

UNITED STATES DISTRICT
COURT WESTERN DISTRICT OF
TEXAS SAN ANTONIO DIVISION

CIVIL ACTION No. 5:25-CV-01930

Jerixon Nomar CAMPOS CASTRO, Keydi Lilly)
 BERMUDEZ URBINA, and J. I. C. B.,)
)
 Petitioners,)
)
 v.)
)
 WARDEN, Dilley Immigration Processing Center;)
)
 MIGUEL VERGARA, Field Office Director, San)
 Antonio Field Office, United States)
 Immigration and Customs Enforcement;)
)
 TODD M. LYONS, Acting Director,)
 United States Immigration and)
 Customs Enforcement;)
)
 KRISTI NOEM, Secretary of United States)
 Department of Homeland Security; and)
)
 PAMELA BONDI, United States Attorney)
 General,)
in their official capacities,)
)
 Respondents.)
)

PETITION FOR
WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

PETITION FOR TEMPORARY RESTRAINING ORDER AND
REQUEST FOR INJUNCTIVE RELIEF

INTRODUCTION

The Petitioners, Jerixon Nomar Campos Castro, Keydi Lilly Bermudez Urbina, and J.I.C.B. (“Petitioners”), by and through undersigned counsel, respectfully moves this Honorable Court, pursuant to Federal Rule of Civil Procedure 65, for entry of a temporary restraining order to

prevent their removal by Immigration and Customs Enforcement (“ICE”) from the United States during the pendency of her petition for writ of habeas corpus. Petitioners are currently in ICE custody at the Dilley Immigration Processing Center located at 300 El Rancho Way, Dilley, Texas 78017 and they seek emergency relief to obtain their release and prevent their unlawful removal to Nicaragua. In support thereof, Petitioners state the following:

TEMPORARY RESTRAINING ORDER

1. 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 disservice the public interest. *Mississippi Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985).

2. 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).

STATEMENT OF FACTS

3. Petitioner Jerixon Nomar Campos Castro is a twenty-seven-year-old male and native and citizen of Nicaragua. *See attached*, Exhibit 1: Petitioner Campos Work Permit.

4. Petitioner Keydi Lilly Bermudez Urbina is a twenty-five-year-old female and a native and citizen of Nicaragua. *See attached*, Exhibit 2: Petitioner Bermudez Work Permit

5. J.I.C.B. is a six-year-old male and a native and citizen of Nicaragua. *See attached*, Exhibit 3: Petitioner J.I.C.B. Work Permit.

6. Petitioners fled Nicaragua and came to the United States to seek asylum in 2021. They

presented themselves at the southern border and were apprehended by DHS and placed in removal proceedings before the San Antonio Immigration Court pursuant to 8 U.S.C. Section 1229(a).

7. Petitioners were subsequently released on their own recognizance pursuant to 8 U.S.C. Section 1226(a), reflecting DHS's determination that they posed no danger to the community and no flight risk. Courts have long recognized that such a release creates a protected liberty interest and an "implied promise" that the individual will not be re-detained absent a violation of release conditions or a material change in circumstances. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017), *aff'd*, 905 F.3d 1137 (9th Cir. 2018); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973).

8. Petitioners have developed substantial ties to the United States during their period of residence. They have embraced the culture and values of this country and have been active and contributing members of their community.

9. Petitioners filed their asylum application with the Executive Office for Immigration Review (EOIR). They had an individual hearing set for 2027. The application remains pending and unresolved.

10. Petitioners have no criminal history whatsoever and pose no risk to the community. Nothing in their background indicates that they are a danger to the United States or that their detention is necessary for public safety.

11. On or about December 4, 2025, Petitioners were arrested while attending their scheduled ICE check-in. Without warning or explanation, they were taken into ICE custody and are currently detained at the Dilley Immigration Process Center, located at 300 El Rancho Way, Dilley, Texas 78017.

12. Petitioners' abrupt re-detention—after several years of full compliance with all ICE check-ins

and immigration requirements—lacks any valid procedural or substantive justification. The government has identified no violation of conditions, new derogatory information, or changed circumstances that would justify revoking the liberty previously granted under 8 U.S.C. Section 1226(a). Such a sudden reversal is arbitrary, procedurally defective and constitutionally impermissible, as it disregards DHS’s original risk assessment and Petitioners’ reliance on their prior release to build a stable life and prepare their asylum case. Their continued confinement impairs their ability to prepare their claim, consult with counsel, and support their family. These harms are immediate, concrete, and irreparable.

