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**EMERGENCY MOTION FOR IMMEDIATE
CONSIDERATION**

*(Related to Emergency Petition for Writ of Habeas Corpus –
28 U.S.C. § 2241)*

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

JOHANNA AMESTY-ARRIETA

A-Number: A 

Petitioner,

v.

Warden, Diamondback Correctional Facility;
Director, U.S. Immigration and Customs Enforcement (ICE);
Secretary, Department of Homeland Security (DHS),
Respondents.

**EMERGENCY MOTION – IMMEDIATE JUDICIAL
REVIEW REQUESTED**

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I. INTRODUCTION

Petitioner respectfully moves this Honorable Court for **immediate consideration** of her Emergency Petition for Writ of Habeas Corpus pursuant to **28 U.S.C. § 2241**. Petitioner is currently detained by ICE at **Diamondback Correctional Facility in Oklahoma** and faces **ongoing and irreparable harm** due to an unlawful re-detention, the violation of a binding federal court order, and the severe humanitarian impact on her minor child.

Absent prompt judicial intervention, Petitioner's continued detention will result in further constitutional violations and irreparable family harm.

II. EMERGENCY NATURE AND IRREPARABLE HARM

Petitioner has been detained by ICE since **December 13, 2025**, despite having previously been released under supervision and having **fully complied with all ICE reporting requirements**. Her current detention constitutes a **re-detention** imposed without any individualized finding that she poses a danger to the community or a risk of flight.

Petitioner is the mother of a **12-year-old minor child**, who was left without her primary caregiver as a direct result of this detention. The child is currently under the care of her **adult older sister**, who is struggling to balance work obligations with caregiving responsibilities. This situation has caused significant emotional distress, instability, and hardship for the minor child.

Each additional day of detention causes **irreparable harm** that cannot be remedied by monetary damages.

III. VIOLATION OF FEDERAL COURT ORDER AND TPS PROTECTION

Petitioner is a documented member of the **National TPS Alliance** and was **approved for Temporary Protected Status (TPS) in 2023**. As such, Petitioner is expressly protected by the binding federal court order issued by the **Honorable Edward M. Chen** on **December 10, 2025**, which prohibits the detention and removal of covered TPS beneficiaries while the order remains in effect.

ICE has **actual and constructive notice** of Petitioner's TPS status and protected membership. ICE's continued detention of Petitioner **directly violates Judge Chen's federal court order** and is therefore **ultra vires, unlawful, and unconstitutional**.

IV. DUE PROCESS VIOLATIONS

Petitioner's continued civil immigration detention is **arbitrary, excessive, and not reasonably related to any legitimate governmental purpose**, in violation of the **Due Process Clause of the Fifth Amendment**. Less restrictive alternatives to detention were and remain available, including

continued release under supervision, which Petitioner previously complied with fully.

Immediate judicial review is therefore warranted.

V. REQUEST FOR IMMEDIATE RELIEF

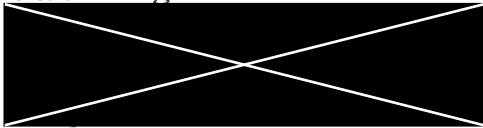
For the foregoing reasons, Petitioner respectfully requests that this Court:

1. **Immediately review the Emergency Petition for Writ of Habeas Corpus.**
2. **Order Respondents to file an expedited response within forty-eight (48) to seventy-two (72) hours.**
3. **Order Petitioner's immediate release from ICE custody, under appropriate conditions if deemed necessary; and/or**
4. **Grant such other and further relief as the Court deems just and proper.**

Respectfully submitted,

Angel Celeste Calzadilla.

ANGEL CELESTE CALZADILLA
Older Daughter of the Petitioner – Pro Se



On behalf of: **Johanna Amesty-Arrieta**

Date: JAN 22 2026