

RECEIVED

FEB 09 2026

UNITED STATES DISTRICT COURT
West Texas District
AUSTIN DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Ch
DEPUTY CLERK

WUILLIANS ARCANGEL RAMIREZ CEDENO
NO CITIZEN DETAINED

CURRENTLY DETAINED IN:
DETENTION CENTER: T. DON HUTTO DETENTION CENTER
1001 WELCH STREET NA
TAYLOR TX 76574
THROUGH AND BY MEANS "NEXT FRIEND" "WIFE"
YERALDIN JOSEFINA MAVARES DIAZ

1:26 CV 00307 AD

Petitioner,

in.

- Director of Immigration and Customs Enforcement (ICE)
- United States Attorney's Office – Western District of Texas
- Director of the Detention Center, T. Don Hutto Residential Center Warden / ICE Officer in charge
- ICE- San Antonio Field Office U.S. Immigration and Customs Enforcement (ICE)
- U.S. Department of Homeland Security (DHS)
- U.S. Immigration and Customs Enforcement (ICE)
- Secretary of Homeland Security U.S. Department of Homeland Security

Respondents.

Case No.240-585-315

**EMERGENCY MOTION FOR PRECAUTIONARY MEASURE PROHIBITING
DEPORTATION PENDING RESOLUTION OF HABEAS CORPUS PETITION**

COMING NOW The petitioner, WUILLIANS ARCANGEL RAMIREZ CEDENO, A# [REDACTED] by and through his close friend, his wife YERALDIN JOSEFINA MAVARES DIAZ, respectfully presents before this Honorable Court this **Emergency Motion for Court Order Prohibiting Deportation until** a final judgment is rendered in his Habeas Corpus Petition under 28 U.S.C. § 2241, currently pending before this Court, and in support of the present motion states:

I. NATURE OF THE EMERGENCY

This motion is presented as a matter of extreme **urgency because** the Immigration and Customs Enforcement (ICE) Prosecutor's Office has filed a request with the Immigration Court seeking the administrative **closure of the case** of the petitioner and ordering his immediate **deportation**.

The petitioner has a pending Habeas Corpus Petition before this Honorable Federal Court under 28 U.S.C. § 2241 that documents **flagrant and systematic violations** of their constitutional rights under the Fourth, Fifth, First, and Fourteenth Amendments to the United States Constitution.

If the petitioner is deported before this Court resolves his Habeas Corpus Petition, irreparable harm will be caused and the jurisdiction of this Court will be completely frustrated., turning the case into an abstraction (*moot*) and depriving the petitioner of any possibility of obtaining the constitutional relief to which he is entitled.

II. LEGAL BASIS

A. This Court Has Jurisdiction and Authority to Issue a Precautionary Measure

This Court has full jurisdiction under 28 U.S.C. § 2241 to review the legality of the petitioner's detention and to issue all orders necessary to preserve its jurisdiction and protect the petitioner's rights while the case is pending. *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

Rule 23 of the Federal Rules of Civil Procedure specifically allows courts to issue orders necessary to preserve their jurisdiction over habeas corpus petitions.

B. The Factors for Precautionary Measure Favor the Petitioner

The courts consider four factors to determine whether to grant an injunction (*preliminary injunction the stay*):

1. **Probability of success in the fund (*likelihood of success on the merits*)**
2. **Irreparable damage if the measure is not granted**
3. **Balance of difficulties (*balance of hardships*)**
4. **Public interest**

All these factors strongly favor the petitioner.

1. Probability of Success at the Bottom of the Case

The petitioner has documented in his Habeas Corpus Petition clear, serious, and multiple constitutional violations:

- **Fourth Amendment:** Detention without a court order or reasonable suspicion that can be argued
- **Fifth Amendment:** Deprivation of liberty without due individualized process
- **First Amendment:** Interference with the right of access to the courts to prepare an asylum application
- **Fourteenth Amendment:** Destruction of family relationships without compelling justification; denial of due process; possible discrimination based on national origin

The petitioner:

- **He has no criminal record of any kind**
- **It poses no danger.** to the community
- **It does NOT represent a significant risk of leakage** (exceptional family ties with wife and four minor children; 3 years and 10 months of continuous residence; history of compliance with immigration procedures)
- He presented **voluntary TPS re-registration** September 11, 2025
- It maintains **active political asylum application** and pending

These circumstances demonstrate a high probability that this Court will determine that the detention violates the Constitution and order his release.

2. Irreparable Damage If the Measure Is Not Granted

If the petitioner is deported before this Court resolves his Habeas Corpus Petition, the damage will be absolute and irreparable:

- **Permanent loss of jurisdiction of this Court-** The case will become abstract (*moot*)
- **Complete deprivation of the constitutional right of access to the courts-** The petitioner will not be able to present his asylum case or defend himself against constitutional violations
- **Permanent separation of family** Four young children will lose their father
- **Deportation to Venezuela where he may face persecution or danger-** The very purpose of your asylum application
- **Impossibility of remedying constitutional violations** already completed

The Supreme Court has recognized that deportation causes irreparable harm. *Nken v. Holder*, 556 U.S. 418, 436 (2009) ("deportation... can cause irreparable harm").

3. Balance of Difficulties

The balance of difficulties strongly favors the petitioner:

Difficulties for the Petitioner if the measure is NOT granted:

- Irreversible deportation
- Permanent loss of family
- Loss of all constitutional rights
- Possible danger or persecution in Venezuela

Difficulties for the Government if the measure IS granted:

- Minimal or non-existent
- You simply have to wait until this Court resolves the habeas corpus petition
- The petitioner may be released under supervision, bail, or electronic monitoring
- There is no emergency that requires immediate deportation
- The petitioner is neither dangerous nor a flight risk

4. Public Interest

The public interest favors protecting constitutional rights:

- The public has an interest in the government respecting the Fourth, Fifth, First, and Fourteenth Amendments
- The public has an interest in ensuring that federal courts can exercise their habeas corpus jurisdiction without interference from the executive branch.
- The public has an interest in protecting the family integrity and well-being of four children who came to this country seeking refuge.
- The public has an interest in asylum applications being adjudicated fairly and constitutionally.

