UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

DIOSDANIS GARCES-GUEVARA,

Petitioner,

v. Case No: 1:26-cv-00231

DORA CASTRO, Warden of the Otero County Processing Center; and MARY DE ANDA-YBARRA, Field Office Director of the El Paso Field Office,

Respondents.

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION

MOTION

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Petitioner Diosdani Garces-Guevara respectfully moves the court for an emergency order enjoining Respondents from continuing to detain him, and an order further enjoining and restraining Respondents from re-arresting or re-detaining Petitioner absent compliance with constitutional protections, which should include, at a minimum, pre-deprivation notice, describing the change of circumstances necessitating his arrest and detention, and a timely hearing where Respondents must bear the burden of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a flight risk, such that his detention is legally justified. Additionally, Respondents should also not transfer the Petitioner outside the District of New Mexico, where he is presently located. Such an order would maintain the status quo while habeas is litigated.

The reasons for this Motion are in the accompanying Memorandum of Points and Authorities. As this Motion establishes, Petitioner warrants a temporary restraining order and/or preliminary injunction as he is being detained under the Department of Homeland Security's (DHS) recent re-interpretation of 8 U.S.C. § 1225(b)(2)(5), which has been rejected by the overwhelming majority of courts that have considered the issue. *See, e.g.*, *Molina Ochoa v. Noem*, No. 1:25-CV-00881-JB-LF, 2025 WL 3125846, at *7 (D.N.M. Nov. 7, 2025) (Fashing, Mag. J.) (collecting cases). Significantly, a temporary restraining order and/or preliminary injunction is also warranted because U.S. Immigration and Customs Enforcement (ICE) previously released Petitioner on his own recognizance under 8 U.S.C. §1226(a) and re-arrested him without cause or justification. Petitioner demonstrates that he is likely to succeed on the merits of his claims and that his detention violates his statutory and due process rights, that he will suffer irreparable harm

absent action by this court, and that the balance of equities weighs in his favor. The facts and issues presented here are virtually indistinguishable from *Danierov v. Noem*, No. 2:25-CV-01215-KG-KRS, 2025 WL 3653925 (D.N.M. Dec. 17, 2025) (Gonzales, C.J.) (issuing temporary restraining order granting immediate release where ICE re-detained individual under § 1225(b)(2)(A) after prior release on recognizance).

Petitioner has filed a Writ of Habeas Corpus on the same grounds, Doc. No.1, and now files this Motion for Temporary Restraining Order/Preliminary Injunction to prevent irreparable injury before a hearing on his petition may be held. Undersigned counsel certifies that she served Roberto Ortega, Civil Chief for the U.S. Attorney's Office for the District of New Mexico by email on February 2, 2026 with this Motion just prior to filing.

WHEREFORE, Petitioner prays that the Court grant his request for temporary restraining order or preliminary injunction enjoining Respondents from continuing to detain him, and enjoining Respondents from removing him outside the District of New Mexico without leave of this Court.

Date: February 2, 2026

Respectfully submitted,

/s/ *Alexa S. White*

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner Diosdanis Garces-Guevara seeks a temporary restraining order and/or preliminary injunction that requires Respondents to immediately release him from custody, and an order enjoining Respondents from re-detaining him without a constitutionally compliant pre-deprivation hearing. At that hearing, the immigration judge must further consider whether, in lieu of detention, alternatives to detention exist to mitigate any risk that Respondents may establish. Petitioner also seeks an order enjoining Respondents from transferring Petitioner outside the District of New Mexico, where he is presently located.

