

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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Nadia Eugene, a.k.a. Nadya Eugene,	)	
	)	
	)	CASE NO: 5:26-CV-00028
Petitioner,	)	
	)	ORAL HEARING REQUESTED
	)	
vs.	)	
	)	
Bobby Thompson, Jail Administrator,	)	
South Texas ICE Processing Center, <i>et al.</i> ,	)	
	)	
Respondents.	)	

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MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY  
INJUNCTION

*INTRODUCTION*

U.S. Immigration and Customs Enforcement (ICE) has detained Petitioner Nadia Eugene for over seven months even though she has a grant of Temporary Protected Status (TPS). The TPS statute unambiguously prohibits detention on the basis of immigration status, and Ms. Eugene's detention is unquestionably unlawful. A cascade of irreparable harms has resulted from ICE's unlawful detention of Ms. Eugene – she has been deprived of her liberty for over seven months, her children have been left without a parent and have been sent to foster care, and she has been unable to clear her name in criminal court. These harms will be compounded without intervention from this Court.

Thus, Ms. Eugene respectfully moves this Court to issue a temporary restraining order and preliminary injunction requiring her immediate release from custody pending the resolution on the merits of her Verified Petition for Writ of Habeas Corpus.

*STATEMENT OF FACTS*

Nadia Eugene was born in Haiti in 1987 and is a citizen of that country. *See* Decl. of Claire Maguire (“Maguire Decl.”), **Exhibit 1**, at ¶ 4(a). She has three children, aged seventeen, thirteen and two years old. *See* Decl. of Dorothee Jeudi (“Jeudi Decl.”), **Exhibit 2**, at ¶¶ 2-3.

Ms. Eugene came to the United States in or around December 2020. *See* Maguire Decl., **Exhibit 1**, at ¶ 4(b). She was detained by ICE after her entry into the United States and placed in expedited removal proceedings. *See id.*, **Exhibit 1**, at ¶ 4(c). She was given a Credible Fear Interview and was found to have a credible fear of returning to Haiti. *See id.*, **Exhibit 1**, at ¶ 4(d). Her expedited removal proceeding was vacated and she was issued a Notice to Appear in Immigration Court placing her in full removal proceedings. *See id.*

In or around January 2021, ICE released Ms. Eugene from immigration detention after a custody determination made pursuant to section 236 of the Immigration and Nationality Act. *See id.*, **Exhibit 1**, at ¶ 4(e). ICE enrolled Ms. Eugene in its Alternatives to Detention (ATD) program and released her with an ankle monitor. *See id.* In around May or June 2021, ICE removed Ms. Eugene's ankle monitor and no longer required her to check in through the ATD program. *See id.*

On or about June 30, 2022, Ms. Eugene was granted TPS. *See id.*, **Exhibit 1**, at ¶ 4(f). Ms. Eugene twice timely re-registered for TPS. *See id.*, **Exhibit 1**, at ¶ 4(g). She was most recently granted TPS valid from August 3, 2024, through February 3, 2026, and her TPS status remains valid. *See id.*, **Exhibit 1**, at ¶¶ 4(g)-4(h), 5 & Sub-Ex. A.

On or about May 31, 2025, Ms. Eugene was arrested and charged with misdemeanor assault and battery ("the charges") in Peabody, Massachusetts following a domestic dispute. *See id.*, **Exhibit 1**, at ¶ 4(i). Ms. Eugene maintains her innocence and wishes to fight the charges in court and clear her name. *See id.* Ms. Eugene had no criminal history prior to this incident. *See id.*

Ms. Eugene has yet to be arraigned on the charges. *See id.*, **Exhibit 1**, at ¶ 4(j). The same day of her arrest she was released from police custody and taken into ICE custody. *See id.* The criminal court in Massachusetts has scheduled an arraignment on the charges four separate times and has issued a writ of habeas corpus to ICE, but ICE has failed to produce Ms. Eugene, either in person or via video, for any of the four scheduled arraignments. *See id.*, **Exhibit 1**, at ¶ 4(k). Ms. Eugene's next chance for arraignment is scheduled for January 12, 2026. *See id.*

Due to Ms. Eugene's detention by ICE, two of her children have been taken into custody of the Massachusetts Department of Children and Families (DCF). *See Jeudi Decl.*, **Exhibit 2**, at

¶¶ 2-4. DCF has initiated proceedings regarding the custody of the children, which Ms. Eugene has been unable to participate in because of her detention. *See id.*, **Exhibit 2**, at ¶ 9.

