

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

Jose Luis NIETO RAMIREZ

*Petitioner,*

v.

Pamela Jo BONDI, Attorney General of  
the United States, *et al.*,

*Respondents.*

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**Case No. 4:25-cv-6273**

**EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO  
SHOW CAUSE**

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE**

Respectfully submitted,

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**ATTORNEY FOR PETITIONER**

By: /s/ Octavio M. Rivera Bugesa  
Octavio M. Rivera Bugesa Esq.  
Texas State Bar No. 24081261

NOW COMES Petitioner and in support of his Emergency Motion for a Temporary Restraining Order and an Order to Show Cause pursuant Fed. R. Civ. P. 65. states as follows:

Petitioner hereby respectfully moves for an Emergency Temporary Restraining Order ("TRO") to prevent Respondents from continuing Petitioner's unlawful detention without access to an Immigration Judge bond hearing, in violation of the Immigration and Nationality Act, the Fifth Amendment, and binding nationwide declaratory relief issued in *Maldonado Bautista*.

Petitioner is currently detained within the Southern District of Texas and has been denied a bond hearing based on Respondents' assertion that Petitioner is subject to mandatory detention under INA § 235(b)(2)(A).

Petitioner falls within the nationwide Bond Eligible Class certified on December 18, 2025, and class members are detained under INA § 236(a), which authorizes bond hearings before an Immigration Judge.

Absent immediate judicial intervention, Petitioner will continue to suffer irreparable harm in the form of unlawful civil detention.

#### LEGAL STANDARD

A temporary restraining order is appropriate where the movant shows: (1) a substantial likelihood of success on the merits; (2) irreparable injury; (3) that the balance of equities favors relief; and (4) that issuance of relief is in the public interest. Fed. R. Civ. P. 65.

#### ARGUMENT

Petitioner has demonstrated a substantial likelihood of success on the merits because continued detention without a bond hearing lacks statutory authority and violates binding declaratory relief. The loss of physical liberty constitutes irreparable harm as a matter of law. Each additional day of detention compounds constitutional injury. The balance of equities favors

Petitioner because Respondents suffer no harm from providing a bond hearing required by law, while Petitioner remains unlawfully detained. The public interest supports compliance with federal law and protection of constitutional rights.

**REQUEST FOR RELIEF**

WHEREFORE Petitioner respectfully requests that the Court issue a Temporary Restraining Order requiring Respondents to provide an Immigration Judge bond hearing within five (5) days or alternatively order Petitioner's immediate release under reasonable conditions. Furthermore, Petitioner requests that he not be removed from the United States and that his status remain "as is" pending resolution of this case.

Respectfully submitted,

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**ATTORNEYS FOR PETITIONER**

By: /s/ Octavio M. Rivera Bugesa  
Octavio M. Rivera Bugesa Esq.  
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**CERTIFICATE OF SERVICE**

I certify that on December 26, 2025, the foregoing motion for temporary restraining order and order to show cause was filed with the Court through the Court's CM/ECF system on all parties and counsel registered with the Court CM/ECF system.

/s/ Octavio M. Rivera Bugesa  
Octavio M. Rivera Bugesa, Esq.