Petitioner should prevail on this Motion because he is likely to succeed on the merits of his claims. The text of 8 U.S.C. § 1226(a) and § 1225(b)(2), and the specific facts of this case, demonstrate that he is not subject to mandatory detention. DHS released Petitioner on an order of recognizance (OREC) in accordance with § 1226(a) on January 14, 2022. Without providing Petitioner any due process whatsoever, Respondents arrested and detained Petitioner on August 19, 2025, as he left the Miami Immigration Court following his Master Calendar hearing. This Court and many others have rejected Respondents' novel argument that 8 U.S.C. § 1225(b) governs the detention of every noncitizen present without lawful immigration status. *See, e.g.*, *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432, at *3 (D.N.M. Nov. 14, 2025) (Gonzales, C.J.) (holding "consistent with the majority of district courts" that § 1226 governed detention of individual who had resided in the U.S. for years); *Requejo Roman v. Castro*, No. 2:25-CV-01076-DHU-JHR, 2026 WL 125681, at *8 (D.N.M. Jan. 12, 2026) (Urias, J.) (conducting independent analysis of the statutory text and joining "the 70+ courts who have found"

that discretionary detention governs detention of individuals "already present in the United States"); *Munoz Teran v. Bondi*, No. 2:25-CV-01218-KWR-SCY, 2026 WL 161527, at *6 (D.N.M. Jan. 21, 2026) (Riggs, J.) (holding § 1225(b)(2)(A) does not apply to individual who lived in the U.S. for decades).

Petitioner will also suffer irreparable harm in the absence of an emergency order from this Court. The balance of equities tips in his favor, and emergency relief is in the public interest. Prudential exhaustion is not required here due to futility, irreparable injury, and agency delay. Finally, there is no jurisdictional hurdle barring relief. This Court should thus grant this motion.

II. STATEMENT OF FACTS

Petitioner Diosdanis Garces-Guevara is 48 years old and has resided in the United States since DHS released him on his own recognizance on January 14, 2022. Doc. No. 1 ¶ 48. Prior to his re-detention, he was living in Florida with his long-term partner and lawfully working as a carpenter at a custom millwork company in Homestead, Florida. *Id*. Petitioner has no criminal history and has fully complied with the terms of his release. *Id*. On August 19, 2025, Petitioner attended his Master Calendar hearing at the Miami Immigration Court. *Id*. ¶ 49. At that hearing, the Immigration Judge granted DHS's motion to dismiss. *Id*. Following the hearing, ICE officers immediately arrested and detained Petitioner as he left the court. *Id*. Petitioner is not subject to expedited removal under § 1225(b)(1) because he had been residing in the United States for more than three years at the time of the hearing and his arrest. *Id*. ¶ 50. Petitioner has been in ICE custody for more than five months and is now detained at the Otero County Processing Center. *Id*. ¶ 51. Since being detained over 160 days ago, Petitioner has experienced a decline in his physical and

mental health. *See* Doc. 1-1, Declaration of Geordanis Garces. Petitioner is also separated from his long-term partner and unable to work or provide for his family. *See id*.

ICE necessarily determined that Petitioner was neither a danger nor a flight risk when the agency released him under an OREC over three years ago. Doc. No. 1 ¶ 54. When Petitioner was detained in August 2025, there were no changed circumstances with respect to flight risk and dangerousness. *Id*. By releasing Petitioner on conditional parole under an OREC, DHS created a reasonable expectation in Petitioner that he would be permitted to remain free without being subject to arbitrary arrest, if he complied with the terms of his release, which he did.

III. LEGAL STANDARD

Under Federal Rule of Civil Procedure 65, habeas courts have equitable authority to order temporary release when necessary to prevent irreparable harm and to restore the status quo existing before the challenged conduct. *Granny Goose Foods v. Bhd. of Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 (1974) (explaining that the purpose of a temporary restraining order is to preserve the status quo and prevent irreparable harm until further relief can be determined). Here, preserving the status quo ante would require ICE to release Petitioner under the same conditions that existed when he was arrested and allow him to return to Florida, where he resided prior to his unlawful detention.

