

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAN 12 2026

MITCHELL R. ELFERS
CLERK

EMERGENCY MOTION TO EXPEDITE

(In Support of Petition for Writ of Habeas Corpus and Motion for
Immediate Release)

COMES NOW Petitioner, DENNIS HUMBERTO MORENO CHOV ("Petitioner"), by and through his lawful Next Friend, MAILEN DÍAZ GARROTE, and respectfully moves this Honorable Court for an ORDER EXPEDITING review and adjudication of the pending Petition for Writ of Habeas Corpus and Emergency Motion for Immediate Release.

This Motion is filed on an EMERGENCY basis due to ongoing and irreparable constitutional harm resulting from Petitioner's continued unlawful detention.

I. INTRODUCTION AND EMERGENCY BASIS

Petitioner remains in civil immigration detention under conditions that are punitive, degrading, and unconstitutional. Each additional day of detention causes irreparable harm to Petitioner's physical and psychological well-being.

Federal courts routinely expedite habeas proceedings where liberty interests and constitutional violations are at stake. See *Harris v. Nelson*, 394 U.S. 286 (1969).

II. JURISDICTION AND AUTHORITY

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241 and possesses inherent authority to control its docket and expedite proceedings where justice so requires. See *Landis v. North American Co.*, 299 U.S. 248 (1936).

III. FACTUAL BASIS FOR EXPEDITED REVIEW

Petitioner has been subjected to prolonged detention despite a judicial finding that he is not a danger to the community. He has already been denied bond by an Immigration Judge, leaving habeas corpus as his sole meaningful avenue of relief.

Petitioner endured physical abuse, psychological trauma, food deprivation, restricted access to water, lack of hygiene, and overcrowding during transfers between facilities, including facilities in Texas and New Mexico. These conditions continue to adversely affect his health and mental stability.

IV. LEGAL STANDARD FOR EXPEDITED CONSIDERATION

Expedited consideration is appropriate where a petitioner demonstrates (1) a likelihood of irreparable harm, (2) serious constitutional questions, and (3) that the balance of equities favors swift judicial intervention.

See *Nken v. Holder*, 556 U.S. 418 (2009); *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001).

V. ARGUMENT

A. Ongoing Detention Causes Irreparable Harm

Petitioner continues to suffer physical and psychological deterioration. Irreparable harm is presumed where unlawful detention is ongoing. See *Elrod v. Burns*, 427 U.S. 347 (1976).

B. Habeas Relief Would Be Rendered Meaningless Without Expedited Review

Absent expedited consideration, the fundamental purpose of habeas corpus—to serve as a swift remedy against unlawful restraint—would be undermined. See *Fay v. Noia*, 372 U.S. 391 (1963).

C. No Prejudice to the Government

Expedited review will not prejudice Respondents. The government has already litigated bond issues before the Immigration Court and is in possession of all relevant detention records.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. EXPEDITE consideration of the Petition for Writ of Habeas Corpus;
2. EXPEDITE ruling on the Emergency Motion for Immediate Release;
3. Grant any other relief this Court deems just and proper.

VII. VERIFICATION AND SIGNATURE

I, MAILEN DÍAZ GARROTE, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Mailen Díaz Garrote

Next Friend for Dennis Humberto Moreno Chov

Date: 01/07/2026