13. If not enjoined, Petitioners’ face months or even years of prolonged detention despite their strong equities, pending asylum claim, documented compliance history, and the absence of any risk factors. Such ongoing custody violates their constitutional rights and undermines the procedural protections afforded under federal law.

14. Petitioners respectfully seek this Court’s emergency intervention to restore their liberty and prevent further irreparable harm while their underlying immigration proceedings continue.

15. The government has failed to provide any meaningful justification for their sudden arrest or continued detention. Given the absence of individualized findings supporting custody, the arbitrary revocation of their prior release, and the grave and immediate harms at stake, Petitioners now submit this Emergency Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and respectfully requests that this Honorable Court order their immediate release.

LEGAL STANDARD

16. 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).

ARGUMENT

17. 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).

1. Petitioner Faces Immediate and Irreparable Harm from Continued Detention

18. Petitioners have been detained by ICE since on or about December 4, 2025, with no final order of removal having ever been issued against them in a removal proceeding, and though they are subject to no form of mandatory detention. Petitioners have no criminal history and pose no risk to the community. They have demonstrated no conduct indicating that they are a threat to the United States or otherwise eligible for deportation.

19. Petitioners would like to request a bond hearing at the earliest availability. As a result of the Board of Immigration Appeals holding in *Matter of Yajura-Hurtado*, Petitioners have no administrative avenue for release and remain indefinitely detained without judicial review—an ongoing deprivation of their most fundamental liberty interest.

20. 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). Petitioners' prolonged confinement also exacerbates their family's emotional conditions, further establishing immediate and

irreparable harm absent this Court's intervention.

2. Petitioner is Substantially Likely to Succeed on the Merits

21. Petitioners' administrative records created by Respondents consistently cite to Petitioners' initial detention and release being governed under section 1226(a), not section 1225(b)(2). Respondents have provided no authority they relied on to change the basis of Petitioners' detention from section 1226(a) to section 1225(b)(2).

22. The United States District Court for the District of Maine held in *Chang Barrios v. Shepley* that the federal respondents could not contradict their own detention documents that consistently classified petitioner under § 1226(a). No. 25-CV-00406, 2025 WL 2772579, *7 (D. Me. Sep. 29, 2025). In *Chang Barrios*, the petitioner's arrest warrant, the NTA, and the notice of custody determination classified Barrios as "subject to detention on a discretionary basis under § 1226(a)." *Id.* at *6. Only after Barrios went into ICE custody did federal respondents attempt to reclassify petitioner's detention under § 1225, without explaining the authority they relied on to change the basis of his detention. *Id.* at *7. The *Chang Barrios* court ordered petitioner's detention should be governed by the statute he was originally charged with, because "an agency must defend its actions based on the reasons it gave when it acted" and may not rely on a post-hoc rationalization such as reclassification under § 1225. *Id.* (quoting *Cf. Dep't of Homeland Sec. v. Regents of the Univ. of Cal.*, 591 U.S. 1, 22 (2020)).

23. While 8 U.S.C. § 1226(b) provides that an alien's bond or parole may be revoked at any time, and that the alien may be rearrested and detained under the original warrant, Respondents have failed to explain why Petitioners' current detention would be reclassified under § 1225(b) and not under the original detention authority of 8 U.S.C. § 1226(a).

24. Respondents have also not provided any authority for why they should be allowed to

“switch tracks” to detain Petitioners under § 1225(b) and thus ignore the detention authority that had previously been consistently applied to Petitioners.

25. Accordingly, the government lacks statutory authority to detain Petitioners’ under Section 1225(b)(2).

26. Due process requires Respondents to afford Petitioners a hearing before a neutral decisionmaker where ICE is required to justify re-detention *before* it occurs. In recent months, as DHS has detained other noncitizens in similar situations, many courts across the country have ordered the immediate release of persons with ongoing proceedings who are re-detained without a hearing. *See, e.g., Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Mata Velasquez v. Kurzdorfer*, -- F. Supp. 3d --, 2025 WL 1953796 (W.D.N.Y. July 16, 2025) (similar); *Garro Pinchi v. Noem*, -- F. Supp. 3d --, 2025 WL 2084921, at *7 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025 WL 2299376, at *10 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068, at *13 (E.D. Cal. Aug. 21, 2025) (similar); *Hernandez v. Wofford*, 2025 WL 2420390 (E.D. Cal. Aug. 21, 2025).

27. As demonstrated by these many cases rejecting similar arrests, Petitioners are likely to succeed on their claim and the Court should thus order the immediate release of all three Petitioners. Notably, if Respondents continue to assert that Petitioners’ detention is justified after their release, they may thereafter schedule a hearing where they bear the burden of presenting clear and convincing evidence that each re-detention is warranted.

