

FILED.

JAN 27 2026

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

DIEGO ALEJANDRO FREITES
VILLALOBOS, Petitioner,

Civil Action No.

SA26CA0638

JKP

v.

Immigration No. A 

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;
TODD LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;
Jose Rodriguez, Jr., Field Office Director,
San Antonio Field Office, United States
Immigration and Customs Enforcement;
Respondents.

**PLAINTIFF'S ORIGINAL VERIFIED
PETITION FOR WRIT OF HABEAS
CORPUS PRO SE
UNDER 28 U.S.C. § 2241**

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND NON-TRANSFER ORDER

(All Writs Act, 28 U.S.C. § 1651) — PRO SE

I. INTRODUCTION

1. Petitioner Diego Alejandro Freites Villalobos ("Petitioner"), proceeding pro se, respectfully moves this Court for an Emergency Temporary Restraining Order and Non-Transfer Order to preserve this Court's jurisdiction over his pending Petition for Writ of Habeas Corpus filed under 28 U.S.C. § 2241.
2. Petitioner is currently detained in ICE custody at the South Texas ICE Processing Center (Pearsall, Texas) within the jurisdiction of this Court. See Ex. A. ICE has broad authority to transfer detainees without notice, and transfer outside this District would risk impairing

this Court's jurisdiction and materially obstruct Petitioner's ability to litigate his pending habeas action.

3. Immediate injunctive relief is necessary to maintain the status quo while the Court adjudicates the pending Habeas Petition and to prevent irreparable harm caused by a transfer that could occur at any time, without advance notice. See Ex. A.

II. JURISDICTION AND AUTHORITY

4. This Court has authority to issue the requested Temporary Restraining Order pursuant to the All Writs Act, 28 U.S.C. § 1651, which empowers federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions."
5. Courts routinely issue non-transfer orders in habeas matters to prevent custodial authorities from frustrating judicial review through transfers that would defeat or impair habeas jurisdiction and undermine a petitioner's access to the Court—particularly where the petitioner is detained within the district of confinement and litigating pro se. See Ex. A.

III. STANDARD FOR TEMPORARY RESTRAINING ORDER

6. A Temporary Restraining Order is appropriate where the movant demonstrates:
 - a. substantial likelihood of success on the merits;
 - b. a substantial threat of irreparable harm absent relief;
 - c. that the threatened injury outweighs any harm the injunction may cause the opposing party; and
 - d. that the injunction serves the public interest.

IV. ARGUMENT

A. Substantial Likelihood of Success on the Merits

7. Petitioner's underlying Habeas Petition raises serious constitutional and statutory claims challenging the lawfulness of his continued civil immigration detention and the deprivation of meaningful individualized custody review under the governing detention framework. See Ex. C; Ex. F; Ex. L.
8. Petitioner's equities and procedural posture—reflected in the record of his pending proceedings and supporting evidence—further support that continued detention without constitutionally adequate process is unlawful. See Ex. L; Ex. P; Ex. Q.

B. Irreparable Harm Absent Immediate Relief

9. Absent a Non-Transfer Order, ICE may transfer Petitioner outside this District at any time. See Ex. A. Such a transfer would create immediate and irreparable harm by:
 10. risking impairment of this Court's jurisdiction over Petitioner's custodian and the pending habeas action;
 11. obstructing Petitioner's ability to litigate pro se by disrupting access to records, exhibits, mail, and court deadlines; and
 12. interfering with Petitioner's ability to coordinate preparation for his pending immigration proceedings. See Ex. L.
13. Once a transfer occurs, the resulting jurisdictional and litigation harms cannot be fully remedied after the fact. Transfer would sever Petitioner's access to witnesses, documentary evidence, and medical records necessary to litigate both his habeas petition and pending immigration relief.

C. Balance of Harms Favors Petitioner

14. Granting a Non-Transfer Order merely preserves the status quo and requires Respondents to maintain Petitioner's detention location within this District while the Court considers the habeas action. See Ex. A.

