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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**NAIBETH ANDREINA OROPEZA-CASTILLO, A#**   
by her Next Friend,  
**JESÚS ALBERTO RODRIGUEZ ARROYO,**  
Petitioner,

**3-26CV0210-G**

v.

**KRISTI NOEM**, Secretary, Department of Homeland Security;  
**ACTING DIRECTOR**, U.S. Immigration and Customs Enforcement;  
**FIELD OFFICE DIRECTOR**, ICE ERO Dallas;  
**WARDEN**, Prairieland Detention Center,  
Respondents.

**EMERGENCY MOTION FOR IMMEDIATE RELEASE**

**I. INTRODUCTION**

Petitioner, by her Next Friend, respectfully moves this Court for immediate release from ICE custody pending adjudication of her Petition for Writ of Habeas Corpus. Petitioner remains detained at Prairieland Detention Center despite the dismissal of all criminal charges, the absence of any individualized custody determination, and severe humanitarian harm. Continued detention violates the Due Process Clause of the Fifth Amendment. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

**II. LEGAL STANDARD**

Federal courts possess inherent authority to order immediate release where detention is unconstitutional or otherwise unlawful. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Emergency relief is appropriate where the balance of equities favors the movant, irreparable harm is ongoing, and no legitimate governmental interest justifies continued detention. See *Nken v. Holder*, 556 U.S. 418, 434–35 (2009).

**III. ARGUMENT**

All state criminal proceedings against Petitioner were terminated by a Grand Jury NO BILL and a formal prosecutorial declination directing that Petitioner not be held. ICE nevertheless assumed custody directly from county jail without a warrant or individualized custody determination. Petitioner has no criminal convictions, no dangerousness finding, and strong community and family ties. Continued detention is punitive and excessive. See *Demore v.*

Kim, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring).

#### **IV. IRREPARABLE HARM AND HUMANITARIAN FACTORS**

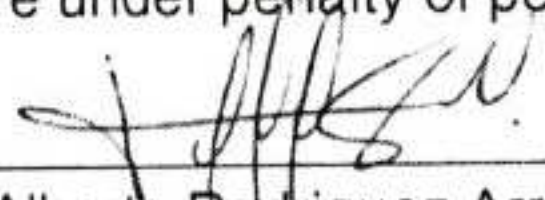
Petitioner is the sole caregiver of a minor child with serious neurological and developmental disabilities, including Moebius Syndrome and autism. Family integrity is a fundamental liberty interest. *Moore v. City of East Cleveland*, 431 U.S. 494, 499 (1977). Continued detention causes ongoing and irreparable harm to both Petitioner and her child, which cannot be remedied absent immediate release.

#### **V. RELIEF REQUESTED**

WHEREFORE, Petitioner respectfully requests that this Court order her immediate release from ICE custody, or alternatively release under reasonable conditions of supervision, pending resolution of the habeas petition, and grant such other relief as the Court deems just and proper.

#### **VI. CERTIFICATION**

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

  
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Jesús Alberto Rodríguez Arroyo  
Next Friend for Naibeth Andreina Oropeza-Castillo