor, through his wife and next friend Chinwe Irene Ayor, respectfully moves this Court for an Emergency Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65 and Southern District of Texas Local Rules 7.1 and 65, enjoining Respondents from removing or transferring Petitioner while this Court considers the accompanying Petition for Writ of Habeas Corpus.

This TRO is necessary to preserve the status quo, protect this Court's jurisdiction, and prevent irreparable constitutional harm.

II. FACTUAL BASIS FOR EMERGENCY RELIEF

Petitioner is the beneficiary of an approved Form I-130 immigrant visa petition filed by his United States citizen spouse and has a pending Form I-212 application before USCIS. He has also filed a Motion to Reopen and a Motion to Stay Removal with the Board of Immigration Appeals, which remains pending.

Petitioner has no criminal history and complied fully with ICE supervision for more than thirteen (13) years. He was detained unexpectedly at a routine check-in without individualized assessment of flight risk or danger.

Critically, Petitioner is the sole financial provider for three minor United States citizen children. His detention has eliminated the family's only source of income.

III. LEGAL STANDARD

A Temporary Restraining Order is appropriate, where the movant demonstrates: (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm; (3) that the threatened injury outweighs any harm to the opposing party; and (4) that granting the order will not disserve the public interest.

IV. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner is likely to succeed on the merits of his habeas claims. Civil immigration detention must bear a reasonable relationship to its purpose and may not be arbitrary or punitive. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

ICE is detaining Petitioner while simultaneously processing immigration relief that presumes the possibility of lawful return or regularization of status. This contradiction demonstrates that detention is not reasonably related to removal and violates due process.

B. Irreparable Harm

Absent a TRO, Petitioner faces imminent removal or transfer that would permanently separate him from his three minor United States citizen children and moot this Court's jurisdiction.

Additionally, Petitioner's continued detention deprives his family of its sole source of income, causing immediate and irreparable financial and emotional harm.

C. Balance of Equities

The balance of equities weighs sharply in Petitioner's favor. ICE suffers no harm from maintaining the status quo. In contrast, Petitioner's family faces catastrophic consequences from continued detention.

The government is currently expending public funds to detain a tax-paying worker who has supported his family for years. If Petitioner is released, he returns to work immediately and continues supporting three American citizens. If he remains detained, his U.S. citizen family faces a substantial risk of losing its sole source of income and may be forced to rely on public assistance.

D. Public Interest

The public interest strongly favors release. Continued detention wastes taxpayer resources and destabilizes a U.S. citizen family. Granting a TRO promotes constitutional compliance, family stability, and fiscal responsibility.

V. REQUESTED RELIEF

Petitioner respectfully requests that this Court issue a Temporary Restraining Order enjoining Respondents from removing or transferring Solomon Ayor pending resolution of the habeas petition and for such other relief as the Court deems just and proper.

Respectfully submitted,



Chinwe Irene Ayor
Wife and Next Friend of Solomon Ayor
Date: December 15, 2025