
PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the Western District of Texas

JUAN PEREZ-SIERRA

Petitioner

v.

KRISTI NOEM DHS/ TODD M. LYONS ICE Director/ MIGUEL VERGARA Field office Director / Warden KARNES COUNTY IMMIGRATION P.C

Respondent

(name of warden or authorized person having custody of petitioner)

SA 26 CA 0109 JKP

Case No. (Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- 1. (a) Your full name: JUAN PEREZ-SIERRA (b) Other names you have used:
2. Place of confinement: (a) Name of institution: KARNES COUNTY IMMIGRATION PROCESSING CENTER (b) Address: 409 FM 1144, KARNES CITY, TX 78118
3. (c) Your identification number: [Redacted] Are you currently being held on orders by: [X] Federal authorities [] State authorities [] Other - explain:
4. Are you currently: [] A pretrial detainee (waiting for trial on criminal charges) [] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime If you are currently serving a sentence, provide: (a) Name and location of court that sentenced you: (b) Docket number of criminal case: (c) Date of sentencing: [X] Being held on an immigration charge [] Other (explain):

Decision or Action You Are Challenging

- 5. What are you challenging in this petition: [] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (*explain*): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Department of Homeland Security / Immigration and Customs Enforcement - 409 FM 1144, KARNES CITY, TX 78118

(b) Docket number, case number, or opinion number: [REDACTED]

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
My continued physical detention by Immigration and Customs Enforcement (ICE).

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____
Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/02/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I am detained under 1226 (a), not 1225 (b) Because I was not "arriving" or "Seeking admission" when I was arrested by ICE since I am not a recent entrant. My continued detention without a bond hearing violates the Immigration and Nationality Act, and the fifth Amendment of the Constitution.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I entered the U.S in March 2006, (approx. 19 years living in the U.S) I have no prior detention or criminal record in the U.S. While commuting to work, I was pulled over by ICE for a traffic stop, they requested for documentation I could not provide, I was taken into custody and processed. I live with my spouse and my two underage U.S citizens in Live Oak FL, they depend on me financially. Also, My Stepdaughter has demonstrated her willingness to support me while I am in the country; My family, my job and my friends show my strong ties to the community.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: _____

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: _____

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Appeal should not be required because if the IJ's decision is to deny a bond hearing it would violate the federal court order in Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al., 5:25-cv-01873-SSS-BFM Dkt. 81 & 82 (Nov. 25, 2025).

Request for Relief

15. State exactly what you want the court to do:

Order my immediate release from detention, or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

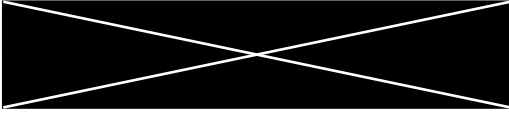
Date: 2-1-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

JUAN PEREZ-SIERRA



Case No. _____

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Petitioner,

v.

KRISTI NOEM
SECRETARY OF THE U.S. DEPARTMENT
OF HOMELAND SECURITY;

TODD M. LYONS
DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

MIGUEL VERGARA
FIELD OFFICE DIRECTOR, ICE ENFORCEMENT
AND REMOVAL OPERATIONS
(SAN ANTONIO FIELD OFFICE);

WARDEN/ADMINISTRATOR, KARNES COUNTY
IMMIGRATION PROCESSING CENTER;


Respondents.

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER
TO SHOW CAUSE (INDIVIDUAL HABEAS CORPUS / 28 U.S.C. § 2241)**

Petitioner, by pro se, moves for an Emergency Temporary Restraining Order and Order to Show Cause restraining Respondents from detaining him under 8 U.S.C. § 1225(b)(2)(A), from

removing or transferring him while this action is pending, and ordering his release under 8 U.S.C. § 1226(a) or, in the alternative, a prompt custody redetermination hearing under § 1226(a) before an Immigration Judge. In support, Petitioner states as follows:

INTRODUCTION

1. Petitioner Emilio Juan Perez-sierra (“Petitioner”), A#  is a citizen and national of Mexico who entered the United States without inspection near Nogales, Arizona, on or about March, 2006. He was placed in removal proceedings under 8 U.S.C. § 1229a, released on his own recognizance, and has since resided in the interior of the United States at 7448 Co Rd 249, Live Oak, FL 32060. He was later taken into ICE custody while he was going to work, he was detained, and is now detained at the Karnes County Immigration Processing Center, Karnes City, Texas, within this District.

