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**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

**Heylin Julesmy Cabrera-Lopez**

Petitioner,

-against-

**Donald J. Trump**, in his official capacity as President of the United States; **Patricia Hyde**, in her official capacity as Acting Boston Field Office Director, Immigration and Customs Enforcement, Enforcement and Removal Operations; **David W. Johnston**, Vermont Sub-Office Director of Immigration and Customs Enforcement, Enforcement and Removal Operations; **Todd M. Lyons**, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; **Pete R. Flores**, in his official capacity as Acting Commissioner for U.S. Customs and Border Protections; **Kristi Noem**, in her official capacity as Secretary of the United States Department of Homeland Security; **Marco Rubio**, in his official capacity as Secretary of State; **Pamela Bondi**, in her official capacity as U.S. Attorney General; and **Carolyn Riley**, Superintendent, Chittenden Regional Correctional Facility.

Respondents.

Case No.: 2:26-cv-00018-cr  
District Judge:  
Honorable Judge Reiss

**EMERGENCY MOTION  
FOR TEMPORARY  
RESTRAINING ORDER**

**PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

### INTRODUCTION

1. Petitioner HEYLIN JULESMY CABRERA-LOPEZ (“Petitioner”) is a national of Nicaragua and has been residing in the United States since she was paroled into the country in July 2022.
2. Petitioner is currently being held in the custody of Immigration and Customs Enforcement (“ICE”) in the District of Vermont, at the Chittenden Regional Correctional Facility (“CRCF”).
3. Petitioner was taken into custody by ICE on or around January 20, 2026. Petitioner’s sole arrest was in the summer of 2025 for operating under the influence, rendering her sudden arrest and subsequent detention by ICE as having occurred without any legitimate or material change in circumstances that might rationally justify her loss of personal liberty. By all available indicia, her current detention is *prima facie* unlawful.
4. Petitioner had a timely-filed asylum application pending before USCIS at the time she was detained. She will be renewing that application for asylum before the Immigration Court.
5. Because the Government has demonstrated a pattern and practice of removing detainees from Vermont, Petitioner moves for an immediate Temporary Restraining Order (“TRO”) ordering that the Government not move Petitioner out of this District pending further order of the Court.
6. Even if the Court does not believe such an order is necessary on the grounds of preserving jurisdiction, Petitioner still moves for an immediate TRO ordering that the Government not move him out of this District based on the inherent equitable powers of this Court, and the breadth of the All-Writs Act. 28 U.S.C. § 1651.

7. Petitioner being kept in this District will assist her in consulting with her Vermont and Massachusetts based attorneys and allow her to appear in Court on her petition for writ of habeas corpus being filed concurrently with this motion in the United States District Court for the District of Vermont. The requested TRO is consistent with both principles of judicial efficiency and the principles of any court entertaining a petition for writ of habeas corpus. 28 U.S. Code § 2243 (“Unless the application for the writ and the return present only issues of law the person to whom the writ is directed **shall be required to produce at the hearing the body of the person detained...**” (emphasis added)).
8. If Petitioner is transferred out of this District, it is likely to cause delays in the proceedings due to lack of access to counsel as well as increase costs and time constraints at any necessary hearings. Petitioner cannot be ensured a meaningful opportunity to have her claims heard, have meaningful access to counsel, or be provided with meaningful relief if she is transferred out of this District. As such, a TRO is necessary to preserve the Court’s jurisdictional authority to hear Petitioner’s claim and consider the relief sought before this Court.
9. Without a TRO, habeas corpus will be rendered ineffective, as it leaves open the door for the Government to enact the very harm the petition seeks to avoid, namely her continued civil detention sans opportunity for an individualized hearing relative to her custody. Petitioner thus faces irreparable harm if transferred outside of this District prior to the conclusion of his habeas proceedings.
10. Accordingly, Petitioner moves that this Court to preserve its jurisdiction over the attached petition, pursuant to the equitable powers of the Court and the All-Writs Act, 28 U.S.C. § 1651 (*see F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), immediately order that

Petitioner not be removed from the United States, or moved outside of the territory of the District of Vermont, pending further order of this Court.

11. As set forth in the Petition, the Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, Article I, §9, cl. 2 (the Suspension Clause), 28 U.S.C. § 2201 (Declaratory Judgement), the All-Writs Act, 28 U.S.C. § 1651. It is appropriate for the Court to preserve such jurisdiction by ordering that the Petitioner remain in this district pending further action by the Court.

Respectfully submitted this 29<sup>th</sup> day of January, 2026.

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\* Motion for *pro hac vice* admission forthcoming