

**UNITED STATES DISTRICT COURT FOR
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HECTOR CORDERO-PEDRAZA,

Petitioner,

v.

Bobby Thompson, Warden of South Texas
Immigration Processing Center; Miguel
Vergara, Field Office Director of Enforcement
and Removal Operations, San Antonio Field
Office, Immigration and Customs
Enforcement; Kristi Noem, Secretary, U.S.
Department of Homeland Security; Pamela
Bondi, U.S. Attorney General; Executive
Office for Immigration Review; Department of
Homeland Security

Respondents,

Civil Action No.: 5:26-cv-1153

**PETITION FOR WRIT OF
HABEAS CORPUS**

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER OR, IN THE
ALTERNATIVE, FOR A PRELIMINARY INJUNCTION**

Petitioner, A-Number:  Hector Cordero Pedraza files this motion requesting the Court's request for a temporary restraining order (TRO) or, in the alternative, for a preliminary injunction preventing his removal pending a final decision in his petition for a writ of habeas corpus.

Petitioner is a Mexican national presently detained by Respondents in South Texas Immigration Center. Mr. Pedraza has been in ICE custody since July 26, 2025. Petitioner was

issued an order of removal on January 20, 2026. Petitioner intends to file an appeal with the Board of Immigration Appeals through counsel. He is presently in removal proceedings pursuant to 8 U.S.C. § 1229a, and has no upcoming scheduled hearings.

Petitioner's detention is unlawful because Respondents have refused to provide him with a bond hearing under 8 U.S.C. § 1226(a), despite his clear entitlement to such a hearing as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). In that case, the district court issued a binding declaratory judgment holding that class members are detained under § 1226(a) and may not be denied consideration for release on bond under 8 U.S.C. § 1225(b)(2).

Respondents are parties to *Maldonado Bautista* and are bound by that judgment, which has the full force and effect of a final judgment under 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to detain Petitioner without a bond hearing and have asserted that even if this Court orders his release, he would be subject to re-arrest as an alien present without admission—an apparent reliance on § 1225(b)(2) that directly contravenes the declaratory judgment.

Absent immediate injunctive relief, Petitioner will continue to suffer irreparable harm in the form of unlawful detention and the ongoing threat of re-arrest in violation of federal law and a binding court order. Petitioner therefore seeks this Court's intervention to preserve the status quo, enforce compliance with federal law, and prevent further violations of his statutory and constitutional rights while his habeas petition is pending.

I. FACTUAL BACKGROUND

Petitioner, A-Number:  Hector Cordero Pedraza is a native and citizen of Mexico. He first entered the United States in approximately 2003 at the age of 18 to participate in a computer technology project while still in high school. Since then, he has consistently

traveled between the United States and Mexico on a valid passport, without incident. His current visa, issued in 2017, remains valid until 2027; he has not departed the United States since August 2022. He also holds a valid passport expiring in 2033. Petitioner has no criminal history and no prior immigration violations. His record reflects that he poses no danger to the community and has consistently complied with all immigration requirements.

Petitioner is currently detained at the South Texas Immigration Processing Center in Pearsall, Texas, where he remains in the custody of the Department of Homeland Security. He was taken into custody while driving customers in his taxi.

As of the filing of this Petition, Petitioner has been detained for approximately 212 days. On September 2, 2025, an Immigration Judge denied his bond under INA § 236(a). That decision was legally and factually erroneous and must be reversed.

Petitioner resides in Danbury, Connecticut, with his long-term U.S. citizen partner Virgil Dantes. He provides daily emotional and practical support to Ms. Dantes, reflecting the stability of his home and his deep integration in the community. The couple has been together for 4 years and Petitioner was planning to propose to her before he was detained. At the time of his detention, Petitioner was working in several capacities, including as a taxi driver. He has no criminal history whatsoever. DHS's own records as submitted for the bond hearing confirm "N/A" for criminal history.

In addition, Petitioner fears return to Mexico due to specific threats documented by Mexican police authorities. This evidence was submitted in bond showing a non-speculative path to relief. These harms are ongoing. He intends to pursue asylum and related protection in removal proceedings.

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment. Despite his lack of criminal history and strong family ties. Petitioner remains confined with no meaningful avenue to seek release. His detention serves no legitimate governmental purpose and inflicts ongoing, irreparable harm by depriving him of his liberty and preventing him from maintaining family unity. Absent immediate judicial intervention, these constitutional violations will continue.

