

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Jelldis Odili GOMEZ-ZEPEDA

Petitioner,

No.8:26-cv-00178

v.

Kristi Noem, et. al

Respondents.

**PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND FOR
MEMORANDUM IN SUPPORT THEREOF**

MOTION AND MEMORANDUM OF LAW

Petitioner GOMEZ-ZEPEDA respectfully moves this Honorable Court for an emergency order preventing her continued detention in violation of her Constitutional rights.

I. INTRODUCTION

Petitioner Jelldis Odili GOMEZ-ZEPEDA fled Honduras and entered the United States without a visa because she feared for her life due to [REDACTED]

[REDACTED] On April 2, 2018, Petitioner GOMEZ-ZEPEDA was granted Withholding of Removal by a New York immigration court. (See Exhibit 1). Petitioner GOMEZ-ZEPEDA has continuously complied with all orders, instructions, and rules required of her, including reporting to ICE. Further, Petitioner GOMEZ-ZEPEDA has no criminal convictions. Petitioner GOMEZ-ZEPEDA is currently pregnant and is the mother of and sole caretaker and provider of her six-year-old U.S. citizen daughter, who suffers from severe autism.

Moreover, Petitioner was previously detained in November of 2025 after reporting to ICE/ISAP. This Honorable Court granted Petitioner’s Motion for TRO and Petition for Habeas Corpus shortly thereafter. (See Exhibit 2). To our knowledge, Respondents have articulated no change in circumstances leading to Petitioner’s re-detention. Moreover, undersigned counsel has been Petitioner’s attorney since 2024. Undersigned counsel has not received any information from Respondents stating their reasoning for re-detention of Petitioner.


Following the executive orders of President Donald Trump and their implementation by Respondents, Petitioner believes that Respondents have adopted a blanket policy to detain and immediately remove noncitizens, even those granted withholding of removal, irrespective of any individualized circumstances, including protected statuses, and dire circumstances. Respondents



have demonstrated that they will apply this policy to her as they have her in physical custody, will likely attempt to transfer her out of this district, and remove her from the United States.

Petitioner seeks an emergency order from this Court to halt her continued detention, transfer out of this district, and removal from the United States.

II. FACTUAL BACKGROUND

A. Petitioner GOMEZ-ZEPEDA's background and case posture

Petitioner GOMEZ-ZEPEDA is a twenty-nine-year-old native and citizen of Honduras who has resided in the United States since April 27, 2014. Petitioner lives in Dundalk, Maryland, with her six-year-old U.S. citizen daughter, K . Importantly, Petitioner's U.S. citizen six-year-old daughter has been diagnosed with severe Autism Spectrum Disorder. She is unable to communicate and needs her mother to be stable. (A copy of Petitioner's U.S. Citizen daughter's U.S. birth certificate and medical diagnosis letter is attached hereto and made a part hereof as Exhibits 3 and 4, respectively). Petitioner is the sole caregiver for her daughter, who is suffering greatly without her mother. As Your Honor is probably aware, any disruption in an autistic child's routine is dangerous and catastrophic for the child's well-being. Moreover, Petitioner is currently pregnant. (A copy of Petitioner's medical records is attached hereto and made a part hereof as Exhibit 5).

Petitioner fled Honduras and entered the United States in April of 2014, fleeing from 
 Petitioner was subsequently granted withholding of removal by a New York immigration judge on April 2, 2018.

Throughout her time in the United States, Petitioner has consistently reported to DHS/ICE and has not been convicted of any crimes. On November 4, 2025, Petitioner was abruptly detained by ICE/ISAP. Petitioner subsequently filed a Motion for TRO and a Petition for Habeas Corpus,

both of which were granted. Today, on January 16, 2026, Petitioner was reporting to ICE/ISAP as required when she was immediately arrested without a warrant and detained. To our knowledge, Respondents have articulated no change in circumstances leading to her sudden re-detention. Her re-detention left her autistic, minor, U.S. citizen daughter without a caregiver or provider.

B. Executive Orders and Respondents' Blanket Policy

On January 20, 2025, President Donald Trump signed several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (“EO”) setting out a series of interior immigration enforcement actions. This EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures “that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal.”

