

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

EMERGENCY MOTION TO EXPEDITE

(In Support of Petition for Writ of Habeas Corpus and Motion for  
Immediate Release)

**8 - 26 CV - 162 - R**

COMES NOW Petitioner ALEXIS XAVIER RIVAS CABRERA ("Petitioner"), by and through his lawful Next Friend, MELISSA JISELLE MEJIA IRIAS, and respectfully moves this Honorable Court for an ORDER EXPEDITING the review and adjudication of the pending Petition for Writ of Habeas Corpus and Emergency Motion for Immediate Release.

This Motion is filed on an EMERGENCY basis due to ongoing and irreparable constitutional harm arising from Petitioner's continued unlawful detention.

I. FACTUAL BACKGROUND

Petitioner was arrested by ICE on December 4, 2025, when he appeared voluntarily for a routine ICE check-in, without a warrant and without probable cause. Each additional day of detention inflicts irreparable harm to Petitioner's physical, psychological, and financial well-being and to his family.

II. JURISDICTION AND AUTHORITY

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241 and possesses inherent authority to manage its docket and expedite proceedings where justice so requires. See *Landis v. North American Co.*, 299 U.S. 248 (1936).

III. FACTUAL BASIS FOR EXPEDITED REVIEW

Petitioner has fully complied with all probationary and reporting requirements and poses no danger to the community and no risk of flight. Despite this, bond was denied on December 18, 2025. Petitioner reports inadequate food, scarce water, and degrading conditions at Eden Detention Center, causing ongoing harm.

IV. LEGAL STANDARD

Expedited consideration is warranted where a petitioner demonstrates (1) irreparable harm, (2) serious constitutional questions, and (3) that the balance of equities favors immediate judicial intervention. See *Nken v. Holder*, 556 U.S. 418 (2009); *Elrod v. Burns*, 427 U.S. 347 (1976).

VII. ARGUMENT

A. Irreparable Harm Is Ongoing

Petitioner and his family are suffering severe emotional, psychological, and economic harm. Continued detention exacerbates this harm daily.

B. Expedited Review Is Necessary to Preserve Habeas Relief

Absent expedited review, the fundamental purpose of habeas corpus—to provide prompt relief from unlawful detention—would be frustrated. See *Harris v. Nelson*, 394 U.S. 286 (1969).

C. No Prejudice to the Government

Expedited consideration will not prejudice Respondents, who possess all relevant records and have already litigated bond issues.

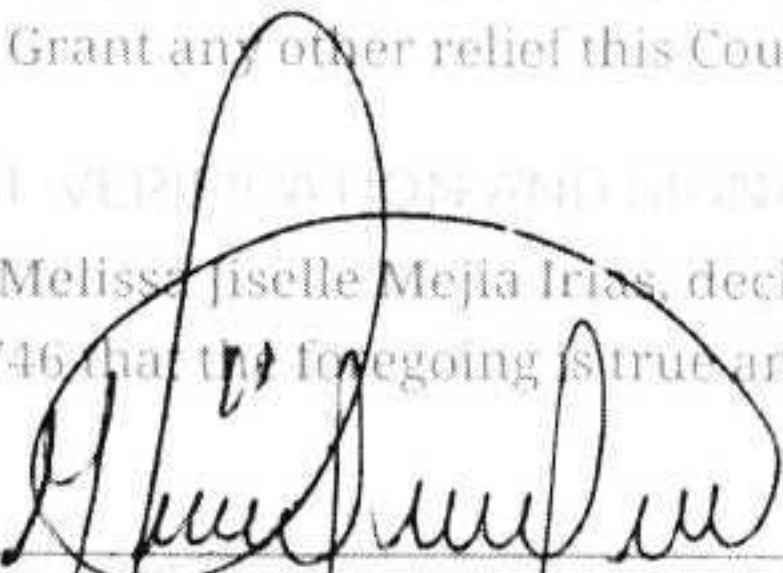
VIII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. EXPEDITE consideration of the Petition for Writ of Habeas Corpus;
2. EXPEDITE ruling on the Emergency Motion for Immediate Release;
3. Grant any other relief this Court deems just and proper.

VII. VERIFICATION AND SIGNATURE

I, Melissa Jiselle Mejia Irias, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

  
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Melissa Jiselle Mejia Irias

Next Friend for Alexis Xavier Rivas Cabrera

Date: January 8, 2026

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

PROPOSED ORDER

(Granting Emergency Motion for Immediate Release)

Before the Court is Petitioner ALEXIS XAVIER RIVAS CABRERA's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, the Emergency Motion for Immediate Release, the Emergency Motion to Expedite, and all supporting declarations and exhibits.

After reviewing the pleadings, the record, and the applicable law, the Court finds that Petitioner's continued detention raises serious constitutional concerns under the Due Process Clause of the Fifth Amendment and that immediate judicial intervention is warranted.

THE COURT'S FINDINGS

The Court finds as follows:

1. Petitioner was arrested by U.S. Immigration and Customs Enforcement on December 4, 2025, during a voluntary ICE check-in, without a judicial warrant.
2. Petitioner fully complied with all probationary conditions, reporting requirements, and court orders.
3. Petitioner poses no danger to the community and no risk of flight.
4. Petitioner has strong family and community ties in the United States.
5. Petitioner is the primary emotional and economic support of his household.
6. Petitioner is the father of a minor child residing in the United States who has been diagnosed with dyslexia, a learning disability requiring stability, parental involvement, and emotional continuity.
7. The minor child has suffered significant emotional, psychological, and educational harm as a direct result of Petitioner's continued detention.
8. Conditions of confinement described by Petitioner raise serious constitutional concerns.
9. Continued detention causes irreparable harm to Petitioner and his family.

ORDER

IT IS HEREBY ORDERED that:

1. The Emergency Motion for Immediate Release is GRANTED;
2. Petitioner ALEXIS XAVIER RIVAS CABRERA shall be IMMEDIATELY RELEASED from ICE custody;
3. In the alternative, should immediate release not be effectuated, ICE shall release Petitioner under reasonable conditions of supervision;
4. ICE is ORDERED to take all necessary steps to effectuate Petitioner's release without delay;
5. This Order is issued in consideration of the best interests of the minor child and the irreparable harm caused by continued separation, including the child's diagnosed dyslexia.

SO ORDERED.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2026.

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UNITED STATES DISTRICT JUDGE.