

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JANINA STEFANIA MONTERO GRANDA  
Petitioner,

v.

KRISTI NOEM, in her official capacity as  
Secretary of the U.S. Department of Homeland  
Security;

ANGEL GARITE, in his official capacity as  
Assistant Field Office Director of Enforcement  
and Removal Operations, El Paso Field Office,  
U.S. Immigration and Customs Enforcement;

MARY DE ANDA-YBARRA, in her official  
capacity as Field Office Director of  
Enforcement and Removal Operations, El Paso  
Field Office, U.S. Immigration and Customs  
Enforcement;

TODD LYONS, in his official capacity as  
Acting Director and Senior Official Performing  
the Duties of the Director of U.S. Immigration  
and Customs Enforcement;

DORA CASTRO, in her official capacity as  
Warden of the Otero County Processing Center;

and

PAMELA BONDI, in her official capacity as  
United States Attorney General

Respondents.

Case No. 2:26-cv-294

**PETITIONER'S EMERGENCY  
MOTION FOR TEMPORARY  
RESTRAINING ORDER UNDER  
FRCP 65(b) AND PRELIMINARY  
INJUNCTION UNDER FRCP 65 (a)**

**EXPEDITED HANDLING  
REQUESTED**

**PETITIONER’S EMERGENCY MOTION FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION WITH EXPEDITED HANDLING**

Ms. Montero Granda (“Petitioner”), pursuant to 28 U.S.C. § 2241, the Fifth Amendment of the United States Constitution, 8 U.S.C. §§ 1101 *et seq.* (“the INA”), 5 U.S.C. §§ 701 *et. seq.* (the “APA”), and Rule 65(a) and (b) of the Federal Rules of Civil Procedure, moves the Court for entry of a Temporary Restraining Order and Preliminary Injunction enjoining Respondents, and all persons acting on Respondents’ behalf, from continuing to infringe on Petitioner’s constitutional rights by continuing to detain Petitioner, or taking any other related enforcement action against Petitioner. The moving party does not intend at this time to present witness testimony at an evidentiary hearing.

The reasons in support of this Motion are set forth in the accompanying Memorandum of Points and Authorities. As set forth in the Points and Authorities in support of this Motion, Petitioner raises that she warrants an emergency temporary restraining order due to her weighty liberty interests under the Due Process Clause of the Fifth Amendment in remedying his unlawful detention.

WHEREFORE, Petitioner prays that this Court grant her request for a temporary restraining order enjoining Respondents from continuing to detain Petitioner pending these proceedings and removing Petitioner from the United States pending these proceedings. The only mechanism to ensure that Petitioner does not continue to be unlawfully detained, transferred, or removed in further violation of her due process rights is a temporary restraining order from this Court.

DATED: February 06, 2026

Respectfully submitted,

/s/ Evan Brown

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