FILED
JAN 12 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ELIMAR TERESA BRITO MEJÍAS,
Petitioner,

v.

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security;
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;
Jose Rodriguez. Jr., Field Office Director, San Antonio Field Office, United States Immigration and Customs Enforcement;
Respondents.

SA26CA0212 JKP
Civil Action No.

Immigration No. [redacted]

PLAINTIFF'S ORIGINAL VERIFIED PETITION FOR WRIT OF HABEAS CORPUS PRO SE
UNDER 28 U.S.C. § 2241

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND NON-TRANSFER ORDER

(All Writs Act, 28 U.S.C. § 1651) — PRO SE

I. INTRODUCTION

1. Petitioner Elimar Teresa Brito Mejías ("Petitioner") respectfully moves this Court for an Emergency Temporary Restraining Order ("TRO") and Non-Transfer Order to preserve this Court's jurisdiction over her pending Petition for Writ of Habeas Corpus (28 U.S.C. § 2241).

2. Petitioner is currently detained at the Dilley Immigration Processing Center in Dilley, Texas. ICE has already exercised its authority to transfer Petitioner across state lines, demonstrating a real and imminent risk of further transfer that would moot this Court's jurisdiction and irreparably harm Petitioner's constitutional rights.

3. Immediate injunctive relief is necessary to maintain the status quo while the Court adjudicates the pending Habeas Petition.

II. JURISDICTION AND AUTHORITY

4. This Court has authority to issue the requested TRO pursuant to the All Writs Act, 28 U.S.C. § 1651, which empowers federal courts to issue orders "necessary or appropriate in aid of their respective jurisdictions."

5. Courts routinely issue non-transfer orders to prevent mootness and forum-shopping by custodial authorities where a transfer would defeat habeas jurisdiction.

III. STANDARD FOR TEMPORARY RESTRAINING ORDER

6. A TRO is appropriate where the movant demonstrates:
(a) a substantial likelihood of success on the merits;
(b) a substantial threat of irreparable harm absent relief;
(c) that the threatened injury outweighs any harm to Respondents; and
(d) that the injunction serves the public interest.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

7. Petitioner's underlying Habeas Petition raises serious constitutional claims, including prolonged civil detention without a meaningful individualized bond determination in violation of the Fifth Amendment's Due Process Clause.

8. Petitioner has pending asylum proceedings, approved employment authorization, and strong family and community ties, demonstrating that continued detention is unnecessary and excessive.

B. Irreparable Harm Absent Immediate Relief

9. Absent a Non-Transfer Order, ICE may transfer Petitioner to another facility or district at any time, which would strip this Court of jurisdiction over the pending Habeas Petition.

10. Such a transfer would cause irreparable harm, as the loss of jurisdiction cannot be remedied after the fact.

C. Balance of Harms Favors Petitioner

11. Granting a Non-Transfer Order merely requires Respondents to maintain the status quo. It imposes minimal burden on the Government while preventing severe and irreversible harm to Petitioner.

D. Public Interest

12. The public interest favors judicial review of detention, adherence to constitutional protections, and preventing arbitrary custodial transfers that undermine access to the courts.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue an immediate Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the Western District of Texas while her Habeas Petition is pending;

B. Order Respondents to provide advance written notice to the Court and Petitioner prior to any proposed transfer;

C. Grant such other and further relief as the Court deems just and proper.

VI. VERIFICATION

I, Elimar Teresa Brito Mejías, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 01/05/2026

Signature: Elimar Brito

Elimar Teresa Brito Mejías

A# [redacted]

Petitioner, Pro Se

VII. CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this Emergency Motion for Temporary Restraining Order and Non-Transfer Order by U.S. Mail on the appropriate offices of U.S. Immigration and Customs Enforcement and the Office of the Principal Legal Advisor.

Date: 01/05/2026

Signature: Elimar Brito

Petitioner, Pro Se

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ELIMAR TERESA BRITO MEJÍAS, Petitioner, v. KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security; TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement; Jose Rodriguez. Jr., Field Office Director, San Antonio Field Office, United States Immigration and Customs Enforcement; Respondents.	Case No. _____ [PROPOSED] ORDER GRANTING PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTIVE RELIEF

THIS MATTER comes before the Court on Petitioner's Emergency Motion for a Temporary Restraining Order and Non-Transfer Order, filed in aid of the Court's jurisdiction over Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Having considered the Motion, the supporting memorandum and exhibits, the Petition for Writ of Habeas Corpus, and the applicable law, the Court finds that temporary injunctive relief is necessary to preserve its jurisdiction and prevent irreparable harm.

Accordingly, the Court hereby ORDERS as follows:

1. Petitioner's Emergency Motion for a Temporary Restraining Order is GRANTED.
2. Respondents, including U.S. Immigration and Customs Enforcement ("ICE"), the Department of Homeland Security ("DHS"), the Warden / Facility Director of the Dilley Immigration Processing Center, and all of their officers, agents, servants, employees,

attorneys, successors, assigns, and persons acting in concert or participation with them, are hereby ENJOINED AND RESTRAINED from transferring Petitioner Elimar Teresa Brito Mejías outside the jurisdiction of the Western District of Texas while the Petition for Writ of Habeas Corpus is pending.

3. Respondents are further ORDERED to provide no less than seventy-two (72) hours' written notice to this Court and to Petitioner prior to any proposed transfer of Petitioner.
4. This Order is issued pursuant to the Court's authority under the All Writs Act, 28 U.S.C. § 1651, and is necessary to prevent the mooting of this Court's jurisdiction over the pending habeas action.
5. No security bond is required pursuant to Federal Rule of Civil Procedure 65(c), as Petitioner is detained and proceeding pro se, and the relief granted serves the public interest in preserving access to judicial review.
6. The parties shall, within seven (7) days of the entry of this Order, confer and propose a briefing schedule with respect to Petitioner's request for preliminary injunctive relief, if necessary. Any hearing on preliminary injunctive relief shall be scheduled at the discretion of the Court.
7.

IT IS SO ORDERED.

DATED this _____ day of _____, 2026.

UNITED STATES DISTRICT JUDGE