UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

JONATHAN CELIS GUZMAN,

Petitioner,

v.

WARDEN, EDEN DETENTION CENTER, *et al.*,

Respondents.

No. 6:26-CV-00232-H

ORDER DENYING PETITIONER'S EMERGENCY MOTION AND REQUIRING RESPONDENTS TO SHOW CAUSE

Petitioner Jonathan Celis Guzman filed a pro se emergency motion for temporary restraining order (TRO) seeking, among other things, an order requiring the respondents to permit and facilitate his return to the United States pending the resolution of his appeal before the Board of Immigration Appeals (BIA). Dkt. No. 2. He also requests that the Court issue a show cause order requiring the government to respond to his petition for writ of habeas corpus and setting an expedited briefing schedule. *Id.* As explained below, the Court denies Petitioner's request for emergency injunctive relief but grants his request for a show cause order and expedited briefing.

1. Background

Petitioner asserts that he is a native and citizen of Mexico who entered the United States at eight years old and resided continuously here for more than twenty years, receiving the benefit of Deferred Action for Childhood Arrivals (DACA) for over ten years. Dkt. No. 1-1 at 3. He was placed in removal proceedings pursuant to a Notice to Appear issued August 21, 2025. A few days later, on August 24, 2025, he was detained by Immigration and Customs Enforcement (ICE) and housed at the Eden Detention Center. He applied for

asylum, withholding of removal, and protections under the Convention Against Torture. The Immigration Judge denied his applications for relief and entered an order of removal on November 14, 2025. Petitioner asserts that he timely filed a Notice of Appeal to the BIA, which automatically stayed the execution of his removal order. 8 C.F.R. § 1003.6. But although his appeal remains pending in the BIA, Petitioner was removed to Mexico.[1] He asserts that his removal was unlawfully executed before the resolution of his appeal in violation of his right to due process, and he seeks habeas and injunctive relief to cure the violation.

Petitioner is represented by counsel in his ongoing immigration proceedings, but he filed his habeas petition and motion for TRO in this Court pro se. However, Petitioner did not provide the Court with a valid address at which he may be reached. He lists his place of confinement as the Eden Detention Center, but his pleadings make it clear that he no longer resides there. His petition and motion were mailed from the law office of his immigration attorney in Florida, but she has not entered an appearance in this case, and it is clear from the pleadings that Petitioner intends to represent himself.

As an initial matter, the Court finds that Petitioner is required to provide the Court with his current mailing address. *See* Dkt. No. 4, N.D. Tex. Civ. R. 83.13, 83.14. Public access is limited in proceedings like this one that relate to immigration detention. *See* Fed. R. Civ. P. 5.2(c). The Court will not send notices or other correspondence about this restricted case to a third party who is not participating in this civil action. **As a result, the Court instructs Petitioner that if he intends to pursue his claims, he must provide his**

[1] The publicly available records confirm that an appeal was received in Petitioner's immigration case and briefing remains pending as of the date of this order. *See* https://acis.eoir.justice.gov/en/caseInformation (last visited June 12, 2026).

current contact information to the Court within 10 days of the date of this order. But because the Court has no way of reaching Petitioner other than through his immigration attorney at this juncture, the Court directs the Clerk to mail a copy of the Court's notice and instruction to pro se parties, Dkt. No. 4, and this order to Petitioner, c/o the Law Office of Maria Hernandez using the return address on the envelope in which the petition was received. *See* Dkt. No. 1-3. The Court will not send any further correspondence to that address unless Hernandez enters an appearance here. If Petitioner fails to provide valid contact information, the Court may dismiss this civil action for want of prosecution without further notice.

2. Legal Standard for Injunctive Relief

Federal Rule of Civil Procedure 65 authorizes courts to issue temporary restraining orders and injunctions. A temporary restraining order, or TRO, is "simply a highly accelerated and temporary form of preliminary injunctive relief." *Hassani v. Napolitano*, No. 3:09-CV-1201, 2009 WL 2044596, at *1 (N.D. Tex. July 15, 2009). Thus, the party seeking a TRO or preliminary injunction must satisfy the same four-factor standard for preliminary injunctive relief. *Greer's Ranch Café v. Guzman*, 540 F. Supp. 3d 638, 645 (N.D. Tex. 2021). The party seeking relief must show (1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable harm; (3) the balance of hardships weighs in the movant's favor; and (4) issuing the injunction will not disserve the public interest. *Daniels Health Scis., LLC v. Vascular Health Scis., LLC*, 710 F.3d 579, 582 (5th Cir. 2013).