2. On July 8, 2025, the Department of Homeland Security (“DHS”) issued an “Interim Guidance Regarding Detention Authority for Applicants for Admission” (the “DHS Policy”), directing ICE to treat certain individuals, including those like Petitioner who entered without inspection but were arrested in the interior, as “applicants for admission” under 8 U.S.C. § 1225(b)(2)(A) and to subject them to mandatory detention without a bond hearing.

3. In *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.) (“*Maldonado Bautista*”), the United States District Court for the Central District of California has: (a) granted a

temporary restraining order for the named plaintiffs; (b) on November 20, 2025, granted plaintiffs' Motion for Partial Summary Judgment, declaring the July 8, 2025 DHS Policy unlawful; (c) on November 25, 2025, certified a nationwide "Bond Eligible Class" of similarly situated noncitizens; and (d) on December 18, 2025, clarified that the partial summary judgment order encompassed plaintiffs' Administrative Procedure Act ("APA") claim and granted classwide vacatur of the DHS Policy and entered final judgment as to those claims. The Maldonado Bautista court further explained that the core holding of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), is inconsistent with its determination that such class members are not "applicants for admission" subject to mandatory detention under § 1225(b).

4. Petitioner is similarly situated to the Maldonado-Bautista plaintiffs and certified class members: he entered without inspection, was arrested in the interior, is charged solely as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), and is detained under the now-vacated DHS Policy without access to a bond hearing. ICE continues to classify and detain Petitioner under § 1225(b)(2)(A) and denies his custody redetermination under § 1226(a). His detention is ultra vires, contrary to the Immigration and Nationality Act ("INA"), and violates due process and the APA.

5. Petitioner respectfully requests a narrowly tailored, individualized TRO that: (a) enjoins Respondents from detaining him under § 1225(b)(2)(A); (b) prohibits his removal or transfer during the pendency of this action absent further order; And (c) requires his release under § 1226(a) or, at minimum, an expedited custody redetermination hearing under § 1226(a) before an Immigration Judge, or an order to show cause why his continued custody is lawful.

6. The specific relief requested is as follows:

- An order restraining Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A) and requiring either his release under § 1226(a) or a prompt § 1226(a) custody redetermination hearing before an Immigration Judge;
- An order restraining Respondents from removing Petitioner from the United States or transferring him outside this District while this TRO is in effect;
- An order requiring Respondents to provide notice prior to any attempt to remove Petitioner after expiration of this TRO;
- An order directing Respondents to show cause why Petitioner's continued custody is lawful; and
- Waiver of security under Fed. R. Civ. P. 65(c).

PARTIES

7. Petitioner is a citizen and national of Mexico, born on [REDACTED] He entered the United States without inspection near Nogales, Arizona, on or about March, 2006.

8. Petitioner was released from DHS custody on his own recognizance and has resided in the interior of the United States, most recently at [REDACTED]

9. Respondents are: (i) the Secretary of the U.S. Department of Homeland Security; (ii) the Director of U.S. Immigration and Customs Enforcement; (iii) the Field Office Director, ICE Enforcement and Removal Operations, San Antonio Field Office; and (iv) the

Warden/Administrator of the Karnes County Immigration Processing Center, as Petitioner's immediate custodian. Respondents are sued in their official capacities only.

JURISDICTION AND VENUE

10. This Court has jurisdiction under 28 U.S.C. § 2241 to review the legality of Petitioner's immigration detention and to grant habeas corpus relief, and under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the INA and the APA.