The standards for granting a temporary restraining order and a preliminary injunction under Rule 65 of the Federal Rules of Civil Procedure are the same. *See Greater Yellowstone Coal. v. Flowers*, 321 F.3d 1250, 1256 (10th Cir. 2003). Petitioner is entitled to a temporary restraining order if he establishes that he is "likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [his] favor, and that

an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc*., 555 U.S. 7, 20 (2008). Even if Petitioner does not show a likelihood of success on the merits, the Court may still grant a temporary restraining order when "questions going to the merits are so serious, substantial, difficult, and doubtful as to make the issue ripe for litigation and deserving of more deliberate investigation." *Fed. Lands Legal Consortium v. United States*, 195 F.3d 1190, 1195 (10th Cir. 1999); *Border Network v. Cty. of Otero*, No. 07-CV-01045-MV/WPL, 2008 U.S. Dist. LEXIS 138174, at *12 (D.N.M. Sep. 19, 2008) (finding plaintiffs raised "serious and substantial issues affecting their civil and constitutional rights"). As discussed below, Petitioner overwhelmingly satisfies both standards.

IV. ARGUMENT

The Court should grant Petitioner's Motion because he is likely to succeed on the merits of his claims, will suffer irreparable harm in the absence of preliminary relief, the balance of equities tips in his favor, and an injunction relief is in the public interest.

Respondents have violated the Immigration and Nationality Act (INA) and applicable regulations. The text of 8 U.S.C. § 1226(a) and § 1225(b)(2) demonstrate that Petitioner is not subject to mandatory detention. Further, many federal courts have rejected the Respondents' novel argument that 8 U.S.C. § 1225(b)(2) governs the detention of every noncitizen present without lawful immigration status. The specific facts of this case establish that ICE released Petitioner with conditional parole under § 1226(a). *See* Doc. No. 1-2, Exhibit. A, OREC. Yet Respondents revoked his release without notice or justification and now assert that he is subject to mandatory detention under § 1225(b)(2) without any opportunity to have his custody reviewed. In addition to the statutory violation at issue here, Petitioner's re-detention without any notice or opportunity to be

heard violates his due process rights because he acquired a protected interest in being free from detention.

Petitioner will continue to suffer each day he is made to endure unlawful detention. The balance of equities weighs heavily in his favor. The burden on the Respondents is minimal, especially where Petitioner has complied with the terms of his release for more than three years. Without immediate relief, Petitioner faces substantial, irreparable injury from Respondents' application of the wrong detention authority.

A. Petitioner is Likely to Succeed on the Merits of His Claims

Petitioner is likely to succeed on his claim that his ongoing detention by Respondents under 8 U.S.C. § 1225(b)(2) is unlawful and his re-detention without any pre-deprivation procedures violated his due process rights.

1. Petitioner is Subject to Discretionary Detention Under § 1226(a)

Respondents detain Petitioner under § 1225(b)(2)(A), which provides for mandatory detention of "applicants for admission" who are "seeking admission" and "not clearly and beyond a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A); *Pu Sacvin*, 2025 WL 3187432, at *1. The Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Whereas § 1226(a) authorizes discretionary detention pending a decision on removal and provides for bond hearings at outset of detention. 8 U.S.C. 1226(a); 8 C.F.R. 1236.1(d)(1); 8 C.F.R. § 1003.19(a). The plain text of §§ 1225 and 1226 and the INA's detention scheme establish that discretionary detention governs detention of individuals "already present in the United States." *Requejo Roman*,

2026 WL 125681, at *8 (quoting *Jennings*, 583 U.S. at 303). The government offers a new interpretation of § 1225(b)(2)(A) that contravenes the text of the INA, statutory framework, and longstanding agency policy and practice. However, the weight of authority rejects the government's interpretation. *Requejo Roman*, 2026 WL 125681, at *7 (collecting cases).

Indeed, the statutory detention scheme, text of § 1226, and Respondents' decision to grant Petitioner conditional parole confirm that only that § 1226(a) applies to Petitioner. Thus, Petitioner prevails because classification as an "applicant for admission" is not sufficient to render someone subject to mandatory detention under § 1225(b)(2). The "applicant for admission" must also be "seeking admission," and that is clearly not the case for Petitioner. At the time of his arrest on August 19, 2025, Petitioner was not seeking admission at a port of entry. Instead, he was arrested in the interior of the United States after residing here for more than three years and complying with the terms of his release under § 1226(a). And for the same reasons, § 1225(b)(1) does not apply to Petitioner. *See Giron v. Noem*, No. 2:25-cv-01201-SPC-NPM, 2026 U.S. Dist. LEXIS 2912, at *8 (M.D. Fla. Jan. 7, 2026) (holding expedited removal did not apply in nearly identical circumstances). Accordingly, Respondents improperly apply §1225 to Petitioner and his detention is unlawful as a result.

