

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JESUS ASCENCIO VILLEDA,	§	
	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. 4:26-CV-6272
	§	
PAMELA BONDI, U.S. ATTORNEY	§	
GENERAL, <i>et al.</i> ,	§	
	§	
Respondents.	§	

**FEDERAL RESPONDENTS' RESPONSE IN OPPOSITION TO  
PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER**

The Government<sup>1</sup> hereby submits this response in opposition to Petitioner's motion for a temporary restraining order. (Dkt. 4).

To grant a temporary restraining order Petitioner must show: “(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.” *Jones v. Tex. Dep't of Criminal Justice*, 880 F.3d 756, 759 (5th Cir. 2018) (*per curiam*) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)). Petitioner must meet all four requirements. *Jordan v. Fisher*, 823 F.3d 805, 809 (5th Cir. 2016) (quoting *Bluefield Water Ass'n v. City of Starkville*, 577 F.3d 250, 253 (5th Cir. 2009)).

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<sup>1</sup> The proper respondent in a habeas petition is the person with custody over the petitioner. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). That said, it is the originally named federal respondents, not the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

On December 24, 2025, the Petitioner filed the pending habeas petition alleging that he is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). (Dkt. 1). The Petitioner filed a motion for temporary restraining order on December 26, 2025, (Dkt. 4), and on January 8, 2026, the Court entered an Order to Answer (Dkt. 7). The Federal Respondents filed a motion to dismiss the habeas petition on January 14, 2026, and on January 15, 2026, the Petitioner filed a response in opposition thereto. (Dkts. 9-10).

Federal Respondents have already filed a response in opposition to the habeas petition laying out their arguments as to why the Petitioner is unlikely to succeed on the merits and hereby incorporates those arguments into this response. (Dkt. 9). Petitioner is unlikely to succeed on the merits of his habeas petition; therefore, this motion for a temporary restraining order should be denied.

Dated: January 16, 2026

Respectfully submitted,

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*Counsel for Federal Respondents*

**CERTIFICATE OF SERVICE**

I certify that on January 16, 2026, the foregoing was filed and served on counsel of record through the Court's CM/ECF system.

*/s/ Catina Haynes Perry*

Catina Haynes Perry

Assistant United States Attorney