

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

VICTOR MANUEL MORALES-LOPEZ,

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-1157

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

Petitioner, A-Number:  Victor Manuel Morales-Lopez 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 Salvadorian national presently detained by Respondents at South Texas Detention Facility in Pearsall, Texas. Mr. Romero has been in ICE custody since November 4, 2025.

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, she 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, Victor Manuel Morales-Lopez, A-Number:  is a Salvadorian national and he re-entered the United States on November 4, 2025. Petitioner first entered the United States in 2006 and worked and lived in the United States for two years.

On November 4, 2025 Petitioner was detained at the border. He has remained in immigration custody since that date and has now been detained for approximately 105 days. His detention is civil in nature. Petitioner is a native and citizen of El Salvador. Prior to coming to the United States, he owned and operated a restaurant business located in a coastal area of El Salvador. At the time, he was residing there with his wife and three daughters.

Petitioner was subjected to threats and persecution by [REDACTED]
[REDACTED] As a result of these threats and fear for his safety, Petitioner fled El Salvador in 2006 and entered the United States seeking safety. He was forced to leave behind his wife, daughters, and business due to the danger he faced.

Petitioner's continued detention has caused extraordinary hardship to his U.S. citizen wife and sister, both of whom suffer from serious medical conditions and depend heavily on his care, presence, and emotional support. His detention has destabilized his family unit, exacerbated existing medical and mental health crises, and deprived his household of its primary source of support. Petitioner fears returning to El Salvador because of [REDACTED]
[REDACTED] He intends to apply for asylum and seeks the opportunity to pursue his claims for relief from removal while not detained.

Petitioner requests the chance to present his case fully and fairly outside of immigration detention.

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 Pearsall, 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 any future hearings. 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,

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

John F. Waldron, Attorney at Law
3201 Cherry Ridge, Suite A-109
San Antonio, Texas 78230
(210) 838-1704
(210) 521-5755 Fax
jwaldron@jfwlawfirm.com
Counsel for Petitioner

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.

John F. Waldron, Attorney at Law
3201 Cherry Ridge, Suite A-109
San Antonio, Texas 78230
(210) 838-1704
(210) 521-5755 Fax
jwaldron@jfwlawfirm.com
Counsel for Petitioner

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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,

Respondent,

Civil Action No.: 5:26-cv-1157

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