ARGUMENT

Petitioner's detention is governed by 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment, which prohibits the deprivation of liberty without lawful process. Petitioner does not have a final order of removal and is currently in pending removal proceedings under 8 U.S.C. § 1229a. As a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, Petitioner is entitled to consideration for release on bond under § 1226(a) and may not be detained under 8 U.S.C. § 1225(b)(2). Respondents' continued detention of Petitioner without a bond hearing violates the Immigration and Nationality Act and a binding declaratory judgment that has the full force and effect of a final judgment under 28 U.S.C. § 2201(a).

Petitioner seeks this TRO to prevent transfer to another detention center during the pendency of his petition before this court, and 2) his removal from the United States while his Petition is before this Court. During their detention, detainees are frequently moved between detention centers to satisfy bed-space and other facility requirements. Frequently, they are transferred from units in Dilley, Texas to units in Laredo, Encino, Karnes City and Bastrop Texas. These transfers make maintaining communication between client and counsel virtually impossible.

In addition, to not allow him to remain in the United States during his proceedings is a direct violation of his right to Due Process.

Respondents have expressed their intent to continue Petitioner's unlawful detention and to re-arrest him under 8 U.S.C. § 1225(b)(2) even if this Court orders his release, in violation of federal law and a binding declaratory judgment. Absent injunctive relief, Petitioner will suffer irreparable harm in the form of continued unlawful deprivation of liberty without due process. Respondents will suffer no harm from an order requiring them to comply with federal law and a binding court judgment. Granting a temporary restraining order or preliminary injunction serves the public interest by upholding the fundamental principle that federal officers are bound to follow the statutes and judicial decisions that govern their authority. Accordingly, this Court should enjoin Respondents from continuing to detain Petitioner without a bond hearing and from re-arresting him under 8 U.S.C. § 1225(b)(2) while this case is pending.

The Legal Standard for a Preliminary Injunction

A plaintiff is entitled to a preliminary injunction to preserve the status quo and prevent irreparable harm until the parties' rights can be determined at trial on the merits. *City of Dallas v. Delta Air Lines, Inc.*, 847 F.3d 279, 285 (5th Cir. 2017). The "status quo" sought to be restored is "the last peaceable uncontested status existing between the parties before the disputed developed." Charles Alan Wright & Arthur R. Miller, 11A FEDERAL PRACTICE & PROCEDURE § 2948 (3d ed. 2013). Thus, the status quo in this case means preventing Respondents from continuing Petitioner's unlawful detention without a bond hearing and from re-arresting him under 8 U.S.C. § 1225(b)(2).

To obtain a preliminary injunction, a plaintiff must show (1) a substantial likelihood of prevailing on the merits; (2) a substantial likelihood of irreparable injury if the injunction is not

granted; (3) the threatened injury outweighs any harm that will result to the nonmovant if the injunction is not granted; and (4) the injunction will not disserve the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 129 S.Ct. 365, 374 (2008). The first two factors, substantial likelihood of prevailing on the merits and of irreparable harm, are the most critical. *Nken v. Holder*, 556 U.S. 418, 434 (2009). In this circuit, the first factor, likelihood of success on the merits, is the most important. *Tesfamichael v. Gonzales*, 411 F.3d 169, 176 (5th Cir. 2005). Further, “where there is a serious legal question involved and the balance of the equities heavily favors [an injunction], the movant only needs to present a substantial case on the merits.” *Lake Eugenie Land & Dev., Inc. v. BP Exploration & Prod. (In re Deepwater Horizon)*, 732 F.3d 326, 345 (5th Cir. 2013) (quoting *Weingarten Realty Investors v. Miller*, 661 F.3d 904, 910 (5th Cir. 2011)).

**A. Petitioner is entitled to a TRO and/or a Preliminary Injunction
Because Respondents’ threatened action violates federal law**

**1. Petitioner has a substantial likelihood of prevailing on the merits
of his case.**

Petitioner’s petition for writ of habeas only seeks to have him released from unlawful detention or, in the alternative, provided a bond hearing under 8 U.S.C. § 1226(a). He is currently in pending removal proceedings before the immigration court and does not have a final order of removal. Furthermore, he has no fixed release date. Based on this argument and the arguments contained in his petition, Petitioner’s case has a substantial likelihood of success on the merits.