2. Petitioner is Likely to Prevail on His Due Process Claim

The Fifth Amendment to the Constitution guarantees that noncitizens are afforded adequate procedural protections whenever the government exercises its detention and removal authorities. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Such protections are flexible and courts adjudicating a due process claim for a civil detainee have been guided by considerations for the "private interest that will be affected[,]" "the risk of an erroneous deprivation of such interest

through the procedures used[,]" and "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

In this case, Respondents have deprived Petitioner of his liberty—an important factor weighing in Petitioner's favor. Courts recognize the significant risk of erroneous deprivation faced by individuals in Petitioner's position under current practices. *See Garcia Domingo v. Castro*, No. 1:25-CV-00979-DHU-GJF, 2025 WL 2941217, at *4 (D.N.M. Oct. 15, 2025) (Urias, J.) (finding risk of erroneous deprivation substantially likely because "ICE made a unilateral decision to re-detain" without justification); *Danierov*, 2025 WL 3653925, at *3 (significant risk of erroneous deprivation where DHS failed to assess change in circumstance as to flight risk or danger before revoking release); *Cuya-Priale v. Castro*, No. 2:25-CV-01166-KG-DLM, 2026 WL 74171, at *2 (D.N.M. Jan. 9, 2026) (Gonzales, C.J.) (same). Likewise, while recognizing the government's interest in "protecting the community and ensuring [ ] appearance" at immigration hearings, courts ultimately conclude that the government's interest is limited with respect to re-detaining individuals like Petitioner without a bond hearing. *Requejo Roman*, 2026 WL 125681, at *9; *Cuya-Priale*, 2026 WL 74171, at *2.

Here, Respondents detained Petitioner without any notice or pre-deprivation hearing before revoking his release. And Respondents deny Petitioner any bond-determination hearing to assess flight risk or danger to the community, in clear violation of due process, thereby compounding the risk of erroneous deprivation. These factors all weigh heavily in Petitioner's favor under the *Mathews* test, and as a result, he is entitled to immediate release. In the alternative, he should be

given a bond hearing where the government must demonstrate flight risk and danger. Such procedures would protect Petitioner's liberty interests without causing harm to Respondents.

Petitioner's detention also violates his substantive due process rights. This is because his detention does not bear a reasonable relationship with the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal. Civil immigration detention must be "nonpunitive in purpose and effect" and is only justified when a noncitizen presents a risk of flight or danger to the community. *Zadvydas*, 533 U.S. at 690. ICE already made a custody determination when Petitioner was initially released in 2022. For over three years, Petitioner complied with the terms of release that ICE provided, and he followed the processes required of him. Respondents' decision to release him from custody in January 2022 created an "implicit promise" that his liberty would only be revoked if he failed to live up to the conditions of release. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). These principles apply with equal force to individuals, like Petitioner, who were released from civil detention years ago.

The Fifth Amendment to the Constitution guarantees that people in civil detention may not be subject to conditions of confinement or denial of medical care that "amount to punishment." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Respondents lack a legitimate, non-punitive reason to re-detain Petitioner, who has no criminal history, and until his immigration hearing in August 2025, lived and worked in his community without incident.

B. Petitioner Will Suffer Irreparable Harm Absent Injunctive Relief

When a plaintiff alleges a violation of constitutional rights, irreparable harm is presumed. *Awad v. Ziriax*, 670 F.3d 1111, 1131 (10th Cir. 2012). The violation of constitutional rights establishes irreparable harm and "no further showing of irreparable injury" is required. *Garcia*

Domingo, 2025 WL 2941217, at *4 (quoting *Free the Nipple-Fort Collins v. City of Fort Collins, Colorado*, 916 F.3d 792, 805 (10th Cir. 2019)); s*ee Kikumura v. Hurley*, 242 F.3d 950, 963 (10th Cir. 2001) ("When an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.") "It is hard to adequately state the significance of the potential injury" to a person who is illegally incarcerated, as one cannot "be given back" any day "he has spent in prison." *Case v. Hatch*, No. 08-CV-00542 MV/WDS, 2011 WL 13285731, *5 (D.N.M. May 2, 2011).

