

EMERGENCY MOTION
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
BUQUERQUE, NEW MEXICO

FEB 17 2026

MITCHELL R. ELFERS
CLERK

YASHAEL ALMONTE MEJÍA,

Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY;

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;

FIELD OFFICE DIRECTOR;

WARDEN, OTERO PROCESSING CENTER,

Respondents.

Case No.: 2:26-CV-00084-JB-JMR



**EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER, PRELIMINARY INJUNCTION, PRESERVATION OF
HABEAS JURISDICTION, PROHIBITION OF TRANSFER AND
THIRD-COUNTRY REMOVAL, MOTION TO COMPEL DHS
RESPONSE, AND MOTION FOR RELEASE OR PAROLE**

COMES NOW Yudelka Mejía Lanfranco, as Next Friend for Petitioner Yashael Almonte Mejía, and respectfully submits this Emergency Motion.

I submit this motion on behalf of Petitioner because he is detained and cannot fully protect his own rights. This is an urgent matter because ICE may transfer him or remove him to another country, which would violate his rights.

I. URGENCY OF THIS MOTION

Petitioner has been detained for approximately nine (9) months without criminal history, without a final removal order, and while his pending habeas corpus petition is before this Court.

During this time:

- He has had no meaningful review of his detention

- DHS has not responded to the Court's order
- He has been threatened with transfer outside New Mexico
- He has been threatened with removal to third countries, including Ecuador and Honduras

Immediate relief is necessary to prevent irreparable harm and violations of his constitutional rights.

II. NEXT FRIEND STANDING

I, Yudelka Mejía Lanfranco, declare:

- I am Petitioner's maternal aunt
- I am a United States citizen
- I have known Petitioner since birth
- I cared for Petitioner after his mother passed away
- Petitioner lived with me before his detention
- I am submitting this motion solely to protect Petitioner's legal rights
- Petitioner is detained and cannot litigate this matter on his own

For these reasons, I have standing as Petitioner's Next Friend.

III. FACTUAL BACKGROUND

1. Petitioner entered the United States on or about June 2, 2024.
2. He was later released on Form I-220A.
3. On May 30, 2025, ICE detained Petitioner after his immigration court proceedings were dismissed.
4. Petitioner has no criminal record in the U.S. or Dominican Republic.
5. I submitted the habeas corpus petition on January 15, 2026, which was received by the Court and assigned to Judge Jennifer M. Rossoni.
6. The Court ordered DHS to respond, but DHS has not responded as of today.
7. On January 16, 2026, Petitioner completed a Credible Fear Interview and passed.
8. On January 25, 2026, Petitioner's spouse filed Form I-130.
9. Petitioner has been threatened with transfer outside the district and possible removal to third countries.

IV. LEGAL BASIS

Emergency injunctive relief is appropriate where:

- Petitioner is likely to succeed on the merits
- Petitioner will suffer irreparable harm

- The balance of equities favors Petitioner
- The public interest supports relief

All factors strongly support granting emergency relief here.

V. ARGUMENT

A. PROLONGED DETENTION VIOLATES DUE PROCESS

Petitioner has been detained nine (9) months without meaningful review. Immigration detention is civil, not criminal.

Prolonged detention without individualized assessment violates the Fifth Amendment Due Process Clause.

Petitioner:

- Has no criminal history
- Passed the Credible Fear Interview
- Has a pending family-based petition
- Has strong family ties in the U.S.

Continued detention is excessive, punitive in effect, and unconstitutional.

B. GOVERNMENT FAILURE TO RESPOND UNDERMINES HABEAS REVIEW

The Court ordered DHS to respond to the habeas petition. DHS has not complied.

Delaying response while keeping Petitioner detained violates due process and frustrates the Suspension Clause.

C. TRANSFER OUTSIDE THE DISTRICT WOULD INTERFERE WITH JURISDICTION

Federal courts must be able to adjudicate habeas petitions without interference.

Transferring Petitioner would:

- Frustrate judicial review
- Limit access to counsel
- Impair evidence gathering
- Cause irreparable harm

D. THIRD-COUNTRY REMOVAL WITHOUT PROCESS VIOLATES RIGHTS

Removing Petitioner to a country not of his nationality without:

- Adequate notice
- Opportunity to seek protection
- Access to counsel

would violate fundamental due process rights.

E. PUBLIC INTEREST

The public interest favors enforcing constitutional detention limits and judicial oversight.

VI. RELIEF REQUESTED

Petitioner, through Next Friend, respectfully requests that this Court:

1. Issue a Temporary Restraining Order prohibiting transfer outside the District of New Mexico
2. Prohibit removal to any third country
3. Preserve the Court's jurisdiction over the habeas corpus
4. Order DHS to respond immediately to the habeas petition
5. Order release of Petitioner under parole, bond, or supervision
6. Grant any additional relief the Court deems just

VII. SIGNATURE



/s/ Yudelka Mejía Lanfranco

Next Friend for Petitioner

Maternal Aunt – U.S. Citizen

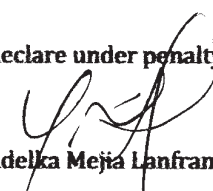
Date: February 9, 2026

DECLARATION OF NEXT FRIEND

I, Yudelka Mejia Lanfranco, declare under penalty of perjury:

- I am Petitioner's maternal aunt and a U.S. citizen
- I have known Petitioner since birth and helped care for him after his mother passed away
- Petitioner lived with me prior to detention
- Petitioner has no criminal history
- I am willing to provide housing and financial support if he is released
- Petitioner cannot represent himself or protect his legal rights while detained
- I fear Petitioner will be transferred or removed without due process
- I submit this declaration as Next Friend to protect his rights

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



Yudelka Mejia Lanfranco

Next Friend for Petitioner

Maternal Aunt – U.S. Citizen

Date: February 9, 2026