**2. Petitioner will suffer irreparable harm if Respondents are allowed
to continue his unlawful detention or re-arrest him under 8 U.S.C. §
1225(b)(2)**

Petitioner will suffer immediate and irreparable harm if Respondents continue to detain him without a bond hearing or re-arrest him under 8 U.S.C. § 1225(b)(2) while this Court considers

his habeas petition. As stated above, Petitioner has a pending petition before this Court, and his right to due process requires that he either be released or receive a bond hearing under § 1226(a) while his case is decided. To do otherwise would cause Petitioner irreparable harm. Additionally, Respondents' refusal to conduct a lawful bond hearing for a Bond Eligible Class member deprives him of due process under the Fifth Amendment. Constitutional violations—particularly those involving physical liberty—are presumed to be irreparable. The continuation of detention and the threat of an unlawful re-arrest together create a degree of irreparable harm that no later court ruling can cure.

“In general, a harm is irreparable where there is no adequate remedy at law, such as monetary damages.” *Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2000). No amount of money physically restores Petitioner's status in the United States. If denied preliminary relief, Petitioner will suffer irreparable harm namely the continued unlawful detention, the deprivation of liberty, and the disruption to his daily life and ability to comply with immigration proceedings.

3. The Balance of Equities Tips Heavily in Favor of Petitioner and an Injunction is in the Public Interest

The threatened injury to Petitioner far outweighs any harm that will result to Respondents if the Court issues a TRO or an injunction. Further, the issuance of an injunction does not disserve the public interest but rather promotes it because it upholds the rule of law.

Petitioner is presently detained and Respondents have indicated they may continue his detention or re-arrest him under 8 U.S.C. § 1225(b)(2). He is entitled to a bond hearing as a Bond Eligible Class member, and continued detention without one violates federal law. Continuing to detain him in violation of federal law will result in irreparable harm by depriving his of liberty and due process. The resulting harms to the Defendants are nonexistent or at most minimal. They are simply held to the rule of law.

In addition, granting the injunction does not disserve the public interest but rather promotes it. It is in the public interest for government officials to comply with federal law. *MCR Oil Tools, L.L.C v. United States DOT*, 2024 U.S. App. LEXIS 14297 at *19 (5th Cir. June 12, 2024) (“There is a ‘substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.’”) (quoting *Texas v. United States*, 40 F.4th 205, 229 (5th Cir. 2022)). And in this case, the law is clear that Respondents have no authority to continue detaining Petitioner or to deny him a bond hearing in violation of 8 U.S.C. § 1226(a) and the declaratory judgment in Maldonado Bautista. Granting the injunction promotes the rule of law.

CONCLUSION

For the foregoing reasons, this Court should issue a restraining order or preliminary injunction and instruct Respondents to release Petitioner or, alternatively, provide him with a bond hearing under 8 U.S.C. § 1226(a) pending a final disposition of his habeas petition.

Dated: February 23, 2026

Respectfully submitted,



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CERTIFICATE OF SERVICE

On February 23, 2026 undersigned counsel served a copy of this motion on the U.S. Attorney for the Western District of Texas as required by serving one of his designated agents for service of process. In addition, undersigned counsel emailed this motion to Assistant U.S. Attorney Lacy McAndrew at to the following address: Lacy.McAndrew@usdoj.gov.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JF Waldron', with a horizontal line extending to the right.

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ORDER

Pending before the Court is Plaintiff's Motion for a Temporary Restraining Order or, in the Alternative, for a Preliminary Injunction. After having reviewed the motion and the evidence in support of the motion, the parties' arguments and the applicable law, the Court is of the opinion that the motion should be GRANTED.

The Court concludes that Plaintiff has satisfied the factors necessary for issuance of a preliminary injunction. He is likely to succeed on the merits of his claim and he is likely to suffer irreparable harm. Further, the balance of equities tilts in his favor and an injunction promotes the public interest by requiring federal officers to comply with regulations that bind them.

It is ORDERED that Defendants shall be prohibited from removing the Plaintiff until his hearings have held and a final order has been issued regarding the merits of his Petition for a Writ of Habeas.

Signed this ____ day of February 2026.

UNITED STATES DISTRICT JUDGE