A TRO, like any injunction, is an "extraordinary remedy." *Lewis v. S.S. Baune*, 534 F.2d 1115, 1121 (5th Cir. 1976). "The decision to grant [such relief] 'is to be treated as the exception rather than the rule.'" *Jones v. Bush*, 122 F. Supp. 2d 713, 718 (N.D. Tex. 2000)

(quoting *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985)). To prevail, the movant "must satisfy a cumulative burden of proving each of the four elements" for injunctive relief. *Clark v. Prichard*, 812 F.2d 991, 993 (5th Cir. 1987). "Otherwise stated, if a party fails to meet *any* of the four requirements, the court cannot grant the TRO or preliminary injunction." *Speed v. America's Wholesale Lender*, No. 3:14-CV-3425, 2014 WL 4755485, at *1 (N.D. Tex. Sept. 24, 2014) (emphasis in original).

Moreover, a federal court may issue a temporary restraining order without notice to the adverse party only if "specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A).

3. Analysis

First, Petitioner seeks relief on an emergency basis, but he has not met the requirements for emergency relief. He did not include a declaration made under penalty of perjury, nor did he allege specific facts that clearly show a threat of immediate and irreparable injury. Thus, he is not entitled to relief without giving the respondent the opportunity to be heard.

Next, Petitioner's request for TRO must be denied because it improperly seeks the same ultimate relief as his petition. "The purpose of a preliminary injunction is to preserve the *status quo* and prevent irreparable injury until the court renders a decision on the merits." *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 WL 486610, at *4 (5th Cir. Feb. 17, 2022); *See also Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers*, 415 U.S. 423, 439 (1974) (explaining that the purpose of a TRO is to "preserv[e] the status quo and prevent[] irreparable harm just so long as is necessary to hold a hearing, and no longer").

Thus, the Court cannot give Petitioner "the ultimate relief requested" in the form of a preliminary injunction or TRO; it can "only preserve the *status quo*." *Ramirez Rios v. Noem*, 3:25-CV-522, 2025 WL 3220095, at *1 (W.D. Tex. Nov. 7, 2025).

Petitioner's motion requests the same relief sought in his habeas petition. *See* Dkt. No. 1. In both pleadings, he requests a declaration that the execution of his removal was unlawful and an order compelling the Department of Homeland Security to facilitate his return to the United States. *See* Dkt. No. 1 at 7; Dkt. No. 2 at 26. Because the preliminary relief sought in the motion improperly seeks the same ultimate relief requested in the petition, the motion must be denied.

Finally, Petitioner has failed to show a substantial likelihood of success on the merits because he has not demonstrated that the Court has jurisdiction over his claims. A petitioner may seek habeas relief under 28 U.S.C. § 2241 if he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c). Habeas exists solely to "grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose." *Pierre v. United States*, 525 F.2d 933, 935–36 (5th Cir. 1976). "Simply stated, habeas is not available to review questions unrelated to the cause of detention." *Id.* at 935. Thus, to invoke the protections of Section 2241, the first showing that a petitioner must make is that he is *in custody*. 28 U.S.C. § 2241(c); *see Maleng v. Cook*, 490 U.S. 488, 490 (1989); *see also Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (explaining that the "in custody" determination is made when the petition is filed). And a noncitizen who has been removed from the United States generally does not satisfy the custody requirement for habeas jurisdiction. *Merlan v. Holder*, 667 F.3d 538, 539 (5th Cir. 2011).

Moreover, because habeas is "at its core a remedy for unlawful executive detention,"

it follows that the relief available in a habeas context is limited to accelerated release. *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 119 (2020) (quoting *Munaf v. Geren*, 553 U.S. 674, 693 (2008)). In other words, claims that do not necessarily lead to speedier release from confinement may not be brought in a habeas context. *See Carson v. Johnson*, 112 F.3d 818, 820 (5th Cir. 1997); *Skinner v. Switzer*, 562 U.S. 521, 535 n.13 (2011). "Except in [limited circumstances], habeas corpus is a writ for getting people out (of custody), not getting in (to the United States)." *Dearinger v. Ashcroft*, 32 F. App'x 950 (9th Cir. 2002).

