

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

<b>Shi Ying HUANG</b>	)	
	)	Case No. 3:25-cv-00730-DB
Petitioner,	)	
	)	<b>PETITIONER’S OPPOSED</b>
v.	)	<b>MOTION FOR TEMPORARY</b>
	)	<b>RESTRAINING ORDER</b>
<b>Unknown Name</b> , Superintendent, ERO El Paso	)	
Camp East Montana;	)	
<b>Mary De Anda-Ybarra</b> , Field Office Director,	)	
ICE El Paso Field Office;	)	
<b>Todd Lyons</b> , Acting Director, U.S.	)	
Immigration and Customs Enforcement;	)	
<b>Kristi Noem</b> , Secretary of the	)	
U.S. Department of Homeland Security;	)	
<b>Pamela Bondi</b> , Attorney General of the U.S.;	)	
	)	
Respondents.	)	
_____	)	

**INTRODUCTION**

Petitioner, by and through her undersigned counsel, hereby files this motion for a temporary restraining order pursuant to Fed. R. Civ. P. 65(d). On December 23, 2025, Shi Ying Huang (“Petitioner”) filed a petition for a writ of habeas corpus challenging the unlawful revocation of her release on an order of supervision (“OSUP”) and her continued detention without belief that her removal from the United States is reasonably foreseeable. Petitioner also challenged her continued detention in the absence of an enforceable removal order.

Now, Petitioner seeks an order to preserve the status quo, ordering her immediate release from custody on an Order of Supervision. Petitioner also requests the Court schedule oral argument as soon as the Court’s calendar allows and the parties are available, should it be necessary to resolve this motion.

**NOTICE TO RESPONDENTS**

Undersigned counsel, Annelise Araujo, provided notice of this motion to Mary Krugar, Esq. at the U.S. Attorney's Office for the Western District of Texas, via email on December 23, 2025. Counsel for Respondents indicated that Respondents oppose this motion.

**FACTUAL BACKGROUND**

Petitioner first arrived in the United States in August 1999 and was paroled into the U.S. for the purposes of removal proceedings. She attended several hearings and applied for asylum before she was ordered removed in absentia on October 9, 2001.

Ms. Huang was placed on an Order of Supervision with Immigration and Customs Enforcement ("ICE") on October 2, 2011 and has been in compliance with its conditions for over 14 years.

On December 9, 2025, Petitioner was re-arrested at an ICE Check-in at the Field Office in Burlington, Massachusetts. She was detained during the check-in and subsequently transferred to the El Paso Camp East Montana, in El Paso, Texas, where she remains detained.

Petitioner was given no notice of ICE's intention to re-detain her, and she was not provided with any information about why her OSUP was revoked. In an appalling action, ICE separated her from her two US Citizen children and her terminally ill husband who has few months to live as a result of being in the final stages of terminal cancer (metastatic recurrent colon adenocarcinoma). *See* Exh. A. Since her detention, she has been provided with a Notice of Revocation, signed by David Wesling, Acting Field Office Director of the Boston, MA Field Office.

Since being detained, Petitioner has not been provided with an informal interview regarding any reasons for the revocation of her OSUP.

On information and belief, ICE has no particularized evidence that Petitioner could be deported to any country at the time they detained her and continue to have no particularized evidence that Petitioner can be removed at this time.

Petitioner has not received an individualized hearing before a neutral decisionmaker to assess whether her recent re-detention is warranted due to danger or flight risk.

### **ARGUMENT**

A temporary restraining order is governed by a four-factor test. Courts must consider whether Petitioner has shown: (1) a likelihood of success on the merits, (2) that she is likely to suffer irreparable harm in the absence of such relief, (3) that the balance of equities tips in her favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008); *see also Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009) (quoting *Speaks v. Kruse*, 445 F.3d 396, 399–400 (5th Cir. 2006)). The government's and the public's interests merge when the government is a party. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

Here, Petitioner meets both the irreparable harm and likelihood of success prongs, and the requested relief is not overly burdensome on Respondents. Accordingly, Petitioner merits issuance of a TRO.

#### **A. Petitioner Has Shown She Is Likely to Succeed on the Merits of her Claim**

Petitioner's ongoing detention violates her Fifth Amendment right to due process, the Immigration and Nationality Act, and 8 U.S.C. § 1231(a)(6) and its implementing regulations. Petitioner is likely to succeed on the merits of her Petition because Respondents failed to follow the proper procedures for revoking his OSUP and cannot show that they can remove her to China in the reasonably foreseeable future.

8 U.S.C. § 1231(a) governs the detention of individuals who have been ordered removed. The statute directs ICE to detain such individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day removal period begins when the removal order becomes final. Absent an applicable exception, if ICE cannot remove a person within the 90-day removal period, he or she is released from custody subject to supervision. 8 U.S.C. § 1231(a)(3).

The regulations permit release of a noncitizen subject to a removal order after the 90-day removal period has elapsed if ICE determines that the non-citizen “would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [noncitizen’s] removal in the reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1). These released individuals are typically subject to an OSUP, as Petitioner was prior to being re-detained. *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).