III. DEPORTATION WOULD FRUSTRATE THE JURISDICTION OF THIS COURT

If the government deports the petitioner while this Court has jurisdiction over his Habeas Corpus Petition, it would be deliberately **frustrating the jurisdiction of this Court and** depriving the petitioner of his constitutional right of access to the courts.

The Supreme Court has established that when an individual has filed a habeas corpus petition with a federal court, the government cannot simply deport him to evade the court's jurisdiction. *Munaf v. Geren*, 553 U.S. and 693-94.

This Court must preserve its jurisdiction issuing an order prohibiting deportation until the Habeas Corpus Petition is resolved on its merits.

IV. I ATTACH EVIDENCE OF REQUEST FOR IMMEDIATE DEPORTATION

Attached to this motion as Annex A, The petitioner presents a copy of the document submitted by the ICE Prosecutor's Office to the Immigration Court requesting the administrative closure of the case and the deportation order of the petitioner.

This document demonstrates the extreme urgency of this motion and the immediate need for this Court to act to preserve its jurisdiction and protect the petitioner's constitutional rights.

V. REQUEST FOR RELIEF

FOR ALL THE ABOVE REASONS, The petitioner respectfully requests that this Honorable Court:

1. **ORDER IMMEDIATELY** (*Stay of Removal*) that the Respondents refrain from deporting the petitioner WUILLIANS ARCANGEL RAMIREZ CEDENO until this Court issues a final judgment in his Habeas Corpus Petition under 28 U.S.C. § 2241;
2. **THE WORDS** Respondents to immediately notify the Immigration Court and all ICE officers of the court order prohibiting deportation;

3. **THE WORDS** to Respondents who submit a response to the Habeas Corpus Petition within the time period that this Court determines is appropriate;
4. **CONSIDER** the immediate release of the petitioner on bail, supervision, or electronic monitoring pending the resolution of his Habeas Corpus Petition, given that he does not represent a danger or significant risk of flight;
5. **GRANT** any other additional relief that this Court determines to be fair and appropriate.

VI. CONFERENCE CERTIFICATION

Due to the emergency nature of this motion and the imminence of deportation, it has not been possible to confer with the government's attorney before filing this motion. The petitioner agrees to notify the government immediately upon filing this motion.

VII. CONCLUSION

Deporting the petitioner before this Court resolves his Habeas Corpus Petition would cause irreparable harm, frustrate the jurisdiction of this Court, and deprive the petitioner of his fundamental constitutional rights under the Fourth, Fifth, First, and Fourteenth Amendments.

The petitioner has a high probability of success in his Habeas Corpus Petition. He poses no danger or significant flight risk. The balance of difficulties and the public interest strongly favor granting the requested precautionary measure.

Justice requires that this Court preserve its jurisdiction and protect the petitioner's constitutional rights by immediately ordering that his deportation be prohibited until a final judgment is reached.

Respectfully submitted,

YERALDIN JOSEFINA MAVARES DIAZ, "NEXT FRIEND" "WIFE"
On behalf of WUILLIANS ARCANGEL RAMIREZ CEDENO



Email: hillary2010ma@gmail.com

Date: 02/08/2026

APPENDIX A: ICE Prosecutor's Office document requesting administrative closure and deportation order

Wuillians Arcangel Ramirez Cedeno

NºA 

PROOF OF SERVICE

I, Yeraldin Josefina Mavares Díaz, declare under penalty of perjury that on the date indicated below, I delivered a true and correct copy of the following document:

I certify that on this date I have sent by United States Postal Service (USPS) a true and complete copy of the EMERGENCY MOTION FOR PRECAUTIONARY MEASURE PROHIBITING DEPORTATION PENDING RESOLUTION OF HABEAS CORPUS PETITION of petitioner WUILLIANS ARCANGEL RAMIREZ CEDENO, A# 

mailing said document to the following parties:

United States Attorney's Office – Western District of Texas
601 NW Loop 410, Suite 600
San Antonio, TX 78216

Director of the Detention Center, T. Don Hutto Residential Center
Warden / ICE Officer in charge
10720 Hilltop Road
Taylor, TX 76574

ICE- San Antonio Field Office
U.S. Immigration and Customs Enforcement (ICE)
1777 NE Loop 410, Suite 15
San Antonio, TX 78217

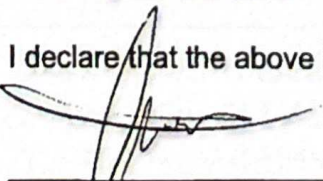
U.S. Department of Homeland Security (DHS)
U.S. Department of Homeland Security
Mail Stop #0525
Washington, DC 20528-0525

U.S. Immigration and Customs Enforcement (ICE)
500 12th Street SW
Washington, DC 20024

Secretary of Homeland Security U.S.
Department of Homeland Security
2707 Martin Luther King Jr. Ave. SE
Washington, DC 20528

U.S. Immigration and Customs Enforcement (ICE) – Oficina nacional /
headquarters U.S. Immigration and Customs Enforcement (ICE)
500 12th Street SW
Washington, DC 20024

I declare that the above is true and correct to the best of my knowledge and belief.



YERALDIN JOSEFINA MAVARES DIAZ

02/06/2026
DATE