

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Ms. Nicolasa Sebastian Matacua,)	
Petitioner)	
)	PETITION FOR WRIT
)	OF HABEAS CORPUS
v.)	
)	CASE No: 0:26-cv-00756
David Easterwood, Acting Director of St.)	
Paul Enforcement and Removal)	
Operations, Immigration and Customs)	
Enforcement; Kristi Noem, Secretary of)	
the Department of Homeland Security;)	
Todd Lyons, Acting Director, U.S)	
Immigration and Customs Enforcement;)	
and Pamela Bondi, Attorney General of)	
the United States, in their official)	
capacities,)	
Respondents.)	

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

INTRODUCTION

Petitioner Nicolasa Sebastian Matacua seeks immediate emergency relief in the form of a Temporary Restraining Order to prevent her continued unlawful detention and any transfer or removal while this Court considers her Petition for Writ of Habeas Corpus. Ms. Sebastian Matacua is a noncitizen who has been detained by the Department of Homeland Security despite the absence of any lawful basis for continued civil detention. She poses no threat to public safety and remains detained without a meaningful custody determination, in violation of the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.



This case presents extraordinary circumstances warranting emergency judicial intervention. Petitioner was detained only yesterday, and Respondents retain the immediate ability to transfer or remove her before this Court has an opportunity to adjudicate the pending habeas petition. Such actions would irreparably harm Petitioner and undermine this Court’s jurisdiction by frustrating

meaningful judicial review.

Absent emergency relief, Respondents may transfer Petitioner outside this Court's jurisdiction or effectuate her removal, rendering the habeas petition moot before the Court can rule on the lawfulness of her detention. By information and belief, Respondents have already transferred Ms. Sebastian Matacua to Texas for deportation. The harm flowing from removal or transfer is immediate and irreversible, as Petitioner would lose access to counsel, the Court's jurisdiction would be impaired, and any subsequent ruling would come too late to provide meaningful relief.

The equities strongly favor preservation of the *status quo*. A brief restraining order imposes minimal burden on Respondents while ensuring that this Court's jurisdiction is protected and that Petitioner's claims may be fully and fairly adjudicated on the merits. Emergency relief is therefore necessary to prevent irreparable harm and to safeguard the Court's authority to resolve the pending habeas petition.

FACTS OF THE CASE

Petitioner, Nicolasa Sebastian Matacua, is a native and citizen of Mexico, born on   1982. On or about January 13, 2024, Petitioner entered the United States via CBPOne.

On January 27, 2026, Petitioner was detained by immigration authorities in Minnesota. At the time of detention, Petitioner did not have a case pending before an Immigration Judge and had no application for asylum pending. Petitioner has an immigrant visa petition (Form I-130) filed on her behalf by her daughter, which remains pending.

As of the filing of this petition, Petitioner remains in ICE custody. To counsel's knowledge, no charging documents or formal removal proceedings have been initiated, nor has any reasonable fear screening been carried out.

Petitioner remains detained and faces the risk of transfer to another jurisdiction or removal from the United States before this Court can adjudicate the lawfulness of her detention.

LEGAL ARGUMENT

I. Legal Standard

To obtain a temporary restraining order, a petitioner must establish likelihood of success on the merits, irreparable harm, that the balance of equities favors relief, and that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109 (8th Cir. 1981).

II. Ms. Sebastian Matacua will likely succeed on the merits.

Petitioner is likely to succeed on the merits of her habeas petition, or at minimum has raised serious questions going to the lawfulness of her detention, because Respondents are detaining Ms. Sebastian Matacua without notice, hearing, or any clearly defined procedural posture.

Despite not meeting statutory authority for detention under the Immigration and Nationality Act and the Code of Federal Regulations pertaining to post-order detention, the Respondents continue to detain Ms. Sebastian Matacua and retain the unilateral authority to transfer her outside this Court's jurisdiction or to effectuate her removal before judicial review can occur. Detention under these circumstances, without access to a hearing or meaningful process, raises serious concerns under the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

At a minimum, Ms. Sebastian Matacua's habeas petition presents substantial and non-frivolous questions regarding the legality of her detention that warrant preservation of the *status quo*. Absent immediate judicial intervention, Respondents' actions threaten to moot the *habeas* petition and deprive this Court of its ability to provide meaningful relief. Accordingly, Ms. Sebastian Matacua has satisfied the merits requirement for temporary injunctive relief.

III. Ms. Sebastian Matacua will suffer irreparable harm

Absent immediate injunctive relief, Ms. Sebastian Matacua will suffer irreparable harm that cannot be remedied through later judicial review or monetary damages. Unlawful civil detention, even for a short duration, constitutes a paradigmatic form of irreparable injury, particularly where, as

here, detention occurs without notice, hearing, or meaningful procedural safeguards.

First, each additional day of Ms. Sebastian Matacua's detention inflicts ongoing and irreparable harm through the loss of physical liberty and to her U.S. citizen children, one (1) of whom is a minor and relies upon her. Ms. Sebastian Matacua's partner (and father of her children) was likewise detained and her minor child, therefore, is currently parentless. The deprivation of liberty, even temporarily, constitutes irreparable injury as a matter of law because it cannot be undone after the fact. Ms. Sebastian Matacua remains confined without any individualized determination or adjudicative process governing her detention, and no subsequent ruling can restore the time she has spent unlawfully deprived of her freedom.