These actions have resulted in Respondents adopting a blanket policy under which refugees, such as Petitioner, are no longer protected by a grant of withholding of removal. Instead, ICE is currently arresting, detaining, and removing people like Petitioner, who have been granted withholding of removal, without individualized consideration of their cases. Under these new policies, ICE/ERO has detained and is attempting to transfer/remove Petitioner to Mexico, or possibly some other country.

C. LEGAL STANDARDS

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011).

As an alternative to this test, a preliminary injunction is appropriate if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 813 (4th Cir. 1991).

III. ARGUMENT

Petitioner’s Motion for a Temporary Restraining Order should be granted because she (and her minor, autistic U.S. citizen daughter) are likely to suffer irreparable harm in the absence of preliminary relief, she is likely to succeed on the merits, and the balance of the equities and public interest weigh in favor of emergency relief.

A. Petitioner (and her minor, autistic U.S. citizen daughter) will likely suffer irreparable harm if not granted preliminary relief

If this Court does not grant a temporary restraining order, Petitioner will imminently be transferred out of the state of Maryland and eventually removed to some other foreign country.

Respondents’ actions already are and will cause irreparable harm to Petitioner and her daughter by separating them from her minor and autistic U.S. daughter and separating Petitioner from her community in the United States, and forcing her to lose meaningful employment. Her minor, autistic, U.S. citizen daughter currently does not have anyone to care for her. Moreover, Petitioner is pregnant and will not be able to receive adequate health care while detained. These circumstances constitute irreparable harm. *See e.g., Int’l Refugee Assistance Project v. Trump*, 883

F.3d 233, 320 (4th Cir. 2018), *vacated on other grounds*, 138 S. Ct. 2710, 201 L. Ed. 2d 1094 (2018) (stating that "[p]rolonged and indefinite separation of parents, children, siblings, and partners create not only temporary feelings of anxiety but also lasting strains on the most basic human relationships" and therefore constitutes irreparable harm); *Leiva-Perez v. Holder*, 640 F.3d 962, 969-70 (9th Cir. 2011) (stating that "separation from family members, medical needs, and potential economic hardship" are important factors when assessing irreparable harm).

Additionally, Petitioner's continued detention will deprive her of proximity to her minor and autistic U.S. citizen daughter, her doctors, loved ones, employment, community support, distance her from access to her local counsel, and impede her ability to engage in these immediate judicial proceedings. *See Arroyo v. United States Dep't of Homeland Sec.*, 2019 WL 2912848, at *17 (C.D. Cal. June 20, 2019) (observing that ("a significant burden on the attorney-client relationship, without a showing of underlying prejudice to the removal proceedings, may be sufficient to establish a legal injury sufficient to justify injunctive relief"), citing *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1439 (9th Cir.), amended on other grounds, 807 F.2d 769 (9th Cir. 1986); *see also Escobar-Grijalva v. I.N.S.*, 206 F.3d 1331, 1335 (9th Cir.), amended on other grounds, 213 F.3d 1221 (9th Cir. 2000) ("Deprivation of the statutory right to counsel deprives [a noncitizen] asylum-seeker of the one hope she has to thread a labyrinth almost as impenetrable as the Internal Revenue Code.")).

As alleged in Petitioner's habeas petition, Respondents' actions will also violate her constitutional right to due process. It is well established "that a deprivation of a constitutional right, 'for even minimal periods of time, unquestionably constitutes irreparable injury.'" *Miranda v. Garland*, 34 F.4th 338, 365 (4th Cir. 2022), quoting *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976).

B. Petitioner is likely to succeed on the merits of her habeas petition

Petitioner requests habeas relief from this Court on the grounds that Respondents' decision to continue to detain her under a blanket enforcement policy is (1) arbitrary and capricious and in violation of Respondents' own governing regulations and policies and (2) a violation of her Fourth and Fifth Amendment rights.

First, Petitioner is likely to succeed on her due process claim. The Fifth Amendment's Due Process Clause protects noncitizens from arbitrary government action. *See Romero v. Bondi*, 150 F.4th 332, 340 (4th Cir. 2025). Due process requires that detention and removal decisions be rational, individualized, and consistent with the law. By detaining Petitioner, Respondents have deprived her of liberty without lawful justification. Because there has been no articulated real change in her circumstances since her recent release, the decision to detain her now is irrational and arbitrary, violating her right to due process.

