

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

REBECCA SANCHEZ-DIAZ,

Petitioner,

v.

MARY DE ANDA-YBARRA, Field Office
Director of Enforcement and Removal Operations,
El Paso Field Office, Immigration and Customs
Enforcement;

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. Department of Homeland
Security;

Pamela BONDI, U.S. Attorney General; Executive
Office for Immigration Review;

Warden of the El Paso Processing Center;

Respondents.

Case No. 3:26-cv-351

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

MOTION FOR TEMPORARY RESTRAINING ORDER

1. Petitioner Rebecca Sanchez-Diaz, by and through undersigned counsel, respectfully moves this Court pursuant to Federal Rule of Civil Procedure 65 for a Temporary Restraining Order. This motion seeks to immediately enjoin Respondents from continuing to detain Petitioner without constitutionally adequate due process, and to prevent further unlawful deprivation of liberty in violation of the Fifth Amendment.

I. INTRODUCTION

2. Petitioner has been detained by Immigration and Customs Enforcement for more than

seven months without an individualized custody hearing, despite having no criminal record and despite deep and longstanding ties to the United States.

3. She is the spouse of an honorably discharged United States military veteran and is actively pursuing lawful status through a pending Military Parole in Place application and a Form I-130 family-based petition filed on her behalf.
4. Notwithstanding these equities and her prior release into the interior, Respondents continue to subject Ms. Sanchez-Diaz to prolonged civil detention without any finding that she poses a danger or flight risk. This ongoing detention violates the Fifth Amendment Due Process Clause.

II. FACTUAL BACKGROUND

As detailed in the Amended Petition for Habeas Corpus on file with this Court:

5. Entry and Release. Ms. Sanchez-Diaz entered the United States on February 1, 2022, fleeing Mexico. Following initial processing, the Department of Homeland Security released her into the interior of the United States.
6. Family Ties and Pending Relief. After her release, Ms. Sanchez-Diaz married Andrew James Brashear, an honorably discharged veteran of the United States Army, as reflected in his DD-214. Her spouse has filed a Military Parole in Place application and a Form I-130 immigrant visa petition on her behalf, establishing her eligibility for discretionary humanitarian relief and lawful status.
7. Dismissed Criminal Charge. In June 2025, Ms. Sanchez-Diaz was apprehended following a criminal charge in the Magistrate Court of Eddy County, New Mexico, Case No. M-17-DR-202500078. The State subsequently entered a nolle prosequi and dismissed the charge

in the best interest of justice. Ms. Sanchez-Diaz has no criminal convictions.

8. Continued Detention and Procedural Barriers. Despite the dismissal of all criminal charges, Respondents have continued Ms. Sanchez-Diaz's civil immigration detention. On February 3, 2026, an Immigration Judge determined that Ms. Sanchez-Diaz is a member of the Maldonado Bautista class but concluded the court lacked jurisdiction to conduct a bond hearing. Respondents have also prevented Ms. Sanchez-Diaz from attending required biometrics appointments, including a scheduled biometrics appointment for her Form I-131 (Receipt No. ) , thereby obstructing adjudication of her pending applications and prolonging her detention. On February 3, 2026, an Immigration Judge determined that Ms. Sanchez-Diaz is a member of the Maldonado Bautista class but concluded the court lacked jurisdiction to conduct a bond hearing. Respondents have also prevented Ms. Sanchez-Diaz from attending required biometrics appointments, obstructing adjudication of her pending applications and prolonging her detention.

III. LEGAL STANDARD

9. A temporary restraining order is warranted where the movant demonstrates a likelihood of success on the merits, irreparable harm absent relief, that the balance of equities favors relief, and that the public interest is served by an injunction. Federal courts possess authority to order interim release or other equitable relief to remedy ongoing unconstitutional detention and to preserve habeas jurisdiction.

IV. ARGUMENT

A. Likelihood of Success on the Merits

10. The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. Civil immigration detention must be reasonably related to a legitimate regulatory purpose and may not be arbitrary or excessive.
11. Ms. Sanchez-Diaz was apprehended from the interior of the United States after years of residence, family formation, and reliance on the government's prior decision to release her. Treating her as subject to categorical mandatory detention without an individualized hearing ignores these reliance interests and exceeds constitutional limits.
12. As applied to Ms. Sanchez-Diaz, prolonged detention under 8 U.S.C. § 1225(b)(2)(A) without any individualized custody determination violates due process. She has never been found to pose a danger or flight risk, and her continued detention is excessive in relation to any asserted regulatory purpose.
13. Recent statutory interpretations concerning bond eligibility do not foreclose as applied constitutional challenges or eliminate this Court's authority to grant habeas and injunctive relief to remedy ongoing Fifth Amendment violations.

B. Irreparable Harm

14. Ms. Sanchez-Diaz is suffering irreparable harm as a result of her continued detention. The loss of physical liberty constitutes irreparable injury as a matter of law.
15. This harm is compounded by Respondents' interference with her ability to complete required biometrics, delaying adjudication of her pending applications and prolonging her separation from her spouse. Each additional day of unconstitutional confinement inflicts

injury that cannot be remedied after the fact.

C. Balance of Equities and Public Interest

16. The balance of equities weighs heavily in Petitioner's favor. She has no criminal history, has demonstrated compliance, and was previously deemed suitable for release by DHS itself.

17. The government has no legitimate interest in continuing detention that violates constitutional guarantees. The public interest is always served by ensuring that the government acts within the bounds of the Constitution.

V. PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

18. Issue a Temporary Restraining Order directing Respondents to immediately release Ms. Sanchez-Diaz from ICE custody;

19. Enjoin Respondents from re-detaining Ms. Sanchez-Diaz absent constitutionally sufficient process, including an individualized custody determination;

20. Waive any bond requirement under Federal Rule of Civil Procedure 65(c); and

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

VI. CONCLUSION

Ms. Sanchez-Diaz's continued detention without an individualized hearing violates the Fifth Amendment and inflicts ongoing, irreparable harm. Immediate injunctive relief is necessary to halt this unconstitutional deprivation of liberty.

Dated: February 10, 2026,

Respectfully submitted,

s/Gracilene Brooks

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Local Counsel

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of February 2026, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully Submitted

s/Gracilene Brooks

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