Individuals in civil ICE custody are held in "prison-like conditions" which have real consequences for their lives. *Preap v. Johnson*, 831 F.3d 1193, 1195 (9th Cir. 2016). "The time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness." *Barker v. Wingo*, 407 U.S. 514, 532-33 (1972). For more than three years, Petitioner has been gainfully employed as a carpenter after receiving work authorization, abided by the laws of the United States, and was actively complying with the terms of his release. Further, Petitioner does not have any criminal history. Continued detention in such "prison-like" conditions which separate Petitioner from his family, friends, and community constitute an irreparable harm. Petitioner has also experienced a noticeable decline in his health in the more than five months that he has been unlawfully and unjustifiably detained.

Petitioner will also suffer irreparable harm were he to be removed outside the District of New Mexico. Thus, emergency relief is necessary to prevent Petitioner from suffering irreparable harm by remaining in unlawful detention, and to prevent ICE from re-detaining Petitioner without adequate pre-deprivation procedures.

C. The Balance of Equities and the Public Interest Weigh in Favor of Granting Emergency Relief

The balance of equities and the public interest factors merge in cases against the government. *See*, *e.g.*, *Nken v. Holder*, 556 U.S. 418, 436 (2009). This factor strongly favors Petitioner because his claim asserts that DHS's novel policy violates federal laws. See Doc. 1 ¶ 62. The government is not harmed by an injunction prohibiting unlawful conduct. *Wages & White Lion, Inv., L.L.C. v. FDA*, 16 F.4th 1130, 1143 (5th Cir. 2021) ("There is generally no public interest in … unlawful agency action"). Rather, the public maintains an interest in ensuring the Constitution is followed and that government action complies with the law. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976); *see also Kostak v. Trump*, No. 3:25-CV-1093, 2025 WL 2472136, at *4 (W.D. La. Aug. 27, 2025) (finding "that granting Petitioner injunctive relief serves the public interest, as it will require the Government to ensure compliance with its own laws.").

Because Petitioner remained free under an order of release on recognizance, any burden imposed by requiring Respondents to release Petitioner from custody or provide a hearing before an immigration judge is both *de minimis* and clearly outweighed by the substantial harm he will suffer as he continues to be detained. The continued re-detention of Petitioner for no reason at all except a policy change, and without a bond hearing in violation of Petitioner's Fifth Amendment rights, far outweighs the burden on Respondents in releasing him or conducting an individualized bond hearing before an immigration judge pursuant to § 1226(a).[1]

[1] Likewise, the Court should exercise its broad discretion and not require bond under Federal Rule of Civil Procedure 65. *Cont'l Oil Co. v. Frontier Ref. Co.*, 338 F.2d 780, 782 (10th Cir. 1964). Mandating Respondents to comply with the law and due process will not cause Respondents harm, monetary or otherwise, therefore the security bond may be waived. *Zepeda v. U.S. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1983)).

Immediate release in this case is appropriate. 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"). Before ICE abruptly and unexpectedly detained Petitioner over five months ago, Petitioner lived a stable life, resided at home with his partner, complied with conditions of his release under § 1226(a), and pursued his asylum claim in the immigration court. Absent emergency relief, the government would effectively be granted permission to unilaterally redesignate Petitioner's detention authority, impose mandatory detention without any procedural protections, and summarily remove him—all in violation of due process. Consistent with similar rulings from district courts in this circuit on the same issues, he should be released from detention immediately to prevent further irreparable harm. *See Danierov*, 2025 WL 3653925 at *3 (granting TRO and ordering immediate release); *accord Valera v. Baltazar*, No. 1:25-CV-03744-CNS, 2025 WL 3496174, at *3 (D. Colo. Dec. 5, 2025) (collecting cases ordering immediate release under similar circumstances).

