



corpus. Petitioner Dayneris Perez-Blanco is currently at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Road, Conroe, TX 77301. She has been in ICE custody since December 3, 2025, and seeks emergency relief to obtain her release and prevent her unlawful removal. In support thereof, Petitioner states the following:

## II. FACTUAL BACKGROUND

Petitioner Dayneris Perez Blanco is a 35-year-old female native and citizen of Cuba. *See attached*, Exhibit A, ID. Petitioner last entered the United States without inspection on or about February 14, 2022, at or near Del Rio, Texas. *See attached*, Exhibit B, Notice to Appear; Exhibit C, Form I-589.

On or about February 17, 2022, the Department of Homeland Security (“DHS”) served Petitioner with a Notice to Appear, charging her as removable as an alien present in the United States without being admitted or paroled. Removal proceedings were initiated before the Immigration Court, now venued in Conroe, Texas. *See attached*, Exhibit B, Notice to Appear; Exhibit D, EOIR Automated Case Information.

Petitioner fears that, if returned to Cuba, she would face serious harm, persecution, and torture on account of [REDACTED] and she has expressed her intent to seek protection in the United States. *See attached*, Exhibit C, Form I-589.

On or about December 3, 2025, Petitioner was taken into custody by U.S. Immigration and Customs Enforcement (“ICE”) following an ICE check-in. She is currently detained at the Montgomery Processing Center in Conroe, Texas. *See attached*, Exhibit E, ICE Detainee Locator.

Petitioner sought release from detention by filing a Motion for Bond Redetermination Hearing pursuant to 8 U.S.C. § 1226(a). On December 12, 2025, the Immigration Judge denied bond, concluding that the court lacked jurisdiction to grant her release. *See attached*, Exhibit F, Bond Motion and Order.

Petitioner's removal proceedings are ongoing and not final. Her case remains pending before the Conroe Immigration Court, with a Master Calendar Hearing scheduled for January 21, 2026, at 9:00 a.m. No final order of removal has been entered in her case. *See attached*, Exhibit D, EOIR Automated Case Information.

As a result of the bond denial, Petitioner remains detained without any individualized determination that her continued detention is necessary to prevent flight or danger to the community. Petitioner has no criminal history, has a fixed address and sponsor in the community, and has been pursuing relief from removal in good faith. *See attached*, Exhibit G, Bond Request and Supporting Documents.

Petitioner's continued detention is prolonged and indefinite in nature, as her removal proceedings remain pending and are not scheduled for completion in the near future. ICE has not identified a foreseeable end date to Petitioner's detention. *See attached*, Exhibit D, EOIR Automated Case Information.

The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention pending the outcome of her 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 her 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 December 3, 2025. Her removal order is not final because removal proceedings are still pending. Petitioner has no criminal history and poses no risk to the community. She has demonstrated no conduct indicating that she is a threat to the United States or otherwise eligible for deportation.

Petitioner has no administrative avenue for release and remains indefinitely detained without judicial review—an ongoing deprivation of her 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 her 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 her continued confinement. Under *Zadvydas*, detention authority under 8 U.S.C. § 1231(a) arises only after a removal order becomes final. Petitioner remains in removal proceedings, which are ongoing and pending before the Immigration Court, and no final order of removal has been entered.

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—she 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 her 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 her 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. In the alternative, an order requiring a prompt custody or bond hearing pursuant to INA § 236(a), 8 U.S.C. § 1226(a)
3. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioner from the United States;
4. Directing Respondent to take all necessary steps to halt any removal preparations;
5. Requiring Respondent to notify all relevant personnel that Petitioner shall not be removed;
6. Set an expedited hearing on Petitioner's motion for preliminary injunction;
7. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
8. Waive or set security in a nominal amount;
9. Award attorney's fees and costs; and
10. Grant such other relief as this Court deems just and proper.

## 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*

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Matthew Mendez  
Attorney for Petitioner  
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## CERTIFICATE OF EMERGENCY

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

*/s/ Matthew Mendez*  

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Matthew Mendez  
Attorney for Petitioner

12/18/2025  
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

12/18/2025

Date

**CERTIFICATE OF SERVICE**

On December 18, 2025, Counsel for Petitioner served a copy of the attached Motion via USPS Certified Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Randy Tate, in his official capacity as Warden of the Montgomery Processing Center;** at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing Center, located at 806 Hilbig Rd, Conroe, TX 77301.

*/s/ Matthew Mendez*

Matthew Mendez  
Attorney for Petitioner

12/18/2025

Date

**CERTIFICATE OF SERVICE**

On December 18, 2025, Counsel for Petitioner served a copy of the attached Motion via USPS Certified 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

12/18/2025  
Date

**CERTIFICATE OF SERVICE**

On December 18, 2025, Counsel for Petitioner served a copy of the attached Motion via USPS Certified 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

12/18/2025  
Date

**CERTIFICATE OF SERVICE**

On December 18, 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](mailto:USATXS.CivilNotice@usdoj.gov).

*/s/ Matthew Mendez*

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Matthew Mendez  
Attorney for Petitioner

12/18/2025

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Date