Here, Petitioner filed his habeas petition after his removal to Mexico. He was not in physical custody when he filed the petition, and he does not seek release. Instead, he appears to seek an order compelling his prior custodian to return him to detention. Thus, on its face, the petition presents claims "far outside the core of habeas." *Thuraissigiam*, 591 U.S. at 119. Because Petitioner does not challenge any detention and does not seek any form of release, he has not demonstrated a substantial likelihood on the merits of his petition. Thus, the Court denies the motion for TRO because he has not met the required elements.

The Court acknowledges, however, that some courts recognize a narrow and rarely used exception to the jurisdictional custody requirement. *See, e.g., Singh v. Waters*, 87 F.3d 346, 349 (9th Cir. 1996) (finding that the petitioner's unlawful removal in violation of stay order and after interfering with the right to counsel constituted extreme circumstances warranting a finding of constructive custody); *Gutierrez v. Gonzales*, 125 F. App'x 406, 416 (3rd Cir. 2005) (finding constructive custody after removal where a petitioner had been detained based on an error of law by the relevant government agency, he had asked his attorney to appeal the legally erroneous decision while he was in custody, and the attorney

failed to file a habeas petition but made affirmative misrepresentations that he had done so); *but see I.M. v. United Staes Customs and Border Protection*, 67 F.4th 436, 444 (D.C. Cir. 2023) (rejecting the "extreme-circumstances exception" altogether because it has "no statutory basis . . . [and c]reating exceptions to jurisdictional rules is a job for Congress, not the courts").

The Fifth Circuit has recognized two potential scenarios in which a removed noncitizen may establish constructive custody for purposes of habeas jurisdiction: (1) if the petitioner's deportation was the result of "extreme circumstances," or (2) if the petitioner can show that he is subject to "restraints" in the country of removal "not experienced by other non-citizens who lack the documentation to enter the United States." *Merlan*, 667 F.3d at 539. But there is "scant authority" describing the sort of extreme circumstances that could allow for an exceptional finding of jurisdiction. *Mendez v. Prendes*, 2012 WL 1212893035, at *2 (N.D. Tex. Jan. 20, 2012) (finding that the petitioner's sudden transfer and removal before he could speak with counsel did not amount to extreme circumstances). And notably, the Fifth Circuit has never applied either potential exception.

Petitioner's pro se petition asserts that DHS unlawfully executed his removal despite his timely and still-pending appeal in violation of the automatic stay provision in 8 C.F.R. 1003.6. Although he is not in physical custody, the Court lacks sufficient information to determine whether the circumstances of his removal support an exceptional finding of constructive custody. Under these circumstances, and out of an abundance of caution, the Court finds that additional briefing would be helpful. Thus, the Court grants Petitioner's request for issuance of a show cause order and expedited briefing.

4. Order to Show Cause, Notice, and Instructions to Parties

After careful review, the Court now orders the following:

Respondent's Answer: Respondents are directed to file an expedited answer to Petitioner's petition **within 14 days** from the date of this order. *See* 28 U.S.C. § 2243. All applicable issues must be raised in the answer, but Respondents are specifically instructed to address whether Petitioner's removal was the result of extreme circumstances warranting an exceptional finding of constructive custody and whether the Court has jurisdiction to grant the relief sought. *See Merlan*, 667 F.3d at 539. No extensions will be granted absent a showing of good cause.

Respondents must mail a copy of the answer, together with a copy of any supporting brief filed therewith, to Petitioner at the address provided by Petitioner or to his attorney of record, if any. Respondent must file a certificate with the Clerk evidencing such service.

Records: Respondent must file with the answer all records relevant to the resolution of the petitioner's habeas petition.

Petitioner's Response: Petitioner may file a response to Respondent's answer within 14 days from the date shown on Respondent's certificate of service. Petitioner's response must be limited to the arguments raised by Respondents and shall not include any new allegations of fact or new grounds for relief. Petitioner must mail a copy of any response to counsel for Respondents and must file a certificate with the Clerk evidencing such service.

Service of Petition and Order: Copies of all pleadings, motions, and orders will be served electronically upon the United States Attorney for the Northern District of Texas, pursuant to Fed. R. Civ. P. 5(b)(2)(E) and by prior agreement of the Office of the United

States Attorney, Northern District of Texas. The Clerk shall mail a copy of this order to Petitioner as instructed above.

So ordered on June 12, 2026.

James Wesley Hendrix
United States District Judge