28. Petitioners pose no flight risk or danger to the community. ICE’s failure to articulate any legitimate reason for their detention demonstrates that it is punitive, not regulatory, and therefore unconstitutional. *Zadvydas*, 533 U.S. at 690-91.

29. For these reasons, Petitioners are substantially likely to prevail on the merits of their habeas corpus petition and are entitled to immediate release.

3. The Balance of Harms Favor Petitioners

30. The harm to Petitioner from continued unlawful detention—loss of liberty in a facility meant for criminal aliens, deterioration of health, deprivation of education, and ongoing constitutional injury—vastly outweighs any administrative burden on the government in effecting their release under appropriate conditions. The government retains full authority to supervise Petitioners through reporting or monitoring conditions, rendering detention unnecessary to ensure appearance.

31. Where, as here, the government cannot articulate a lawful basis for custody, continued detention serves no legitimate purpose and inflicts disproportionate harm.

4. The Public Interest Supports Immediate Release

32. 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.

33. 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.

CONCLUSION

34. Because Petitioners have shown (1) a substantial likelihood of success on the merits of their 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 Petitioners' **immediate release**

from ICE custody under appropriate safeguards determined by DHS. Restoring Petitioners to their previous supervised release status maintains the status quo ante litem and prevents irreparable harm while allowing full adjudication of their claims for injunctive relief and on the merits.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Honorable Court **IMMEDIATELY** issue a temporary restraining order:

1. Directing Respondents to immediately release Petitioners from custody;
2. Restraining and enjoining Respondent, their agents, employees, and successors from removing Petitioners from the United States;
3. Directing Respondent to take all necessary steps to halt any removal preparations;
4. Set an expedited hearing on Petitioners' motion for preliminary injunction;
5. After hearing, issue a preliminary injunction maintaining the relief requested above during the pendency of this action;
6. Waive or set security in a nominal amount;
7. Award attorney's fees and costs; and
8. Grant such other relief as this Court deems just and proper.

Respectfully submitted,
MONTY & RAMIREZ LLP

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**Pro hac vice applications forthcoming*

CERTIFICATE OF EMERGENCY

I hereby certify that this motion seeks emergency relief due to Petitioner's imminent risk of removal, which would render her habeas corpus petition moot and cause irreparable constitutional harm.

/s/ Daniel N. Ramirez

12/31/2025

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Date

Attorney for Petitioner

CERTIFICATE OF CONFERENCE

I hereby certify that our office (Veronica Franco Salazar) contacted the designated AUSA and discussed the intent to file this pleading. No resolution could be reached so the filing of this pleading was required.

/s/ Daniel N. Ramirez

12/31/2025

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CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Warden in his Official Capacity as Warden of the Dilley Immigration Processing Center**, at (1) Office of the Warden, 300 El Rancho Way, Dilley, TX 78017, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 601 NW Loop 410, Suite 600 San Antonio, Texas, 78216.

/s/ Daniel N. Ramirez

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CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Miguel Vergara, in his Official Capacity as Field Office Director, of ICE Enforcement and Removal Operations San Antonio Field Office**, at (1) Office of the Field Office Director, Enforcement and Removal Operations, San Antonio Field Office, 1777 NE Loop 410, Floor 15, San Antonio, TX 78217, and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 601 NW Loop 410, Suite 600 San Antonio, Texas, 78216.

/s/ Daniel N. Ramirez

12/31/2025

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CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS Mail, in compliance with Rule 4 of Federal Rules of Civil Procedure, upon the **Respondent, Todd Lyons, in his Official Capacity as Acting Director of U.S. Immigration and Customs Enforcement**, at (1) Office of the Principal Legal Advisor, 500 12th St. SW, Mailstop 5900, Washington, D.C. 20536; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 601 NW Loop 410, Suite 600 San Antonio, Texas, 78216.

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CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS 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; and (2) to the United States at Civil Process Clerk, U.S. Attorney's Office, 601 NW Loop 410, Suite 600 San Antonio, Texas, 78216.

/s/ Daniel N. Ramirez

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Attorney for Petitioner

CERTIFICATE OF SERVICE

On December 31, 2025, Counsel for Plaintiff served a copy of the attached Motion via USPS 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; and (2) to the Assistant Attorney General for Administration, U.S. Department of Justice, Justice Management Division, 950

Pennsylvania Avenue, NW, Room 1111, Washington, D.C. 20530; and (3) to the United States at Civil Process Clerk, U.S. Attorney's Office, 601 NW Loop 410, Suite 600 San Antonio, Texas, 78216.

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12/31/2025

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