Moreover, before depriving Petitioner of her liberty interest, she should at least be afforded an opportunity to be heard. Procedural due process requires, at a minimum, an opportunity to be heard "at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Applying the Mathews factors, courts consistently find that: (a) the private interest in freedom from physical restraint is "the most elemental of liberty interests"; (b) the risk of erroneous deprivation is high where detention occurs without a hearing; and (c) the government's interest in immediate detention without process is minimal. *See P.T. v. Hermosillo*, No. 2:2025cv02259 (W.D.W.A) (applying Mathews and finding detention unconstitutional where ICE failed to provide pre-deprivation process); *see also Ngha v. Noem*, No. 8:25-C-V-04055-BAH, 2025 (D. Md. Dec. 11, 2025). Applying the facts of Petitioner's case, the *Mathews, supra*, factors weigh heavily in her favor, particularly where her liberty interest was abridged without adequate procedural protections, the risk of erroneous deprivation of her liberty interest is high, as the

government has articulated no change in circumstances to justify detention, and the government's interest in her detention without process is minimal. *See See Artiga v. Genalo*, No. 25-CV-5208, Mem. & Order at 19 (E.D.N.Y. Oct. 5, 2025). Due to Petitioner's unique circumstances, including her minor, autistic, U.S. citizen daughter, for which she is the sole caregiver and provider, her pregnancy, and no criminal convictions, Petitioner should at least be provided an opportunity to be heard before she is deprived of her fundamental liberty interest.

Furthermore, a statute or policy permitting indefinite detention or removal to a country where a person faces grave danger raises serious constitutional concerns. As the Supreme Court has made clear, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Due Process Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Fifth Amendment, therefore, prohibits the government from depriving an individual of liberty through indefinite detention. Furthermore, detention where removal cannot occur within a reasonably foreseeable future is unconstitutional. *Id.* Here, Petitioner's detention is unconstitutional, as her removal is not reasonably foreseeable. *See id.*

Additionally, this Court "cannot ignore the conditions of confinement." *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015). Petitioner is currently being held at the Baltimore Field Office under inhumane conditions. There are no beds or blankets available. She will not be provided with appropriate and sufficient food or water. These conditions are not only degrading but also pose serious risks to her health and well-being.

Further, Petitioner is also likely to succeed on the merits of her Fourth Amendment claim. The Fourth Amendment protects individuals, including noncitizens, from unreasonable seizures. U.S. Const. amend. IV. Civil immigration arrests must be supported by lawful authority and cannot be arbitrary or unreasonable.

Here, Petitioner was arrested without a warrant when she arrived at her routine ICE check-in appointment. Respondents did not possess a judicial warrant and have articulated no exigent circumstances, probable cause, or individualized justification for their arrest, especially after Petitioner was recently granted habeas relief.

The warrantless seizure of Petitioner under these circumstances was unreasonable. Petitioner was not fleeing and posed no risk to public safety. Arresting her while she was presenting herself to ICE, without articulation of probable cause or individualized circumstances, constitutes an arbitrary seizure in violation of the Fourth Amendment.

Further, the continued detention flowing from this unlawful arrest compounds the constitutional violation. A seizure that begins unlawfully cannot be justified retroactively by post-hoc enforcement rationales. Where, as here, Respondents lacked lawful authority to arrest Petitioner in the first instance, her continued detention remains constitutionally infirm.

Finally, Petitioner is likely to succeed on the merits of her claim under the Administrative Procedure Act (“APA”). Under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An agency action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

Here, ICE’s decision to detain Petitioner, who was just recently granted habeas relief, is the sole provider and caregiver for minor, autistic U.S. citizen daughter, is pregnant, has no criminal record, and has strong family and community ties in Maryland, is arbitrary and capricious. Despite

this, Respondents abruptly detained Petitioner without articulating any change in factual circumstances, legal authority, or public-safety justification.

Moreover, ICE's conduct contravenes its own detention and supervision framework under 8 C.F.R. §§ 241.4–241.5, which require individualized custody determinations and consideration of factors such as danger to the community and flight risk before taking a noncitizen into custody. Petitioner has no criminal convictions and poses no threat to public safety. The failure to consider these mandatory factors renders Respondents' actions arbitrary and capricious under, *inter alia*, *State Farm*, 463 U.S. at 43.

For the above-noted reasons, Petitioner is likely to succeed on the merits of her habeas corpus petition and/or TRO.

