

ENTERED

January 03, 2026

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HERBERTH NAHUM FLORES BERRIOS,	§	
	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO. 4:25-CV-06043
	§	
KRISTI NOEM, <i>et al.</i> ,	§	
	§	
Respondents.	§	
	§	

TEMPORARY RESTRAINING ORDER

The petitioner, Herberth Nahum Flores Berrios, is a detainee in the custody of United States Immigrations and Customs Enforcement. He has filed a petition for a writ of habeas corpus.

A. Background

The facts asserted below are taken from the petitioner’s motion. The petitioner is a citizen of El Salvador. He entered the United States in 2021. He has no criminal record.

On November 3, 2025, the petitioner was detained by ICE following a traffic stop. He requested a bond hearing but was denied because the Immigration Judge concluded that he lacked jurisdiction under a recent Board of Immigration Appeals decision. The petitioner now seeks a writ of habeas corpus ordering his release from custody.

I. Legal Standards

There are four prerequisites for the extraordinary relief of a temporary restraining order. A court may grant this relief only when the movant establishes that: (1) there is a substantial

likelihood that the movant will prevail on the merits; (2) there is a substantial threat that irreparable harm will result if the injunction is not granted; (3) the threatened injury [to the movant] outweighs the threatened harm to the respondent; and (4) the granting of the order will not disserve the public interest. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir.1987) (citing *Canal Auth. of the State of Florida v. Callaway*, 489 F.2d 567, 572 (5th Cir.1974) (en banc)). The party seeking injunctive relief must prove each of the four elements before a preliminary injunction can be granted. *Mississippi Power & Light Co. v. United Gas Pipeline*, 760 F.2d 618, 621 (5th Cir.1985); *Clark*, 812 F.2d at 993.

II. Analysis

A. Likelihood of Success on the Merits

The petitioner asserts facts showing that he is a member of a class that was granted relief on the same grounds raised in this case, *see Maldonado Bautista v. Santacruz*, ___ F.Supp. 3d ___, No. 5:25-CV-01873, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025), and that the respondents have not abided by that decision. Because a federal court has already determined that the class of which petitioner is a member is entitled to relief, the petitioner is likely to succeed on the merits of his claims.

B. Irreparable Harm

If removed from the district before this Court can adjudicate his claims, petitioner would be denied judicial review of his claims and would continue to be deprived of his liberty. Petitioner demonstrates that he will suffer irreparable harm in the absence of relief.

C. Relative Injury

As noted above, the petitioner suffers grave and irreparable harm if he is removed from the United States, including possible persecution. Maintaining the status quo pending resolution of the petitioner's request for a preliminary injunction, however, causes only *de minimis*, if any, injury, to the respondents. This factor lands in favor of the petitioner.

D. Public Interest

Maintaining the status quo to allow for full and fair adjudication of the petitioner's claims serves the public interest.

E. Conclusion

All four factors weigh in favor of granting temporary injunctive relief.

F. Notice and Security

The Court takes judicial notice of the fact that the government has, in recent memory, removed and attempted to remove detainees from the United States during the pendency of their judicial proceedings. The risk of petitioner's imminent removal mooting these proceedings necessitates waiving notice to the respondents prior to the issuance of this order.

The respondent faces no financial harm from compliance with this order. The Court therefore waives any requirement that the petitioner post security.

III. Order

It is hereby ORDERED as follows:

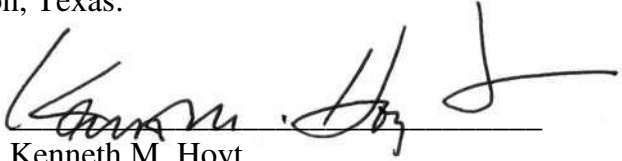
1. The respondents, their agents, employees, and successors are restrained and enjoined from removing the petitioner from the Southern District of Texas while this order remains in effect; and

2. The respondents shall notify all relevant personnel that the petitioner is not to be removed from the district while this order remains in effect.

This temporary restraining order is entered on December 31, 2025 at 1:50 p.m. and will expire 14 days therefrom unless dissolved earlier or extended by court order.

It is so ORDERED.

SIGNED on December 31, 2025, at Houston, Texas.



Kenneth M. Hoyt
United States District Judge