V. CONCLUSION

For the foregoing reasons, the Court should grant Petitioner's Motion for Temporary Restraining Order/Preliminary Injunction and order his immediate release, enjoin Respondents from re-detaining him without first providing him adequate notice and a hearing where the government bears the burden, and further enjoin Respondents from transferring Petitioner outside the Court's jurisdiction while this matter is pending.

Date: February 2, 2026

Respectfully submitted,

/s/ *Alexa S. White*

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Attorney for Petitioner

CERTIFICATION OF SERVICE AND COMPLIANCE WITH FRCP 65(a)(1)

Pursuant to Federal Rule of Civil Procedure 65(a)(1), I, Alexa S. White, certify as follows:

On Monday, February 2, 2026, at 7:13 p.m. Eastern Time / 5:13 p.m. Mountain Time, undersigned counsel served notice of this Motion for Temporary Restraining Order/Preliminary Injunction on Respondents' counsel by electronic mail addressed to Roberto Ortega, Civil Chief, United States Attorney's Office for the District of New Mexico, at roberto.ortega@usdoj.gov and USANM.Civil.Immigration@usdoj.gov. A true and correct copy of the email transmitting notice is attached as Exhibit A.

The email notification included: (1) notice that Petitioner would be filing this Motion for Temporary Restraining Order/Preliminary Injunction; (2) a courtesy copy of Petitioner's Habeas Petition, accompanying documents, this Motion, and the TRO Info Sheet; (3) the relief sought; and (4) approximate time by which the Motion would be filed with the Court. As of the time of filing this Motion, undersigned counsel has not received any notification that the email was undeliverable, nor any bounce-back message, automated reply, or other indication that the email was not successfully received by the United States Attorney's Office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this certification is executed at Arlington, Virginia on February 2, 2026.

/s/ Alexa S. White

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EXHIBIT A

Gmail

Alexa White, Esq. <alexa@millicentlaw.com>

Notice of Motion for TRO/PI: Garces-Guevara v. Castro, et al., Case No.: 1:26-cv-00231

Alexa White, Esq. <alexa@millicentlaw.com> Mon, Feb 2, 2026 at 7:13 PM
To: roberto.ortega@usdoj.gov, USANM.Civil.Immigration@usdoj.gov

Good afternoon, Mr. Ortega,

This email is to provide notice that a Motion for Temporary Restraining Order/Preliminary Injunction will be filed [redacted]rily in *Garces-Guevara v. Castro, et al.,* case number 1:26-cv-00231. Mr. Diosdanis Garces-Guevara (A[redacted] was released into the United States on January 14, 2022 with an order of release on recognizance. ICE re-detained Mr. Garces-Guevara on August 19, 2025 following his immigration hearing, and he is currently in custody at Otero County Processing Center.

The attached motion seeks: (1) the immediate release of Mr. Garces-Guevara, consistent with the terms of his order of release on recognizance to enjoin continued unlawful detention; (2) an order prohibiting his re-detention without a hearing before a neutral decisionmaker; and (3) an order enjoining Respondents from removing Mr. Garces-Guevara outside the District of New Mexico.

Mr. Garces-Guevara further seeks a virtual hearing on this Motion as soon as practicable, including as early as this week, or at any time the Court deems appropriate.

Attached please find the following:

- Habeas petition and accompanying documents;
- Civil Cover Sheet;
- Motion for Temporary Restraining Order/Preliminary Injunction; and
- D.N.M. TRO Info Sheet

I am available to discuss this matter at your convenience. Please let me know if you have any questions or concerns.

Regards,

Alexa S. White
Principal Attorney
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Email: alexa@millicentlaw.com
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7 attachments

Habeas Petition - DGG Final.pdf
309K

Geordanis Dec_Redacted.pdf
6928K

Exhibit A - ORECprinted_Redacted.pdf
9154K

Exhibit B_NTA Redacted.pdf
1340K

Civil Cover Sheet - DGG FINAL.pdf
177K

DGG - Motion for TRO & PI - Service Copy.pdf
220K

TRO Info Sheet DGG - FINAL.pdf
69K