C. The balance of the equities and public interest factors tip sharply in favor of preliminary relief.

Petitioner GOMEZ-ZEPEDA has established that “the balance of the equities tip in [her] favor and that an injunction is in the public interest” because she has been granted withholding of removal, she is not a flight risk, and she is not a danger to the community. *See Winter*, 555 U.S. at 20. When the federal government is a party, the balance of the equities and public interest factors merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

The balance of hardships tips substantially in favor of Petitioner. “[I]n addition to the potential hardships facing [Petitioner] in the absence of the injunction, the court ‘may consider . . . the indirect hardship to their friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017), quoting *Golden Gate Rest. Ass'n v. City & Cty. of San Francisco*, 512 F.3d 1112, 1126 (9th Cir. 2008).

Petitioner GOMEZ-ZEPEDA's detention and removal would harm not only her, but also her unborn child and minor, autistic, U.S. Citizen daughter, who depends on her for medical care

and support, and her employer. Petitioner lives in Dundalk, Maryland, with her daughter, and has steady and meaningful employment in the United States. Without immediate intervention from this Court, Petitioner's minor and autistic U.S. citizen daughter will suffer severe and irreparable harm. This young autistic child depends entirely on the stability, care, and daily presence of her mother. Even brief disruptions to her routine cause her acute psychological distress and emotional regression. Since Petitioner's sudden detention, her daughter has already exhibited significant signs of trauma and confusion. Prolonged separation will only exacerbate her condition, leading to lasting emotional and developmental harm. The resulting loss of care, stability, and routine would inflict profound and likely permanent harm. These circumstances constitute the very definition of irreparable injury warranting this Court's immediate intervention.

There is also a strong public interest in maintaining Petitioner's presence in her local community, where she maintains steady employment and is a compassionate and caring member of her community.

The merits of the due process violations that Petitioner has raised in her habeas petition further weigh the public interest toward emergency relief. Moreover, "it is well-established that the public interest favors protecting constitutional rights." *Leaders of a Beautiful Struggle v. Balt. Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021). In addition, "the public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions." *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

Even when considered from a fiscal perspective, the public interest in the efficient allocation of the government's fiscal resources weighs in favor of emergency relief here. As the Ninth Circuit has explained, "The costs to the public of immigration detention are "staggering":

\$158 each day per detainee, amounting to a total daily cost of \$6.5 million. Supervised release programs cost much less by comparison: between 17 cents and 17 dollars each day per person.” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017). The interests of the general public will not be served by Petitioner’s continued detention, where she was granted withholding of removal, is already complying with supervised release, and is neither a flight risk nor a danger to the community.

By contrast, any public interest favoring Petitioner’s immediate removal is weak or non-existent. Respondents do not appear to have any legitimate reason to suspect that the public safety or national security may somehow be at risk if the motion for a temporary restraining order is granted. Any interest in effectuating Petitioner’s removal is more than outweighed by Petitioner’s GOMEZ-ZEPEDA exceptional qualities and a grant of Withholding of Removal, which indicate an independent basis for her to remain lawfully in the United States.

IV. CONCLUSION

For the foregoing reasons, Petitioner GOMEZ-ZEPEDA respectfully requests that this Honorable Court grant her motion for a temporary restraining order to release her from detention, block her transfer outside the district of Maryland, and stay her removal from the United States.

Dated: January 16, 2026

/s/ Ronald D. Richey
Ronald D. Richey, Esq.
MD Bar# 0906240005
Law Office of Ronald D. Richey
19785 Crystal Rock Dr., Ste. 307
Germantown, MD 20874
T: (301) 738-2338
info@immigrationlawrichey.com
Attorney for Petitioner

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Jelldis Odili GOMEZ-ZEPEDA

Petitioner,

No.8:26-cv-00178

v.

Kristi Noem, et. al

Respondents.

ORDER

Upon consideration of Petitioner's Motion for a Temporary Restraining Order and Memorandum in support thereof, it is on this ____ day of January 2026, by the United States District Court for the District of Maryland:

ORDERED that Petitioner's Motion for a Temporary Restraining Order BE and HEREBY IS GRANTED; and it is further

ORDERED that Respondents must immediately release Petitioner and/or refrain from transferring Petitioner from the state of Maryland, or removing Petitioner from the United States.

United States District Judge