11. Petitioner challenges only pre-final-order detention and the application of an unlawful detention policy. He does not seek review of any final order of removal, and his claims do not arise from, nor are they inextricably linked to, any removal order. Accordingly, 8 U.S.C. § 1252(a)(2) and § 1252(b)(9) do not strip this Court of jurisdiction over his claims.

12. Venue is proper in this District and Division under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained at the Karnes County Immigration Processing Center in Karnes City, Texas, within the Western District of Texas, San Antonio Division, and a substantial part of the events and omissions giving rise to this action occurred in this District.

STATEMENT OF FACTS

13. Petitioner entered the United States without inspection near Nogales, Arizona, on or about March 2006.

14. Petitioner was released from custody on his own recognizance and resided at [REDACTED]

15. Petitioner has no criminal history and has never been charged with or convicted of any offense in the United States or Mexico. His only basis for immigration enforcement is his manner of entry and immigration status.

16. Petitioner has consistently complied with all immigration requirements. His next Master Calendar Hearing is scheduled for January 9, 2026, at 08:30 AM., before the Pearsall Immigration Court, Pearsall, Texas.

17. Petitioner is father of two U.S citizens "Y [REDACTED]" 17 Years old and "A [REDACTED]" 15 Years old, both are underage living with him, and both are economically dependent on their father.

19. "Yulieth Perez-Lugo". His daughter is currently on a scoliosis treatment, and she needs care, and financial aid. Being with her father is fundamental to her physical and mental health.

18. If released, Petitioner has stable housing and support in Florida. He can reside with his step-daughter and sponsor, Reina Olvera-Lugo, at [REDACTED]

[REDACTED] is a U.S. citizen sponsor, who has provided an affidavit of support and financial documentation.

19. Petitioner was taken into ICE custody during going to work in Gainesville, Florida. He is currently detained at the Karnes County Immigration Processing Center, Karnes City, Texas, within the Western District of Texas. ICE custody and classification records reflecting his detention under 8 U.S.C. § 1225(b)(2)(A).

20. On July 8, 2025, DHS implemented the “Interim Guidance Regarding Detention Authority for Applicants for Admission,” instructing ICE to treat certain noncitizens—including those like Petitioner who entered without inspection and were arrested in the interior—as “applicants for admission” under 8 U.S.C. § 1225(b)(2)(A), and to subject them to mandatory detention without bond hearings.

21. Pursuant to this DHS Policy, ICE has classified Petitioner as detained under § 1225(b)(2)(A), refused to consider his release under 8 U.S.C. § 1226(a), and denied his access to an individualized custody redetermination hearing before an Immigration Judge.

22. In *Maldonado-Bautista*, the district court: (a) granted a temporary restraining order for the named plaintiffs; (b) on November 20, 2025, granted plaintiffs’ Motion for Partial Summary Judgment, holding that the DHS Policy is contrary to the plain text of the INA and that individuals who, like Petitioner, entered without inspection and were arrested in the interior are properly detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A); (c) on November 25, 2025, certified a nationwide Bond Eligible Class of similarly situated noncitizens; and (d) on December 18, 2025, clarified that its order declared the DHS Policy unlawful under the APA, granted classwide vacatur

of that policy, and entered final judgment as to the relevant counts of the Amended Class Complaint. The court further explained that the core legal conclusion of Matter of Yajure Hurtado cannot be reconciled with its ruling. Copies of the Maldonado Bautista TRO, summary judgment order, class certification order, and clarification order are attached as **Exhibits A, B, C and D**.

23. Despite the Maldonado-Bautista judgment and classwide vacatur of the DHS Policy, ICE continues to rely on § 1225(b)(2)(A) and the vacated policy as the basis for Petitioner's detention and most likely the denial of a bond hearing.

24. Without this Court's intervention, Petitioner faces ongoing, potentially prolonged detention without any bond hearing and the risk of transfer or removal under an unlawful and vacated policy.

LEGAL STANDARD

25. A temporary restraining order is an extraordinary remedy issued to preserve the status quo and prevent irreparable harm before a full adjudication on the merits. Courts consider: (1) likelihood of success on the merits; (2) threat of irreparable harm; (3) balance of equities; and (4) the public interest. See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011). The same standard applies to preliminary injunctions. The Supreme Court applies similar factors in evaluating stays of removal. See *Nken v. Holder*, 556 U.S. 418 (2009).

