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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

OSCAR DARIO GALLEGOS OSORIO,  
Petitioner,

v.

MARCELLO VILLEGAS, Warden of  
BLUEBONNET DETENTION FACILITY,  
JOSH JOHNSON, Acting Field Office Director  
of Enforcement and Removal Operations,  
DALLAS Field Office, Immigration and  
Customs Enforcement; Kristi NOEM,  
Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
U.S. Attorney General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW,  
Respondents.

Case No.

**PETITIONER'S EMERGENCY  
MOTION FOR A TEMPORARY  
RESTRAINING ORDER**

1 **RELIEF REQUESTED**

2 Petitioner Oscar Dario Gallego Osorio, pursuant to Federal Rule of Civil Procedure  
3 65(b), respectfully moves this Court for an emergency Temporary Restraining Order ("TRO").  
4 Petitioner requests that this Court enjoin Respondents from continuing to detain him without an  
5 individualized bond hearing in accordance with the nationwide final judgment in *Maldonado*  
6 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal. 2025). Petitioner further  
7 requests that this Court order Respondents to provide a bona fide individualized bond hearing  
8 within seven days, at which the Immigration Judge must exercise jurisdiction pursuant to 8  
9 U.S.C. § 1226(a).

10 **GROUND FOR RELIEF**

11 Petitioner is a member of the Bond Eligible Class. As a noncitizen released on  
12 humanitarian parole and subsequently re-detained in the interior, Petitioner is detained under 8  
13 U.S.C. § 1226(a) and is eligible for bond. On December 18, 2025, Petitioner appeared for a  
14 custody hearing at which the Immigration Judge summarily refused to exercise jurisdiction,  
15 claiming Petitioner was an "applicant for admission" subject to mandatory detention under 8  
16 U.S.C. § 1225(b). In doing so, Respondents flagrantly disregarded the binding *Maldonado*  
17 *Bautista* judgment and instead followed the BIA's decision in *Matter of Yajure Hurtado*, which  
18 has been overruled as to class members.

19 This refusal to exercise jurisdiction constitutes a total deprivation of Petitioner's statutory  
20 rights. As detailed in the accompanying Brief in Support, Petitioner meets the criteria for  
21 emergency relief. Moreover, he is likely to succeed on the merits, faces irreparable harm  
22 through unlawful detention, and the public interest favors compliance with federal court  
23 judgements.

1 For the reasons stated above, Petitioner respectfully requests that this Court grant this  
2 Motion and issue the requested Temporary Restraining Order

3  
4 DATED December 30, 2025.

5 Respectfully submitted

6 ORTIZ LAW FIRM, PLLC

7 By:   
8 Humberto Rivera  
9 State Bar No. 17997  
10 E-Mail: hrivera@ortizfirm.com  
11 1425 Greenway Dr, Suite 150  
12 Irving, TX 75038  
13 Tel: (972) 386-7777  
14 Fax: (214) 943-9356  
15 ATTORNEY FOR PETITIONER

16 **CERTIFICATE OF CONFERENCE** Pursuant to Local Rule 7.1(a), I, Humberto Rivera,  
17 certify that I conferred with Counsel for Respondents on December 30, 2025. Respondents  
18 oppose the relief requested. Therefore, this Motion is filed as opposed.

19 By:   
20 Humberto Rivera

21 **CERTIFICATE OF SERVICE** I hereby certify that on December 30, 2025, a true and correct  
22 copy of the foregoing Petition for Writ of Habeas Corpus and Emergency Motion for Temporary  
23 Restraining Order was filed electronically via the Court's CM/ECF system.

1 I further certify that, pursuant to Fed. R. Civ. P. 4(i), a copy of the Summons, Petition, and  
2 Motion will be served via Certified Mail, Return Receipt Requested, upon the Respondents and  
3 the United States Attorney's Office immediately upon the Court's issuance of the summons.

4  
5 Additionally, a courtesy copy has been provided via electronic mail to the Civil Duty Assistant  
6 United States Attorney for the Northern District of Texas.

7  
8 By:   
9 Humberto Rivera

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DALLAS Field Office, Immigration and  
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Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
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6 ORTIZ LAW FIRM, PLLC

7 By: 

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Humberto Rivera

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24 PETITIONER'S EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER - 2

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