On August 11, 2025, an immigration judge (IJ) ordered Ms. Eugene removed from the United States. *See* Maguire Decl., **Exhibit 1**, at ¶ 4(l). Ms. Eugene has appealed the IJ's removal order to the Board of Immigration Appeals (BIA) and that appeal remains pending, thus Ms. Eugene does not have a final order of removal. *See id.*

At all times that Ms. Eugene has been in ICE custody, she has had and continues to have a valid grant of TPS that has not been revoked. *See id.*, **Exhibit 1**, at ¶ 4(m). Ms. Eugene is currently detained at the South Texas ICE Processing Center in Pearsall, Texas, at the direction of ICE. *See id.*, **Exhibit 1**, at ¶ 4(n).

#### ARGUMENT

##### I. APPLICABLE LAW

To obtain temporary and preliminary injunctive relief, movants must demonstrate that (1) they are likely to succeed on the merits, (2) they face a substantial threat of irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in their favor, and (4) an injunction is in the public interest. *See Mock v. Garland*, 75 F.4th 563, 577 (5th Cir. 2023); *Louisiana v. Biden*, 55 F.4th 1017, 1022 (5th Cir. 2022). When the government is a party, the balance of equities and public interest merge. *See Mock*, 75 F.4th at 577.

##### II. MS. EUGENE IS LIKELY TO SUCCEED ON THE MERITS OF THE ABOVE-CAPTIONED PETITION

The sole claim asserted by Ms. Eugene in the above-captioned petition is that her continued detention by ICE violates the TPS statute, that is, 8 U.S.C. § 1254a(d)(4). *See* Verified Pet. For Writ of Habeas Corpus, Doc No. 1, at ¶¶ 32-37. Ms. Eugene is likely to prevail on this claim because during all times relevant to the above-captioned petition Ms. Eugene has

maintained her Temporary Protected Status, *see* Maguire Decl., **Exhibit 1**, at ¶ 4(m), and the “TPS statute unambiguously provides that ‘[a]n alien provided temporary protected status under this section shall not be detained ... on the basis of the alien’s immigration status in the United States.’” *Sanchez Puentes v. Garite*, 780 F. Supp. 3d 682, 694 (W.D. Tex. 2025) (quoting 8 U.S.C. § 1254a(d)(4)); *see also* *Rojas v. Venegas*, No. 1:25-CV-00056, 2025 WL 996421, at \*1 (S.D. Tex. Apr. 2, 2025) (finding detention of TPS-holder unlawful). On this record, ICE’s continued detention of Ms. Eugene violates 8 U.S.C. § 1254a(d)(4) and thus the Court is likely to adjudicate the above-captioned petition in her favor.

III. MS. EUGENE FACES A SUBSTANTIAL THREAT OF IRREPARABLE HARM IN THE ABSENCE OF PRELIMINARY RELIEF.

As of the date of this filing, ICE has unlawfully detained Ms. Eugene for more than seven months. *See* Maguire Decl., **Exhibit 1**, at ¶¶ 4(j), 4(n). Without more, Ms. Eugene’s substantial and unjustifiable loss of liberty has caused her and will continue to cause her irreparable harm. *See, e.g.,* *Martinez v. Rice*, No. CV 25-1780 SEC P, 2025 WL 3554620, at \*4 (W.D. La. Dec. 11, 2025) (“The erroneous deprivation of liberty, ‘for even minimal periods of time, unquestionably constitutes irreparable injury.’”) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