ARGUMENT

I. Petitioner Is Likely to Succeed on the Merits

A. The INA Requires Use of 8 U.S.C. § 1226(a), Not § 1225(b)(2)(A), for Interior Arrests Like Petitioner's

26. The INA establishes distinct detention authorities. Section 1225(b) governs certain “applicants for admission,” generally those who are “arriving” or encountered at or near the border. By contrast, 8 U.S.C. § 1226(a) authorizes the arrest and detention of noncitizens already present in the United States pending a decision on removability and expressly provides for discretionary release on bond or conditional parole.

27. DHS’s July 8, 2025 Policy collapses this statutory distinction by directing ICE to treat noncitizens who entered without inspection and are arrested in the interior as “applicants for admission” subject to mandatory detention under § 1225(b)(2)(A), solely because they are charged as inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), thereby eliminating bond hearings.

28. In *Maldonado-Bautista*, after analyzing the statutory text and structure, the district court held that the INA unambiguously requires that interior arrests of noncitizens who entered without inspection be governed by 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and concluded that the DHS Policy is unlawful.

The court granted partial summary judgment to the plaintiffs, certified a nationwide Bond Eligible Class of similarly situated noncitizens, and granted classwide vacatur of the DHS Policy under the APA.

29. Petitioner falls within the same category as the Maldonado-Bautista plaintiffs and the certified class: he entered without inspection, has no prior removal order, was arrested in the interior, and is detained solely under 8 U.S.C. § 1182(a)(6)(A)(i) pursuant to the DHS Policy, without access to a bond hearing. Because the INA's text and Maldonado-Bautista's reasoning confirm that § 1226(a) governs Petitioner's custody, and because the DHS Policy has been vacated, Petitioner is likely to succeed on his claim that his detention under § 1225(b)(2)(A) is ultra vires and unlawful.

B. The DHS Policy and Petitioner's Detention Violate Due Process and the APA

30. By denying Petitioner any individualized custody determination or bond hearing, DHS has deprived him of a meaningful opportunity to seek release, contrary to the statutory scheme and due process. Under § 1226(a), noncitizens like Petitioner are entitled to an initial custody determination and the opportunity to seek bond before an Immigration Judge.

31. The DHS Policy is arbitrary, capricious, and not in accordance with law, and in excess of statutory authority, in violation of 5 U.S.C. § 706(2)(A) and (C). It contradicts the plain text and structure of the INA and departs from long-standing practice treating interior arrests after entry without inspection as governed by § 1226(a), without a reasoned explanation. The Maldonado-

Bautista court has already held the Policy unlawful under the APA and has vacated it on a classwide basis.

32. Petitioner's detention pursuant to a vacated policy and under the wrong statutory provision, without access to a bond hearing, violates the INA, due process, and the APA. At a minimum, he has raised serious questions going to the merits and, in fact, demonstrates a strong likelihood of success.

II. Petitioner Will Suffer Irreparable Harm Absent a TRO

33. Prolonged immigration detention without lawful authority and without a bond hearing constitutes irreparable harm. Petitioner's continued confinement represents an ongoing deprivation of liberty that cannot be remedied by monetary damages. The separation from his broader family and his son and the impact of confinement on his physical, emotional, and psychological well-being are irreparable.

34. If Respondents remove or transfer Petitioner under an unlawful detention authority before this Court can rule, his habeas corpus claims could become moot or significantly more difficult to litigate, causing further irreparable harm. A TRO preserving the status quo is necessary to prevent this harm.

III. The Balance of Equities Favors Granting Relief

35. The balance of equities strongly favors Petitioner. A short-term TRO requiring either his release under § 1226(a), a prompt custody redetermination hearing under § 1226(a), or a sworn justification for continued detention imposes minimal burden on the government. ICE routinely conducts custody reviews and appears before Immigration Judges for bond hearings.