ICE may withdraw its approval for the release of a noncitizen if it can effectuate the individual’s removal from the United States “in the reasonably foreseeable future” or if the individual fails to comply with the conditions of release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a noncitizen’s release if “there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future.” *Id.* at § 241.13(i)(2). “Upon revocation, the [noncitizen] will be notified of the reasons for revocation of [ ] her release.” *Id.* at § 241.13(i)(3).

Only certain officials have the authority to revoke an OSUP - namely, the Executive Associate Commission of the former Immigration and Naturalization Service, or, possibly, the current Executive Associate Director of ICE. *See e.g., Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8, 2017) (noting that the regulation, on its face, refers to titles in force under the former INS, and thus, it is not clear an ICE Field Office Director can revoke an order of supervision to enforce a removal order); *see also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 162 (W.D.N.Y.

May 2, 2025) (noting that the authority of the Executive Associate Commissioner of INS was transferred to the Executive Associate Director of ICE and finding that an Assistant Field Office Director is not the equivalent of the Executive Associate Director); *Santamaria Orellana v. Baker*, 2025 WL 244087, \*6 (D. Md. Aug. 25, 2025) (only the Executive Associate Commissioner or a district director can revoke release); *Zhu v. Genalo*, --- F.Supp.3d ----, 2025 WL 242352, \* 8 (S.D.N.Y. Aug. 26, 2025) (same); *Santamaria Orellana v. Baker*, 2025 WL 2841886, \*5-6 (D. Md. Oct. 7, 2025) (reiterating that the requirement that a specific senior official sign a notice of revocation is not merely a housekeeping matter and again ordering Santamaria Orellana's release after his re-detention by immigration officials).

Pursuant to 8 C.F.R. § 241.13(h)(4)(i)(2), (3), Respondents must provide a noncitizen with notice of the reasons for the revocation, must provide the noncitizen with an informal interview, and must provide the noncitizen with the opportunity to submit any evidence or information that he or she believes shows there is no significant likelihood he or she will be removed in the reasonably foreseeable future. Failure to provide the notice of the reasons for the revocation or failure to provide an informal interview violates the detainee's due process rights and requires immediate release on OSUP. *See Ceesay*, 781 F.Supp.3d at 163-165, 166 (collecting cases, concluding that the failure to provide the informal interview violated the detainee's due process rights, and concluding that the detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL 2553394, \*5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide informal interview); *Santamaria Orellana*, 2025 WL 244087 at \*7 (failure to provide interview violates due process); *Delkash v. Noem*, 2025 WL 2683988, \*5-7 (C.D. Cal. Aug. 28, 2025) (noting requirement for notice and informal interview and granting immediate release).

Moreover, notice of the reasons for the revocation of release must be provided before re-detaining an individual on an OSUP, to provide timely notice of the reasons for the re-detention. *See Zhu*, 2025 WL 2452352 at \*9 (noting that the regulations and Due Process Clause require that the process required for revoking a release must happen before a non-citizen is re-detained and ordering immediate release). Failure to provide a detainee with meaningful notice of the reasons for the revocation deprives her of the opportunity to be heard on why she should remain at liberty. *See e.g., Perez-Escobar v. Mariz*, --- F. Supp.3d ----, 2025 WL 2084102, \* 2 (D. Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a significant likelihood of removal in the reasonably foreseeable future, that the purpose of release had been served, and that it was appropriate to enforce the removal order “does not identify any specific changed circumstances” and fails to give the petitioner “meaningful notice of the basis for its revocation” and ordering the petitioner’s immediate release).

In this case, Respondents failed to comply with the governing regulations when revoking Petitioner’s OSUP. The Notice of Revocation served on Petitioner is signed by an Acting Field Office Director for New England, who is not an official authorized to revoke Petitioner’s release. *See Rombot*, 296 F.Supp.3d at 385; *Ceesay*, 781 F.Supp.3d at 162; *Santamaria Orellana*, 2025 WL at \*5-6; *Zhu*, 2025 WL at \* 8. In addition, the Notice is vague, referencing general “changed circumstances” that make Petitioner’s removal foreseeable, without specifying what those circumstances are. *See Perez-Escobar v. Mariz*, 2025 WL 2084102 at \* 2. The Notice was served after Petitioner had already been arrested, depriving her of timely notice of any reasons for his arrest. *See Zhu*, 2025 WL 2452352 at \*9. Finally, Petitioner has not been provided with an informal interview, in violation of the governing regulations. *See Ceesay*, 781 F.Supp.3d at 163-165, 166; *K.E.O.*, 2025 WL 2553394 at \*5-7; *Santamaria Orellana*, 2025 WL 244087 at \*7; *Delkash*, 2025

WL 2683988 at \*5-7. Accordingly, Petitioner has shown a significant likelihood of success on the merits of her argument that Respondents failed to follow the proper procedures when revoking her release.

