

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT ALABAMA**

MARIA ESTELA TETLA MARTINEZ)
)
 Petitioner,)
)
 vs.)
)
 SCOTT BYRD, *Sheriff, Coffee County*)
Detention Center;)
 MELLISSA HARPER, *ICE New Orleans*)
Field Office Director;)
 TODD LYONS, *in his official capacity as Acting*)
Director of Immigration and Customs)
Enforcement; and)
 KRISTI NOEM, *Secretary of Homeland Security*)
 And PAMELA BONDI, *U.S. Attorney General.*)
)
 Respondent.)
 _____)

CASE NO.:
1:26-cv-45

**PETITIONER’S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION**

COMES NOW Petitioner, Maria Estela Tetla Martinez, and files this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction. Petitioner hereby requests the Court to issue a temporary restraining order and/or preliminary injunction, pursuant Fed. R. of Civ. P. 65, to “prevent irreparable injury so as to preserve the court’s ability to render a meaningful decision on the merits,” and “to insure that a remedy will be available.” *U.S. v. State of Ala.*, 791 F.2d 1450, 1459 (11th Cir. 1986), *citing Corrigan Dispatch Co. v. Casa Guzman, S. A.*, 569 F.2d 300, 302 (5th Cir. 1978). *See also Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Loc. No. 70 of Alameda Cnty.*, 415 U.S. 423, 439 (1974)).

Petitioner Maria Estela Tetla Martinez remains confined at Coffee County Detention

Center in New Brockton, Alabama, and faces imminent and unlawful transfer into ICE custody, despite the absence of any individualized determination that her detention is necessary and despite the government's lack of lawful authority to arrest or detain her under the Immigration and Nationality Act. Petitioner is neither a danger to the community nor a flight risk. She is a 47-year-old long-term resident of the United States who has lived in this country since February 2002, resides in Enterprise, Alabama, and is the mother of three United States citizen children, ages 22, 19, and 17. This incident represents her first arrest, and she has no criminal history beyond minor traffic-related infractions. Notably, her family has confirmed her location and detention, even though Petitioner's name does not appear in the ICE Detainee Locator system, reinforcing the irregularity and lack of transparency surrounding her custody status.

With Petitioner's state criminal case set to be dismissed on January 22, 2026, her transfer to ICE custody and the commencement of an unlawful federal detention are imminent. Immediate judicial intervention is therefore required to prevent this irreparable harm before it occurs. Respondents cannot satisfy any lawful authority for an interior civil immigration arrest as an "arriving alien." The INA provides only two potential statutory bases for such an arrest, and Respondents meet neither: 8 U.S.C. § 1226(a) requires an arrest to be made "[o]n a warrant issued by the Attorney General," which Respondents have not obtained; and 8 U.S.C. § 1357(a)(2)'s narrow warrantless exception applies only where officers reasonably believe the individual is "likely to escape before a warrant can be obtained," which is factually impossible here because Petitioner has been continuously secured in local custody. Respondents cannot cure this foundational illegality through later administrative process; a bond hearing presupposes a lawful arrest and cannot retroactively legitimize an unlawful seizure.

Compounding these statutory violations, Respondents are unlawfully attempting to justify

detention by misclassifying Petitioner—a long-term interior resident—as an “arriving alien” subject to mandatory detention under 8 U.S.C. § 1225(b). That theory fails as a matter of law. Section 1225 governs inspection and detention of noncitizens at the border who are “seeking admission,” not individuals apprehended deep in the interior of the country decades after entry. This misclassification strips Petitioner of access to the discretionary bond framework Congress provided under 8 U.S.C. § 1226(a), and it functionally eliminates any meaningful opportunity to be heard before a neutral adjudicator. Moreover, this detention posture is driven by a recent policy shift—which has been repudiated repeatedly by federal courts—and that policy has been vacated through final, binding judicial order under the Administrative Procedure Act. Nevertheless, Respondents continue to apply the vacated interpretation, perpetuating detention that is both ultra vires and unconstitutional.

Petitioner faces ongoing and irreparable harm absent immediate injunctive relief. She has lived in the United States for nearly 24 years, has deep family ties in Alabama, and is a mother of three U.S. citizen children who rely on her for emotional and practical support. Additionally, one of Petitioner’s children has joined the U.S. Marines and has submitted a pending family-based immediate relative petition and Parole-in-Place request on her behalf—relief that can lead to lawful permanent resident status. Continued confinement and imminent transfer into ICE custody will disrupt her ability to pursue this relief, fracture family stability, and impose severe harms that cannot be undone through later litigation. These injuries are immediate, ongoing, and not compensable by money damages.

