

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

HENRY MIGUEL ECHENIQUE PACHECO,)
Petitioner,)

v.) Case No. _____
)

MERRICK B. GARLAND, Attorney General of the United States;)
TAE D. JOHNSON, Acting Director, ICE;)
WARDEN, DIAMONDBACK CORRECTIONAL FACILITY,)
Respondents.)

FILED
FEB 05 2026
JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY NOA, DEPUTY

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER
AND PROPOSED ORDER

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER (TRO)

Petitioner Henry Miguel Echenique Pacheco, by and through his Next Friend, Esther Nohemi Gómez Barrios, respectfully moves this Honorable Court for the immediate issuance of a Temporary Restraining Order ("TRO") prohibiting Respondents from transferring, removing, or deporting Petitioner while this Court adjudicates his Petition for Writ of Habeas Corpus, Emergency Motion for Immediate Release, and Motion to Expedite.

I. EMERGENCY AND IRREPARABLE HARM

This Motion is filed on an emergency basis. Petitioner is a non-criminal civil immigration detainee with severe cardiac disease, including two prior myocardial infarctions. Any transfer or removal would exacerbate his medical condition, interrupt continuity of care, and place his life at imminent risk.

II. FACTUAL BASIS

Petitioner was detained on December 22, 2025, after voluntarily appearing at a routine ICE appointment. He has no criminal record and poses no danger to the community.

Petitioner is detained at Diamondback Correctional Facility under conditions involving

inadequate medical care, spoiled food, rationed water, racial discrimination, and psychological abuse.

III. LEGAL STANDARD

A TRO is warranted where the movant demonstrates (1) likelihood of success on the merits; (2) irreparable harm absent relief; (3) balance of equities favors relief; and (4) relief serves the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008).

IV. ARGUMENT

A. Likelihood of Success on the Merits

Petitioner's detention violates the Due Process Clause of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

B. Irreparable Harm Is Imminent

Transfer or removal would result in irreparable harm, including severe medical risk and permanent family separation. *Nken v. Holder*, 556 U.S. 418 (2009).

C. Balance of Equities and Public Interest

Preserving life, family unity, and constitutional protections outweighs any administrative inconvenience to the government.

V. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue a Temporary Restraining Order prohibiting Respondents from transferring, removing, or deporting Petitioner pending resolution of this action.