



writ of habeas corpus. Petitioner Siomara Elizabeth Bustillo Marquez is currently at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing CTR, located at 806 Hilbig Road, Conroe, TX 77301. She has been in ICE custody since March 12, 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 is a forty-nine-year-old female native and citizen of Honduras. *See attached*, Exhibit A: Petitioner’s Identification. On March 27, 2023, an Immigration Judge ordered Petitioner removed from the United States. *See attached*, Exhibit B: EOIR Automated Case Information

On April 26, 2023 Petitioner appealed the Immigration Judge’s decision in his removal proceedings before the Board of Immigration Appeals. This appeal is still pending. *See attached*, Exhibit B: *supra*. On March 12, 2025, Petitioner, without warning, was detained at ICE Offices in Houston, Texas and sent to Montgomery Processing CTR. *See attached*, Exhibit C: ICE Locator

The government has not been able to articulate any meaningful reason why Petitioner should continue to remain in detention. Petitioner has cooperated fully with all requests made by ICE. Despite this, ICE continues to detain her without any bond hearing, any explanation of danger or flight risk, or any progress toward effectuating removal. 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 March 12, 2025, Petitioner's removal has not been effectuated since his detention or order of removal issued on April 26, 2023. She has demonstrated no conduct indicating that he 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 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 poses no flight risk or danger to the community—she has no criminal record, 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 his 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. 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;

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 his 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](mailto: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 30, 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 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff served a copy of the 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 CTR;** at the Immigration and Customs Enforcement (“ICE”) Montgomery Processing CTR, located at 806 Hilbig Rd, Conroe, TX 77301.

/s/ Matthew Mendez  
Matthew Mendez  
Attorney for Petitioner

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff served a copy of the 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.

/s/ Matthew Mendez  
Matthew Mendez  
Attorney for Petitioner

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff served a copy of the 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.

/s/ Matthew Mendez  
Matthew Mendez  
Attorney for Petitioner

December 30, 2025  
Date

**CERTIFICATE OF SERVICE**

On December 30, 2025, Counsel for Plaintiff 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, Pam Bondi, in her Official Capacity as Attorney General of the United States**, at (1) U.S. Attorney General, 950 Pennsylvania Avenue, NW, Washington, D.C. 20530-0001.

/s/ Matthew Mendez  
Matthew Mendez  
Attorney for Petitioner

December 30, 2025  
Date