

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CASE NO. 5:25-cv-01943

**FILED**

January 15, 2026

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: RR  
DEPUTY

ANITA C. ORDONEZ,

as Next Friend of

MATEO FABRICIO GUERRERO ORDONEZ,

Petitioner,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE),

et al.,

Respondents.

EMERGENCY MOTION FOR STAY OF REMOVAL  
AND STAY OF IMMIGRATION PROCEEDINGS

(Filed in Pending Habeas Corpus Action – 28 U.S.C. § 2241)

I. INTRODUCTION

Petitioner Anita C. Ordonez, proceeding pro se and as next friend of her son,

Respondent Mateo Fabricio Guerrero Ordonez, respectfully moves this Honorable Court for an Emergency Stay of Removal and Stay of Immigration Proceedings to preserve this Court's jurisdiction while the pending petition for writ of habeas corpus under 28 U.S.C. § 2241 remains unresolved.

Since this Court accepted the habeas petition on January 8, 2026, extraordinary and time-sensitive events have occurred in Immigration Court that create an imminent risk that Respondent will be subjected to a final order of removal on February 6, 2026, before this Court has an opportunity to rule on the legality and constitutionality of his continued detention and bond denial. Absent immediate judicial intervention, Respondent faces irreparable harm and this Court's habeas jurisdiction will be rendered meaningless.

## II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Respondent is currently detained by federal immigration authorities at the Karnes County Immigration Processing Center, located within the Western District of Texas.

This Court further possesses inherent authority to issue emergency and temporary relief, including stays of removal and stays of immigration proceedings, to preserve its jurisdiction and prevent irreparable constitutional harm.

## III. PARTIES

Petitioner:

Anita C. Ordonez, acting as next friend due to Respondent's detention and inability to litigate freely.

Respondent:

Mateo Fabricio Guerrero Ordonez, currently detained at:

Karnes County Immigration Processing Center

409 FM 1144

Karnes City, Texas 78118

#### IV. PROCEDURAL HISTORY

1. Respondent entered the United States lawfully with a visa and has no criminal convictions.
2. Respondent has been civilly detained by ICE for approximately three months.
3. On December 26, 2025, the Immigration Judge accepted Respondent's second motion for bond.
4. On December 30, 2025, Petitioner filed a federal petition for writ of habeas corpus challenging Respondent's prolonged detention and unconstitutional bond denial.
5. On January 8, 2026, this Court accepted the habeas petition and opened Case No. 5:25-cv-01943.

6. On January 8, 2026, without holding a hearing and despite previously accepting the bond motion, the Immigration Judge issued a written order denying bond, relying again on a minor traffic citation that had already been resolved and closed.
7. Respondent was not provided a meaningful opportunity to be heard regarding the bond denial.

#### V. NEWLY OCCURRING FACTS CREATING AN EMERGENCY

The following critical events occurred after this Court accepted the habeas petition:

1. Respondent is a derivative beneficiary of a pending asylum application filed by his father with USCIS, over which the Immigration Court lacks jurisdiction.
2. Despite lacking jurisdiction over the derivative asylum, the Immigration Judge required Respondent's attorney to file an individual Form I-589 in order to create Immigration Court jurisdiction.
3. The individual Form I-589 was filed on January 13, 2026.
4. On January 14, 2026, the Immigration Court held a hearing solely on the newly filed individual asylum application.
5. During that hearing, the Immigration Judge:

- a. Refused to address the previously accepted bond motion;
  - b. Proceeded only on the individual asylum application filed the day before; and
  - c. Scheduled an Individual Merits Hearing for February 6, 2026, less than one month after the asylum filing.
6. This accelerated merits schedule effectively prevents Respondent from appealing the bond denial to the Board of Immigration Appeals, a remedy that remains available by law.
7. The compressed timeline creates an imminent risk that Respondent will be denied asylum and subjected to an immediate final order of removal, thereby mooting this Court's habeas jurisdiction and eliminating meaningful judicial review.

## VI. LEGAL STANDARD

A stay of removal and proceedings is warranted where:

1. The petitioner raises serious constitutional questions;
2. Irreparable harm is likely absent a stay;
3. The balance of equities favors the petitioner; and
4. The public interest favors due process and meaningful judicial review.

## VII. ARGUMENT

A. Respondent Faces Imminent and Irreparable Harm

Absent a stay, Respondent faces immediate removal, permanent family separation, and loss of liberty without meaningful review. Such harm cannot be remedied after the fact.

B. Respondent Raises Serious Constitutional Claims

The pending habeas petition raises substantial constitutional issues, including:

- Prolonged civil detention without a constitutionally adequate bond hearing;
- Denial of bond without an opportunity to be heard;
- Continued detention based on resolved, non-criminal traffic allegations.

C. The Immigration Judge's Actions Frustrate Judicial Review

The Immigration Judge's actions—including denying bond without a hearing, refusing to adjudicate an accepted bond motion, compelling the filing of an individual asylum application to manufacture jurisdiction, and accelerating the merits hearing—demonstrate an intent to frustrate appellate and federal judicial review and to render this Court's habeas jurisdiction moot.

Federal courts routinely intervene to prevent immigration proceedings from being used to evade constitutional oversight.

D. Balance of Equities and Public Interest Favor a Stay

A temporary stay imposes minimal burden on the government while preserving

constitutional rights and the authority of this Court. The public interest strongly favors lawful detention practices and meaningful access to judicial review.

#### VIII. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

1. Grant an Emergency Stay of Removal, prohibiting ICE from removing Respondent from the United States;
2. Stay all immigration proceedings, including the Individual Merits Hearing scheduled for February 6, 2026;
3. Prohibit the issuance of any final order of removal pending resolution of the habeas petition;
4. Order Respondents to file an immediate response, if deemed appropriate; and
5. Grant such other and further relief as this Court deems just and proper.

#### IX. CONCLUSION

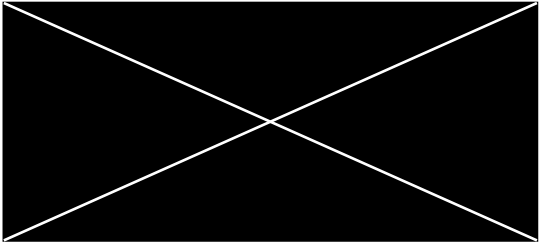
Absent immediate judicial intervention, Respondent faces imminent removal engineered to evade constitutional and judicial review. Emergency relief is necessary to preserve this Court's jurisdiction and protect Respondent's fundamental rights.

Respectfully submitted,

/s/ Anita C. Ordonez

Anita C. Ordonez

Petitioner, Pro Se (Next Friend)



Date: January 15, 2026

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2026, I served a true and correct copy of this Emergency Motion upon Respondents by mail.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Anita C. Ordonez