In addition, there are no changed circumstances to justify revocation of Petitioner's OSUP. There is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future. Petitioner was ordered removed to China, but Respondents have not met their burden to demonstrate that removal is reasonably foreseeable. Indeed, Respondents likely released Petitioner on an OSUP 14 years ago precisely because they had no ability to effectuate her deportation to China. The government must respond with evidence sufficient to establish that Petitioner's removal is reasonably foreseeable, to demonstrate that the revocation of her release complied with the regulations. Accordingly, Petitioner has shown a likelihood of success on her argument that the revocation of her OSUP was not substantively justifiable because there are no changed circumstances related to the likelihood of her removal.

**B. Petitioner Will Suffer Irreparable Harm Absent Issuance of a Temporary Restraining Order**

Irreparable harm is harm for which there is no adequate remedy at law. *See, e.g., Daniels Health Scis.; L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir. 2013). The Supreme Court has found the potential for irremediable error means that the noncitizen's "interests at stake are accordingly particularly weighty." *A.A.R.P. v. Trump*, 605 U.S. 91, 145 S. Ct. 1364, 1368, 221 L.Ed.2d 765 (2025).

In the absence of a TRO, Petitioner is at risk of continued unlawful detention, which would cause Petitioner irreparable harm. The "loss of constitutional freedoms 'for even minimal periods of time ... unquestionably constitutes irreparable injury.'" *BST Holdings, L.L.C. v. Occupational*

*Safety & Health Admin.*, 17 F.4th 604, 618 (5th Cir. 2021) (quoting *Elrod*, 427 U.S. at 373, 96 S.Ct. 2673); accord *M. D. v. Abbott*, 2024 WL 2309123, at \*5 (5th Cir. May 20, 2024) (unpublished) (finding that alleged harm to due process protections constituted irreparable harm). The Southern District of Texas has found that irreparable harm occurs where a Petitioner is denied his due process rights. See *Sagastizado v. Noem*, --- F.Supp.3d ----2025 WL 2957002 (S.D. TX Oct. 2, 2025).

Thus, the revocation of Petitioner's release without following the appropriate procedures – which violated her due process rights – constitutes irreparable harm. This unlawful detention is also preventing Petitioner from caring for her terminally ill husband and her two children, and working to financially provide for her family.

**C. The Balance of Equities Tip in Petitioner's Favor and the Public Interest Favors Issuance of a Temporary Restraining Order**

The balance of equities and public interest merge in cases against the government. See *Nken v. Holder*, 556 U.S. 418, 436 (2009). Here, the balance favors Petitioner.

The likelihood of Petitioner's success on the merits, combined with the established constitutional framework that requires the government to proceed lawfully when effectuating removal, strongly tips the balance of equities in Petitioner's favor. "There is generally no public interest in the perpetuation of unlawful agency action. To the contrary, there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations." See *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (internal quotation marks and citations omitted).

Petitioner's constitutional right to be free of unlawful detention weighs heavily in the public interest. As Petitioner's continued detention without imminent removal, without following

the governing procedures for revocation of release, and without an enforceable removal order is not lawful, there can be no public interest in prolonging that circumstance. *See e.g., Washington v. DeVos*, 481 F.Supp.3d 1184, 1197 (W.D. Wash. 2020).

Respondents cannot show here how the government's interests overcome the irreparable injury to Petitioner. As noted above, the hardship for Petitioner is concrete and severe. She has lived in the United States for more than 26 years. She is the wife and caretaker of her terminally ill husband, whose oncologist has given him mere months to live. *See* Exhibit A. Furthermore, she is the mother of two United States Citizen children who depend on her to meet their needs, particularly when their father is too sick to do so himself. Her removal would result in immeasurable and irreparable harm to herself, her husband, and her children.

**D. The Court Should Not Require Petitioner to Provide Security**

The Court should not require a bond under Fed. R. Civ. P. Rule 65(c). This rule permits a court to grant preliminary injunctive relief “only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained.” FRCP 65(c). Here, there is no realistic likelihood of harm to Respondents if the Court grants the requested TRO, and it would pose a significant hardship on Petitioner, who is incarcerated, to have a bond imposed. The Court should exercise its discretion and waive the requirement to post a bond under Rule 65(c).

**CONCLUSION**

For the foregoing reasons, Petitioner respectfully submits that she has met the criteria for a temporary restraining order. She asks the Court to order her immediate release on an OSUP until such time as ICE complies with the regulations governing revocation of her release, including a

showing that her removal is reasonably foreseeable and will be based on an enforceable removal order.

WHEREFORE, for the reasons set forth herein, Petitioner respectfully requests this Court to grant the Temporary Restraining Order and set the case for further briefing.

Respectfully Submitted  
Shi Ying Huang, Petitioner  
By and through:

*s/ Annelise M. Jatoba de Araujo*

---

Annelise M. Jatoba de Araujo  
Annelise Araujo Law, LLC  
260 Franklin Street, Suite 520  
Boston, MA 02110  
T: 617-716-6400  
C: 419-494-3051  
F: 617-716-6403  
Counsel for Petitioner

Dated: December 23, 2025

**EXHIBITS**

- A Letter from Andrea Bullock, MD, Medical Oncologist at Beth Israel Deaconess regarding her patient, Min Jun Zhang, Petitioner's husband

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated this 23rd day of December, 2025.

*s/Annelise M. Jatoba de Araujo*

Annelise M. Jatoba de Araujo