

FILED.

DEC 15 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AINA BARRETO-SANTAMARÍA,

A# _____
Petitioner,

SA25CA1774

XR

v.

FIELD OFFICE DIRECTOR,

U.S. Immigration and Customs Enforcement (ICE),
San Antonio Field Office,
Respondent.

Case No.: _____

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND NON-TRANSFER ORDER**

Petitioner, **AINA BARRETO-SANTAMARÍA**, appearing *pro se*, respectfully moves this Honorable Court for an **Emergency Temporary Restraining Order (“TRO”)** preventing the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) from transferring her out of the **Dilley Immigration Processing Center** or otherwise removing her from the jurisdiction of this Court during the pendency of her **28 U.S.C. § 2241 Habeas Corpus Petition**.

This relief is necessary to preserve the Court’s jurisdiction and prevent irreparable harm.

In support, Petitioner states:

I. INTRODUCTION

Petitioner is a 22-year-old Colombian national with a pending asylum application (filed April 2021), a valid Employment Authorization Document, no criminal record, and longstanding community ties.

She was unlawfully seized in Florida by private individuals, detained by Orange County Jail **without charges**, and transferred to ICE custody **without an NTA**, and has now been transferred to Texas.

Petitioner is detained at the **Dilley Immigration Processing Center**, under the supervision of the **San Antonio Field Office Director**, the Respondent in this case.

II. BASIS FOR EMERGENCY RELIEF

1. ICE Transfers Defeat Habeas Corpus Jurisdiction

Under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the proper respondent in a habeas corpus action is the **immediate custodian**—the Field Office Director controlling the Petitioner's detention.

If ICE transfers the Petitioner again (as they did from Florida to Texas), jurisdiction can be:

- disrupted,
- confused,
- or effectively destroyed.

Courts consistently recognize that **ICE transfers may deprive the federal court of the ability to adjudicate a habeas petition** unless a TRO is issued.

2. Petitioner Has Already Been Moved Once for No Lawful Reason

The transfer from Florida to Texas occurred:

- without notice,
- without a custody determination,
- without issuing an NTA,
- and in a manner that obstructs access to evidence and family.

A second transfer is reasonably likely and would frustrate the Court's review.

3. ICE Routinely Transfers Pro Se Detainees

Especially young women with pending asylum claims, often to:

- Louisiana contract facilities
- South Texas mass-processing centers
- Out-of-state detention centers

Such transfers occur **without warning** and often within 24–48 hours.

4. Irreparable Harm

If Petitioner is transferred again before the Court reviews the habeas petition:

- the Court’s jurisdiction may become unclear,
- service may become impossible,
- filings may be rendered moot,
- Petitioner may lose access to the few exhibits and evidence she has,
- and the Court may be unable to order effective relief.

This constitutes **irreparable harm** under well-established federal habeas precedent.

5. Public Interest and Equities Favor Relief

Petitioner has:

- no criminal record,
- an active asylum application,
- proof of identity (EAD),
- and a credible claim of unlawful seizure and detention.

A TRO simply preserves the Court’s ability to adjudicate the petition properly.

III. REQUESTED RELIEF

Petitioner respectfully requests that this Court issue an **Emergency Temporary Restraining Order** directing that:

- 1. ICE may NOT transfer Petitioner out of the Dilley Immigration Processing Center;**
- 2. ICE may NOT transport Petitioner outside the Western District of Texas;**
- 3. ICE must maintain Petitioner within the jurisdiction of the San Antonio Division unless ordered otherwise by this Court;**
- 4. ICE must provide 72 hours written notice to the Court and to Petitioner before any attempted transfer.**

These conditions are narrowly tailored to preserve the Court’s jurisdiction and do not interfere with ordinary detention operations.

IV. CERTIFICATE OF IRREPARABLE HARM

Petitioner, who is **pro se**, declares that any transfer:

- would prevent her from participating effectively in her habeas case,
- would deprive her of access to mailing/counsel resources,
- and could eliminate the Court's jurisdiction before the merits are reviewed.

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully prays that this Court issue an **Emergency Temporary Restraining Order** and **Non-Transfer Order** consistent with the relief described above.

Respectfully submitted,
Pro Se,

SIGNATURE BLOCK

Executed on: 12/11/2025

Signature: Aina Barreto Santamaria.

AINA BARRETO-SANTAMARÍA

A# 

Dilley Immigration Processing Center
Texas