Moreover, the collateral consequences of Ms. Eugene’s unlawful detention have been devastating to her family. Ms. Eugene’s children have been placed in foster care. *See* Jeudi Decl., **Exhibit 2**, at ¶¶ 2-4, 9-10. Both children have been and will continue to be traumatized by this arrangement. *See id.*, **Exhibit 2**, at ¶¶ 5-8, 11. If Ms. Eugene is not released promptly, her children will be moved to a new foster care placement, compounding their trauma. *See id.*, **Exhibit 2**, at ¶ at 10. And Ms. Eugene remains unable to defend her parental rights in custody proceedings initiated by DCF, or to otherwise clear her name so that she can someday reunite with her family. *See id.*, **Exhibit 2**, at ¶ 9; Maguire Decl., **Exhibit 1**, at ¶¶ 4(i)-4(k).

Without more, Ms. Eugene has demonstrated the substantial threat of irreparable harm that she will face if she remains detained.

IV. THE BALANCE OF EQUITIES AND THE PUBLIC INTEREST WEIGH IN FAVOR OF GRANTING MS. EUGENE RELEASE PENDING ADJUDICATION OF HER CLAIM

At bottom, ICE's detention of Ms. Eugene violates the agency's governing statutes and "there is generally no public interest in the perpetuation of unlawful agency action." *Louisiana*, 55 F.4th at 1035 (internal quotations omitted); *see also, e.g., Martinez*, No. CV 25-1780 SEC P, 2025 WL 3554620 at \*4 ("The public has a strong interest in the Government complying with its own laws."). Ms. Eugene's fundamental rights and the public's interest in the government's compliance with the law far outweigh any interest the government might have in detaining Ms. Eugene without any statutory authority. Accordingly, the balance of equities tip sharply in favor of granting Ms. Eugene the provisional relief she seeks.

*CONCLUSION*

Based on the foregoing, Ms. Eugene respectfully requests that the Court:

- i. issue a temporary restraining order requiring Respondents to release Ms. Eugene immediately;
- ii. order Respondents to answer the above-captioned Petition and oppose the instant Motion within three days of receiving said order; and
- iii. set a hearing pursuant to Rule 65(a)(2) for adjudication of the instant Motion and above-captioned Petition.

Respectfully submitted,

NADIA EUGENE,

By her attorney,

/s/ Ethan R. Horowitz

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Dated: January 6, 2026

**CERTIFICATE OF SERVICE**

I, Ethan Horowitz, caused the foregoing Motion for Temporary Restraining Order and Preliminary Injunction – as well as the Verified Petition for Writ of Habeas Corpus, Declaration of Claire Maguire and Declaration of Dorothee Jeudi referenced therein – to be served on all Respondents on January 6, 2026, via first class mail at the following addresses:

**Bobby Thompson**, Jail Administrator  
South Texas ICE Processing Center  
566 Veterans Drive  
Pearsall, TX 78061

**Miguel Vergara**, Field Office Director, San Antonio  
U.S. Immigration and Customs Enforcement  
1777 NE Loop 410, Floor 15  
San Antonio, TX 78217

**Todd Lyons**, Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W.  
Washington, DC 20536

**U.S. Attorney for Western District of Texas**  
601 NW Loop 410, Suite 600  
San Antonio, TX 78216

I, Ethan Horowitz, further caused the foregoing Motion for Temporary Restraining Order and Preliminary Injunction – as well as the Verified Petition for Writ of Habeas Corpus, Declaration of Claire Maguire and Declaration of Dorothee Jeudi referenced therein – to be served on January 6, 2026 via electronic mail to the United States Attorney’s Office for the Western District of Texas, *i.e.*, counsel for the Respondents, while Rule 4 service is pending, so that they are on notice of all filings and evidence and thus will not be prejudiced while such service remains pending.

/s/ Ethan Horowitz

Date: January 6, 2026