

Facility (CDF), located at 15850 Export Plaza Drive Houston, Texas 77032, and seeks emergency relief to obtain his release and prevent his unlawful removal to Jordan. In support thereof, Petitioner states the following:

II. FACTUAL BACKGROUND

Petitioner is a thirty-three old male native and citizen of Jordan. *See attached*, Exhibit A: Petitioner's Identification. On August 19, 2021, Petitioner entered the United States or near Otay Mesa, California. *See attached*, Exhibit B: Petitioner's Bond Motion. He entered the United States after fleeing Jordan to escape threats of violence directed against him. Petitioner fears that, if returned to Jordan, he would face serious harm and substantial risk of persecution or torture on account of his religion. *See attached* Exhibit E: I-589 Application. Petitioner entered the United States without inspection. *See attached* Exhibit E: I-589 Application.

On November 15, 2024, Petitioner properly filed his Form I-589, Application for Asylum and Withholding of Removal, which the Immigration Court accepted and acknowledged confirming his lawful presence and continued protection from removal while the application is pending. *See attached* Exhibit E: I-589 Application. Thereafter, Petitioner filed his Form I-765, Application for Employment Authorization, based on his pending asylum application. USCIS approved his work authorization, issuing an EAD valid through June 9, 2030.

On November 4, 2025, Petitioner was detained by ICE officers and charged with being an alien present in the United States without being admitted or paroled. *See attached*, Exhibit B: *supra*. On April 11, 2024, Petitioner was entered into non-detained removal proceedings before the Ohio Immigration Court Immigration Court. *See attached*, Exhibit C: Notice to Appear.

On November 26, 2025, Petitioner filed a motion for a bond redetermination hearing. *See attached*, Exhibit B: *supra*. **On December 2, 2025, the Immigration Judge denied Petitioner's bond redetermination because the court did not have jurisdiction to set a bond. No hearing was given.** *See attached*, Exhibit D: Order of the Immigration Judge.

The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention pending the outcome of his removal proceedings. Petitioner, through Counsel, now submits the present Petition for Writ of Habeas Corpus to this Honorable Court, and respectfully requests the Court to order Respondents to effect his immediate release.

III. LEGAL STANDARD

The standard for granting a temporary restraining order ("TRO") in the Fifth Circuit requires the petitioner to demonstrate:

- (1) a substantial likelihood of success on the merits;
- (2) a substantial threat of irreparable injury if the injunction is not granted;
- (3) that the threatened injury outweighs any harm the injunction may cause the government; and
- (4) that the injunction will not disserve the public interest.

Mississippi Power & Light Co. v. United Gas Pipe Line Co., 760 F.2d 618, 621 (5th Cir. 1985).

In the immigration habeas context, a TRO serves to preserve this Court's jurisdiction and prevent continued unlawful restraint of liberty in violation of the Constitution and federal law. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

IV. ARGUMENT

A. Petitioner Faces Immediate and Irreparable Harm from Continued Detention

Petitioner has been detained by ICE since November 4, 2025, with no final order of removal having ever been issued against him in a removal proceeding, though he is subject to no form of mandatory detention. Petitioner has no criminal history and poses no risk to the community. He has demonstrated no conduct indicating that he is a threat to the United States or otherwise eligible for deportation.

Petitioner’s request for bond was denied on December 2, 2025, by Immigration Judge Andrew Caborn, citing lack of jurisdiction. As a result, Petitioner has no administrative avenue for release and remains indefinitely detained without judicial review—an ongoing deprivation of his most fundamental liberty interest.

Continued confinement of a noncitizen without lawful authority constitutes irreparable harm. *Zadvydas*, 533 U.S. at 690; *Demore v. Kim*, 538 U.S. 510, 529–30 (2003). Each additional day of unlawful detention deepens the constitutional injury and cannot be remedied by monetary damages. See *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Petitioner’s prolonged confinement also exacerbates his medical conditions, further establishing immediate and irreparable harm absent this Court’s intervention.

B. Petitioner is Substantially Likely to Succeed on the Merits

Petitioner’s detention is unlawful under 28 U.S.C. § 2241 because no final order of removal exists, and ICE has failed to justify his continued confinement. Under *Zadvydas*, detention authority under 8 U.S.C. § 1231(a) arises only after a removal order becomes final. In Petitioner’s case, no final order of removal has been issued against him, and his removal

proceedings are still pending before the Conroe Immigration Court. Accordingly, the government lacks statutory authority to detain him under § 1231(a).

