

Pursuant to Fed. R. Civ. P. 65, Petitioner moves this Court for a Temporary Restraining Order and Preliminary Injunction enjoining Respondents from violating her rights under Fifth Amendment, and ordering her immediate release. In support of this motion, Petitioner states the following:

I. RELEVANT FACTUAL BACKGROUND

1. Petitioner Irma Torres Garcia is in the physical custody of Respondents at the Prairieland Detention Center, Alvarado, Texas. She now faces unlawful detention because the Department of Homeland Security (DHS) unlawfully revoked her parole while removal proceedings were ongoing and there has been no material change in circumstances that would warrant termination of her parole.
2. Petitioner is a 45-year-old native and citizen of Mexico. Petitioner entered the United States on or about August 19, 2024 and has resided in the United States since then.
3. Upon entry, the Petitioner underwent a credible fear interview and was found to have a credible fear of persecution. Subsequently, she was paroled into the United States on September 1, 2024, pending removal proceedings.
4. The Petitioner has no criminal convictions that would render her ineligible for relief.
5. On or about December 30, 2025, Petitioner was arrested by ICE at an appointment at the ICE Dallas Field Office while she was fulfilling her obligation to report to them. ICE did not provide any justification for the Petitioner's re-detention while his removal proceedings were still pending, in violation of his due process rights. Petitioner is now detained at the Prairieland Detention Center in Alvarado, Texas.

6. DHS has placed Petitioner in removal proceedings before the Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection (i.e. without being admitted or paroled).
7. Following Petitioner's arrest and transfer to the Prairieland Detention Center, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.
1. Petitioner's detention, without any individualized review, is unreasonable under the *Mathews v. Eldridge* due process test. Alternatively, Petitioner prevails under the multi-factor reasonableness test the Third Circuit adopted in *German Santos v. Warden Pike Correctional Facility*, 965 F.3d 203, 211 (3d Cir. 2020).
8. As a result, Petitioner remains in detention. Absent relief from this Court, she faces prolonged immigration detention while litigating her claims for asylum and withholding of removal in removal proceedings. Petitioner suffers irreparable harm by being detained without the opportunity to request release before a neutral arbiter, due to the deprivation of liberty without due process and the emotional harm the petitioner currently suffers while detained. Petitioner therefore brings this motion for a preliminary injunction and temporary restraining order preventing further detention without a bond hearing.

II. PETITIONER SATISFIES THE STANDARD FOR A TEMPORARY RESTRAINING ORDER

9. Petitioner is entitled to a preliminary injunction preventing continued detention. If Petitioner's motion is not granted, she is certain to suffer irreparable harm both to her constitutional rights and to her health. She is also substantially likely to succeed on the

merits of her claim: that the government may not detain her without a bond hearing before a neutral arbiter, as required by law. Further, no public interest is served by the government's indefinite, mandatory detention of an individual who entered the United States four years ago, has an I-130 family petition pending filed by her U.S. citizen husband; has also an asylum application pending with the immigration agency, and no disqualifying criminal history. Accordingly, this Court should grant the Petitioner's motion and enjoin the government from further detaining her.

10. To obtain a temporary restraining order, Petitioner must demonstrate: (1) a substantial likelihood of success on the merits; (2) irreparable harm absent immediate relief; (3) that the balance of hardships tips in Petitioner's favor; and (4) that the injunction serves the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

A. LIKELIHOOD OF SUCCESS ON THE MERITS

11. Petitioner has a substantial likelihood of success on the habeas petition on multiple independent grounds.
12. First, Petitioner's prolonged detention without an individualized hearing violates procedural due process under the Fifth Amendment. *Mathews v. Eldridge*, 424 U.S. 319 (1976), requires balancing Petitioner's fundamental liberty interest against the government's interest, and that balance tips decisively in favor of a bond hearing.
13. Second, because the Petitioner has no disqualifying criminal convictions, he possesses a constitutionally protected liberty interest that may not be infringed absent due process of law.

B. IRREPERABLE HARM

14. Petitioner suffers irreparable harm from continued unlawful detention for over three months. The deprivation of liberty itself constitutes irreparable injury that cannot be remedied by monetary damages.

C. BALANCE OF HARDSHIP AND PUBLIC INTEREST

15. The balance of hardships tips sharply in Petitioner's favor. Petitioner's fundamental liberty interest and the concrete harms from detention far outweigh any government interest in continued detention.

16. The government has presented no evidence that Petitioner poses a flight risk or danger to the community.

17. The public interest favors protecting constitutional rights and preventing unlawful detention.

III. CONCLUSION AND RELIEF REQUESTED

18. For the foregoing reasons and those set forth in the accompanying Memorandum of Points and Authorities, Petitioner respectfully requests that this Court issue a temporary restraining order requiring Respondents to release Petitioner from immigration detention immediately, subject to reasonable conditions including:

- a. Appearing for all scheduled immigration court hearings;
- b. Maintaining current address information; and
- c. Any other condition this Court deems appropriate.

DATED this 30th day of January, 2026.

Respectfully submitted,

/s/ Felix L. Galvez

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CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2026, I electronically filed the foregoing on the Court's CM/ECF system, that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ Felix L. Galvez

Felix L. Galvez