Second, Ms. Sebastian Matacua faces serious psychological harm as a result of detention in prison-like conditions. Immigration detention imposes acute mental and emotional strain, particularly where the individual is detained suddenly and without clarity as to legal posture or next steps. The anxiety, fear, and psychological distress associated with confinement and uncertainty constitute irreparable harm that cannot be adequately compensated through later relief.

Third, absent a Temporary Restraining Order, Respondents may transfer Ms. Sebastian Matacua outside this Court's jurisdiction or effectuate her removal before the Court has an opportunity to adjudicate her *habeas* petition. Such actions would irreparably harm Ms. Sebastian Matacua by depriving her of meaningful access to counsel and frustrating judicial review. The risk that her habeas claims will be rendered moot before adjudication constitutes an independent and irreparable injury warranting immediate intervention.

Because Ms. Sebastian Matacua is suffering an ongoing deprivation of liberty, psychological harm, and the imminent risk of transfer or removal that would foreclose judicial review, she has established irreparable harm sufficient to warrant emergency injunctive relief.

IV. Balance of the Equities and Public Interest

The "public interest is best served by ensuring the constitutional rights of persons within the

United States are upheld.” See *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). The balance of equities weighs decisively in favor of granting emergency relief. Ms. Sebastian Matacua and her family faces ongoing and irreparable harm from continued detention, including the loss of physical liberty, psychological distress, and the imminent risk that her constitutional claims will be rendered meaningless absent judicial intervention. These harms are immediate, concrete, and substantial.

By contrast, Respondents will suffer no cognizable harm from the issuance of a Temporary Restraining Order preserving the status quo. Granting relief will not confer any permanent immigration benefit, interfere with the government’s ability to pursue immigration enforcement, or prevent Respondents from enforcing the immigration laws. At most, a Temporary Restraining Order will require Respondents to refrain from transferring or removing Ms. Sebastian Matacua while the Court adjudicates the legality of her detention. Where detention has not yet been subjected to any meaningful judicial or administrative process, the government has no legitimate interest in actions that would frustrate judicial review.

The public interest likewise strongly favors relief. The public has a compelling interest in ensuring that executive agencies act within the bounds of statutory authority and respect constitutional limitations. Detention without notice, hearing, or meaningful process undermines public confidence in the rule of law and the integrity of the immigration system. Ensuring that detention is tethered to lawful authority and accompanied by judicial oversight serves both constitutional values and sound governance.

The public also has a strong interest in preventing unnecessary detention that forecloses access to the courts and meaningful review of constitutional claims. Preserving due process, preventing arbitrary detention, and ensuring that individuals are not removed or transferred before judicial review can occur are interests shared by the public at large.

“There is generally no public interest in the perpetuation of unlawful agency action,” and

“there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (cleaned up).

Here, the balance of equities and the public interest weigh strongly in favor of granting temporary injunctive relief to preserve the status quo while the Court considers the merits of Ms. Sebastian Matacuca’s habeas petition.

V. The Court Has Authority to Grant Temporary or Conditional Release Pending the Adjudication of Her Habeas Petition.

As a general matter, writs of habeas corpus are used to request release from custody. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). A habeas court has “the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted.” *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (noting that at “common-law habeas corpus was, above all, an adaptable remedy”).

Here, the Court has authority to order temporary or conditional release if necessary to preserve its jurisdiction and prevent ongoing constitutional harm while the habeas petition is adjudicated. Ms. Sebastian Matacuca remains detained without notice, hearing, or a clearly articulated procedural posture, and faces the imminent risk of transfer or removal that could render judicial review impossible. Where detention threatens to frustrate the Court’s ability to provide meaningful relief, habeas courts possess broad equitable authority to fashion appropriate interim remedies, including release, to preserve the status quo.

Courts have repeatedly recognized that release may be an appropriate remedy where no lesser relief can adequately prevent irreparable harm or protect the court’s jurisdiction. See *Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO), 2025 WL 1750346, at *5 (D.N.J. June 24, 2025); accord *Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d. 703, 706-07 (S.D. Tex. 2020); *Primero v. Mattivelo*, No. 1:25-CV-11442-IT, 2025 WL 1899115 (D. Mass. July 9, 2025); see also *Sepulveda*

Ayala v. Bondi, No. 2:25-CV-01063-JNW-TLF, 2025 WL 2084400, at *4 (W.D. Wash. July 24, 2025).

B. CONCLUSION

For the foregoing reasons, the Court should grant the instant Temporary Restraining Order and order that Respondents:

- (1) refrain from removing or deporting Ms. Sebastian Matacua from the United States;
- (2) refrain from transferring Ms. Sebastian Matacua outside this Court's jurisdiction while her habeas petition is pending and if they have already transferred her, to bring her back; and
- (3) in the event Ms. Sebastian Matacua has already been transferred outside this Court's jurisdiction, immediately return her to this District pending adjudication of her habeas petition.
- (4) order her immediate release to prevent further harm to her and her family, instructing the Respondents to release Ms. Sebastian Matacua no later than January 30, 2026 in a public place with at least two (2) hours' notice to counsel of the location of Ms. Sebastian Matacua.

In the alternative, should the Court determine that the foregoing relief is insufficient to prevent irreparable harm or preserve judicial review, the Court should order Ms. Sebastian Matacua's temporary or conditional release from ICE custody pending resolution of her habeas petition.

Dated: January 29, 2026.

Respectfully Submitted,

/s/ Stacey R. Rogers
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Certificate of Service

I certify that on January 29, 2026, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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