

FILED.

JAN 21 2026

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

**United States District Court
Western District of Texas
San Antonio Division**

Mayelin Campos Lahera,
Petitioner,

v.

United States Immigration and Customs Enforcement, et al.,
Respondents.

Civil Action No.: 5:26-cv-00116-XR
Judge: Hon. Xavier Rodriguez

EMERGENCY MOTION FOR INTERIM RELEASE

PENDING HABEAS PROCEEDINGS

Petitioner, **Mayelin Campos Lahera**, by and through her Next Friend, **Luis J. Lahera**, respectfully moves this Court for an Order granting **immediate interim release** from ICE custody pending resolution of her Petition for Writ of Habeas Corpus.

This Motion is filed contemporaneously with Petitioner's **Notice of Respondents' Failure to Respond**.

I. INTRODUCTION

Petitioner remains in civil immigration detention despite having:

- A pending asylum case before the Immigration Court,
- Strong family and community ties in the United States,
- A minor child dependent on her care and supervision, and
- A habeas petition presenting serious constitutional and statutory concerns.

Respondents were ordered to respond to the habeas petition within five days of service. They failed to do so. Continued detention under these circumstances is unjustified and causes ongoing, irreparable harm.

II. LEGAL STANDARD

Federal courts possess inherent authority to order **interim release** in habeas proceedings where:

1. The petitioner raises **substantial claims**, and
2. Continued detention results in **irreparable injury** to the petitioner's liberty interests.

See *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001); *Calley v. Callaway*, 496 F.2d 701 (5th Cir. 1974).

III. ARGUMENT

A. Respondents' Failure to Respond Weighs Strongly in Favor of Interim Relief

Respondents' noncompliance with the Court's Order undermines any claim that continued detention is necessary or justified. Where the government fails to timely defend the legality of detention, courts routinely grant interim relief to protect the petitioner's constitutional rights.

B. Continued Detention Causes Irreparable Harm

Petitioner's detention constitutes an ongoing deprivation of liberty in a civil, non-punitive context. Each additional day of detention compounds:

- Emotional and psychological harm,
- Family separation, and

- Disruption to pending asylum proceedings.

No later remedy can restore lost liberty.

C. Petitioner Is Not a Flight Risk or Danger

Petitioner has:

- Never missed a court appearance,
- A stable residence available immediately upon release,
- A responsible family sponsor (Next Friend "Luis J Lahera"), and
- Ongoing asylum proceedings incentivizing compliance.

Any concern may be addressed through reasonable conditions of release.

IV. REQUEST FOR RELIEF

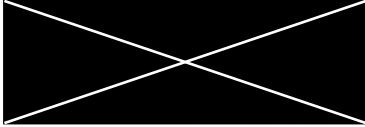
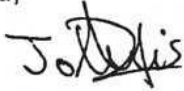
Petitioner respectfully requests that the Court:

1. **Order Petitioner's immediate interim release** from ICE custody pending final resolution of this habeas action;
 2. Alternatively, order Respondents to conduct an **immediate parole or custody review** consistent with due process; and
 3. Grant such other relief as the Court deems just and proper.
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Respectfully submitted,

Luis J. Lahera

Next Friend to Petitioner



jimenezlahera@gmail.com

Date: January 21, 2026