Through the instant Motion, Petitioner seeks a Temporary Restraining Order prohibiting Respondents from transferring Petitioner into ICE custody and from continuing to enforce the unlawful “arriving alien” mandatory detention framework as applied to her, and to preserve the

status quo while this Court considers the merits of her Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief. Without immediate intervention, Respondents will imminently assume custody and prolong an unlawful detention that began without statutory authority and is being perpetuated through an erroneous and vacated detention theory. Judicial intervention is necessary now to prevent irreparable harm and to ensure that Petitioner's liberty is not extinguished by administrative fiat in direct violation of the INA and the Due Process Clause.

DHS is relying on an *ultra vires policy or interpretation* which was **vacated** to justify an unlawful detention, this Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction is necessary, just, and of an imminent nature. In addition, there is no remedy at law that can adequately compensate Petitioner for the consequences of her continued unlawful detention, including deterioration of her mental and physical health, and separation from her children. Each day of confinement causes irreparable harm, deprives her of liberty in violation of the Constitution, and frustrates the statutory scheme that entrusts custody determinations to Immigration Judges.

"The writ, or order to show cause . . . shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." § 2243. Based on experience, undersigned counsel had in multiple Federal District Courts around the country of late, Writs of Habeas and Orders to Show cause in these circumstances have been expedited to a matter of days.

This Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction is necessary, just, and of an imminent nature because DHS through ICE is detaining Petitioner contrary to law and the U.S. Constitution, causing her significant hardship. Petitioner's continued unlawful detention is justifying the need for Court intervention to prevent irreparable harm. In addition, there is no remedy at law that can adequately compensate Petitioner for the consequences of her continued unlawful detention and if continued could lead to irreversible impacts.

Immediate injunctive relief is essential because Petitioner has a substantial likelihood of success on the merits of the complaint; Petitioner will suffer irreparable harm in the absence of injunctive relief; there is no adequate remedy available at law; the balance of hardships favor Petitioner, and the requested injunctive relief will not harm the public interest. The facts and legal arguments supporting this motion are set forth in detail Petitioner's Memorandum of Authorities in Support of Emergency Motion for Temporary Restraining Order and/or Preliminary Injunction filed contemporaneously herewith.

Should Respondents' unlawful detention continue, Petitioner will remain confined indefinitely and be unlawfully *denied* access to an immigration judge or release on bond, even though she is not a danger or flight risk. These harms include the loss of liberty itself, which gives rise to a Due Process claim, and injury to Petitioner's fundamental interest in family unity. This loss will cause tremendous hardship to Petitioner and her family and frustrates the statutory scheme that entrusts custody determinations to neutral adjudicators. The basis for this Motion is set forth in the attached Memorandum of Authorities.

WHEREFORE, for the reasons set forth in the accompanying brief, Petitioner respectfully prays that this Court grant her Emergency Motion and issue a Temporary Restraining Order and/or Preliminary Injunction providing the following relief:

1. **Grant the Petition for Writ of Habeas Corpus** and, pursuant to the Court's authority under 28 U.S.C. § 2243, order Respondents to **immediately and unconditionally release** Petitioner from custody, because her detention is unlawful *ab initio* and rests on agency actions that are contrary to the Immigration and Nationality Act (INA), ultra vires, and unconstitutional;

2. **In the alternative**, should the Court decline to order immediate unconditional release, issue an order compelling Respondents to provide Petitioner with a bond hearing before a neutral Immigration Judge within **48 hours** of the Court's order, pursuant to 8 U.S.C. § 1226(a). The order should further specify that at any such hearing: (a) **The government bears the burden of proof** to justify continued detention; and (b) **The government must satisfy that burden by clear and convincing evidence** that Petitioner poses a danger to the community or a risk of flight that cannot be mitigated by any condition of release;
3. **Enjoin Unlawful Conditions of Release** by ordering that, upon Petitioner's release from physical custody (whether unconditional or on bond), Respondents are prohibited from subjecting her to any form of electronic monitoring, GPS ankle bracelet, or other custody-like alternative-to-detention program. This injunction shall remain in effect unless Respondents, upon at least five (5) days' advance notice to Petitioner's counsel, seek and obtain leave from this Court by demonstrating, based on a new, particularized assessment of significantly changed circumstances, that such a severe restraint on Petitioner's liberty is necessary;
4. **Issue an Order to Show Cause** directing Respondents to file a return within three (3) days, pursuant to 28 U.S.C. § 2243, justifying why the writ should not be granted;
5. **Set an expedited hearing** on the instant Motion (virtually if possible); and
6. **Grant such other and further relief** as the Court deems just and proper.

Respectfully submitted this 21st Day of January, 2026

/s/ Karen Weinstock

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CERTIFICATE OF SERVICE

I certify that on January 21st, 2026, I electronically filed the foregoing PETITIONER'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to Respondents' attorney(s) of record.

/s/ Karen Weinstock

Karen Weinstock

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