36. By contrast, denial of relief leaves Petitioner in unlawful detention without any individualized custody review under a policy that another federal court has declared unlawful and vacated on a classwide basis. The equities therefore weigh decisively in favor of temporary relief.

IV. The Public Interest Supports the Requested TRO

37. The public interest is served when the government adheres to statutes enacted by Congress, complies with final judgments of federal courts, and respects constitutional limits. A TRO ensuring that Petitioner is detained, if at all, under the proper statutory authority and with access to the procedural protections Congress provided advances these interests.

38. Ensuring that detention authority is exercised lawfully, and that individuals are not held under a vacated and unlawful policy, is consistent with the public's interest in fairness, regularity, and the rule of law.

SPECIFIC ACTS TO BE RESTRAINED

39. Petitioner seeks an order temporarily restraining Respondents, their officers, agents, employees, and all persons acting in concert with them from:

a. Detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A) or treating him as an “applicant for admission” for purposes of mandatory detention based solely on his charge under 8 U.S.C. § 1182(a)(6)(A)(i);

b. Removing Petitioner from the United States while this TRO is in effect;

c. Transferring Petitioner from the Karnes County Immigration Processing Center to any other detention facility outside the Western District of Texas, San Antonio Division, while this TRO is in effect, absent further order of this Court; and

d. Taking any steps to effectuate his removal from the United States without first providing the notice required by the Court’s order.

REQUESTED RELIEF

40. Petitioner respectfully requests that the Court enter an individualized Temporary Restraining Order and Order to Show Cause providing the following relief:

- a. Detention Authority / Bond Hearing. Temporarily restrain Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A). Require Respondents either (i) to release Petitioner under reasonable conditions of supervision pursuant to 8 U.S.C. § 1226(a); or (ii) to provide Petitioner with an individualized custody redetermination hearing under § 1226(a) before an Immigration Judge within seven (7) days of the Court's order.

- b. No Removal or Transfer. Temporarily restrain Respondents, and all those acting in concert with them, from removing Petitioner from the United States or transferring him outside this District during the pendency of this TRO, absent further order of the Court.

- c. Notice of Removal. Require Respondents to provide at least seventy-two (72) hours' written notice to the Court and to Petitioner's before any attempt to remove Petitioner after expiration of this TRO.

- d. Show Cause. In the alternative to immediate release, order Respondents to show cause within seventy-two (72) hours of the Court's order why Petitioner's continued custody is lawful, by filing a sworn return identifying the statutory basis for detention and explaining how that basis is consistent with the INA and with the judgment and vacatur entered in *Maldonado-Bautista v. Noem*.

- e. Security. Waive security under Federal Rule of Civil Procedure 65(c) in light of Petitioner's indigence and the fact that Respondents are the United States and its officers.

f. Hearing. Set an expedited hearing on whether this TRO should be converted into a preliminary injunction.

CERTIFICATION REGARDING NOTICE
(Fed. R. Civ. P. 65(b)(1)(B))

41. Petitioner certifies that immediate and irreparable injury will occur before Respondents can be heard in opposition. Petitioner is presently detained under an unlawful and vacated detention policy without access to a bond hearing and faces ongoing deprivation of liberty, as well as the risk of transfer or removal that could frustrate this Court's jurisdiction.

42. Petitioner has provided or will promptly provide notice of this filing to the United States Attorney's Office for the Western District of Texas and to agency counsel for Todd M. Lyons (ICE) 500 12th Street, SW Washington, DC 20536; MIGUEL VERGARA (FIELD DIRECTOR OFFICE) 1777 NE Loop 410, Suite 1500, San Antonio, TX 78217; Karnes County Immigration Processing Center (WARDEN) 409 FM 1144 Karnes City, TX 78118. Through U.S certified mail.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that the Court grant this Emergency Motion for Temporary Restraining Order and Order to Show Cause and enter the accompanying proposed order.

Dated: 2-1-2026, 2025

Respectfully submitted,



JUAN PEREZ-SIERRA (PRO SE)