The Fifth Circuit has recognized that immigration detention must be narrowly tailored and subject to constitutional limits. *Zadvydas v. Underdown*, 185 F.3d 279 (5th Cir. 1999), rev'd on other grounds, 533 U.S. 678 (2001). Absent a final removal order or individualized finding of necessity, detention becomes arbitrary and violates substantive due process. See *Reno v. Flores*, 507 U.S. 292, 302 (1993).

Petitioner poses no flight risk or danger to the community—he has no criminal record, and has complied with all ICE reporting requirements. ICE's failure to articulate any legitimate reason for her detention demonstrates that it is punitive, not regulatory, and therefore unconstitutional. *Zadvydas*, 533 U.S. at 690–91.

For these reasons, Petitioner is substantially likely to prevail on the merits of his habeas corpus petition and is entitled to immediate release.

C. The Balance of Harms Favors Petitioner

The harm to Petitioner from continued unlawful detention—loss of liberty in a facility meant for criminal aliens, deterioration of health, and ongoing constitutional injury—vastly outweighs any administrative burden on the government in effecting her release under appropriate conditions. The government retains full authority to supervise Petitioner through reporting or monitoring conditions, rendering detention unnecessary to ensure appearance.

Where, as here, the government cannot articulate a lawful basis for custody, continued detention serves no legitimate purpose and inflicts disproportionate harm.

D. The Public Interest Supports Immediate Release

The public interest is served by ensuring that government detention authority is exercised within constitutional and statutory bounds. Upholding due process and preventing unlawful imprisonment preserves confidence in the rule of law and the integrity of immigration proceedings.

Granting the requested relief promotes judicial economy by ensuring this Court can fully adjudicate the habeas petition without the case becoming moot due to prolonged or arbitrary detention.

V. CONCLUSION

Because Petitioner has shown (1) a substantial likelihood of success on the merits of his habeas claim; (2) irreparable harm from continued detention; (3) that the balance of equities strongly favors release; and (4) that release under appropriate safeguards serves the public interest, this Court should grant the temporary restraining order and order Petitioner's **immediate release from ICE custody under appropriate safeguards determined by DHS.**

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court **IMMEDIATELY** issue a temporary restraining order:

1. **Directing Respondents to immediately release Petitioner from custody;**
2. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;

3. Directing Respondent to take all necessary steps to halt any removal preparations;
4. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
5. Set an expedited hearing on Petitioner's motion for preliminary injunction;
6. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
7. Waive or set security in a nominal amount;
8. Award attorney's fees and costs; and
9. Grant such other relief as this Court deems just and proper.

Petitioner requests that this Court order the Immigration Judge to conduct a bond hearing within 7 days governed under INA §1226(a) in the alternative, if immediate release is not possible.

VII. SECURITY AND NOTICE

Petitioner respectfully requests that the Court waive the security requirement under Fed. R. Civ. P. 65(c) due to her indigent status, or alternatively, set security in a nominal amount.

Petitioner has taken reasonably calculated steps to effect service of process on each of the Respondents named herein, and has provided them with copies of the present motion as described in the Certificate of Service, below.

Respectfully submitted,

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner
State Bar No. 24098092
6300 Gulfton Street
Houston, Texas 77081
Tel. (346) 205-4343
matt@mendezlawoffice.com

CERTIFICATE OF EMERGENCY

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render his habeas corpus petition moot and cause irreparable constitutional harm.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date

CERTIFICATE OF CONFERENCE

I hereby certify that due to the emergency nature of this motion and the imminent threat of removal, I have been unable to confer with opposing counsel regarding this motion.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date

CERTIFICATE OF SERVICE

On December 17, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Martin Frink, in his Official Capacity as Warden of the Houston**

Contract Facility, at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Road, Conroe, TX 77301.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date

CERTIFICATE OF SERVICE

On December 117 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Bret Bradford, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations Houston Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, Houston Field Office, 126 Northpoint Drive, Houston, Texas 77060, and (2) to the United States at Civil Process Clerk, U.S. Attorney’s Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date

CERTIFICATE OF SERVICE

On December 17, 2025, Counsel for Plaintiff served a copy of the attached Petition via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Kristi Noem, in her Official Capacity as Director of U.S. Department of Homeland Security**, at (1) Office of General Counsel, U.S. Department of Homeland Security, 245 Murray Lane, SW, Mail Stop 0485, Washington, D.C. 20530; and (2) to the

United States at Civil Process Clerk, U.S. Attorney's Office, 1000 Louisiana Street, Suite 2300, Houston, Texas 77002.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date

CERTIFICATE OF SERVICE

On December 17, 2025, Counsel for Plaintiff served a copy of the attached Petition via email, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at USATXS.CivilNotice@usdoj.gov.

/s/ Matthew Mendez
Matthew Mendez
Attorney for Petitioner

December 17, 2025
Date