15. By contrast, denying relief exposes Petitioner to a substantial risk of severe and irreversible harm to his ability to obtain meaningful judicial review. The balance of equities therefore favors Petitioner.

D. Public Interest

16. The public interest favors adherence to the Constitution and federal law, preservation of meaningful judicial review of civil detention, and prevention of arbitrary transfers that undermine access to courts and frustrate habeas jurisdiction.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue an immediate Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the **Western District of Texas** while his Habeas Petition is pending; See Ex. A.

B. Order Respondents to provide advance written notice to the Court and Petitioner prior to any proposed transfer;

C. Grant such other and further relief as the Court deems just and proper.

VI. VERIFICATION

I, Diego Alejandro Freites Villalobos, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 01/22/2026

Signature: Diego Freites

Diego Alejandro Freites Villalobos

A#



Petitioner, Pro Se

VII. CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this Emergency Motion for Temporary Restraining by U.S. Mail on the United States Attorney for the Western District of Texas, the Attorney General of the United States, and the Facility Administrator of the South Texas ICE Processing Center. Date: 01/22/2026

Signature: Diego Freitas

Petitioner, Pro Se

United States Attorney's Office — Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, Texas 78216

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001

Kristi Noem (in her official capacity as Secretary)
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Todd M. Lyons (in his official capacity), Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, D.C. 20536

South Texas ICE Processing Center
Facility Administrator (Custodian)
566 Veterans Drive
Pearsall, Texas 78061

Office of the Principal Legal Advisor (OPLA)
South Texas ICE Processing Center
566 Veterans Drive
Pearsall, Texas 78061

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DIEGO ALEJANDRO FREITES VILLALOBOS,
Petitioner,

SA26 CA0638 JKP

v.

KRISTI NOEM, in her official capacity as Secretary of
the Department of Homeland Security;
TODD LYONS, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement;
Jose Rodriguez, Jr., Field Office Director, San Antonio
Field Office, United States Immigration and Customs
Enforcement;
Respondents.

[PROPOSED] ORDER
GRANTING PETITIONER'S
EMERGENCY MOTION FOR
TEMPORARY RESTRAINING
ORDER
AND PRELIMINARY
INJUNCTIVE RELIEF

THIS MATTER comes before the Court on Petitioner's Emergency Motion for a Temporary Restraining Order and Non-Transfer Order, filed in aid of the Court's jurisdiction over Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Having considered the Motion, the supporting memorandum and exhibits, the Petition for Writ of Habeas Corpus, and the applicable law, the Court finds that temporary injunctive relief is necessary to preserve its jurisdiction and prevent irreparable harm.

Accordingly, the Court hereby ORDERS as follows:

1. Petitioner's Emergency Motion for a Temporary Restraining Order is GRANTED.
2. Respondents, including U.S. Immigration and Customs Enforcement ("ICE"), the Department of Homeland Security ("DHS"), the Facility Administrator (or Warden) of the South Texas ICE Processing Center, and all of their officers, agents, servants, employees,

attorneys, successors, assigns, and persons acting in concert or participation with them, are hereby ENJOINED AND RESTRAINED from transferring Petitioner Diego Alejandro Freites Villalobos outside the jurisdiction of the Western District of Texas while the Petition for Writ of Habeas Corpus is pending.

3. Respondents are further ORDERED to provide no less than seventy-two (72) hours' written notice to this Court and to Petitioner prior to any proposed transfer of Petitioner.
4. This Order is issued pursuant to the Court's authority under the All Writs Act, 28 U.S.C. § 1651, and is necessary to prevent the mooted of this Court's jurisdiction over the pending habeas action.
5. No security bond is required pursuant to Federal Rule of Civil Procedure 65(c), as Petitioner is detained and proceeding pro se, and the relief granted serves the public interest in preserving access to judicial review.
6. The parties shall, within seven (7) days of the entry of this Order, confer and propose a briefing schedule with respect to Petitioner's request for preliminary injunctive relief, if necessary. Any hearing on preliminary injunctive relief shall be scheduled at the discretion of the Court.

IT IS SO ORDERED.

DATED: _____

UNITED STATES DISTRICT JUDGE