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

FILED
SEP 23 2026
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: _____
DEPUTY CLERK

**ARIANNY CAROLINA VILLALOBOS CHAPARRO,**
**A#** [redacted]
**Petitioner,**

**v.**

SA26CV6102 XR

**WARDEN / FACILITY ADMINISTRATOR, DILLEY IMMIGRATION PROCESSING CENTER;**
**FIELD OFFICE DIRECTOR, ICE ERO, SAN ANTONIO FIELD OFFICE;**
**ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);**
**MARKWAYNE MULLIN, Secretary of Homeland Security;**
**ATTORNEY GENERAL OF THE UNITED STATES,**
**Respondents.**

**Case No.** _____

## EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

## EMERGENCY RELIEF REQUESTED- PETITIONER FACES REMOVAL AND FURTHER TRANSFER

Pursuant to Federal Rule of Civil Procedure 65, Petitioner moves on an emergency basis for a temporary restraining order and an order to show cause. Petitioner states:

1. Limited relief requested. In this motion Petitioner does not ask the Court to order her release or to order a bond hearing. She asks the Court to preserve the status quo and to require Respondents to explain themselves. The requested order would (a) bar her removal from the United States while this case is pending; (b) bar any further transfer without seventy-two hours' notice; and (c) require a sworn response within seventy-two hours identifying the legal basis for

her custody and the reasons for her transfer to this District.

2. Likelihood of Success on the Merits, or at Minimum, Serious Questions Going to the Merits. Ground One presents a constitutional question that this Circuit itself has deemed substantial enough to warrant rehearing en banc: whether the Due Process Clause requires an individualized custody hearing once detention under 8 U.S.C. § 1225(b)(2) becomes prolonged. That precise question is now pending before the Court of Appeals in *Sosnava-Rodriguez v. Ortega*, with en banc argument scheduled for September 2026. On July 2, 2026, a panel of that court answered the question in favor of detainees situated as Petitioner is. The opinion was vacated, but only by operation of the order granting rehearing en banc — not on any determination that the panel's reasoning was unsound. Vacatur under these circumstances does not diminish the seriousness of the question presented; if anything, it confirms that the question is unsettled, consequential, and squarely open in this Circuit.

3. Petitioner need not establish that he will prevail. He needs only raise serious questions going to the merits. A question important enough to command the full court's attention necessarily satisfies that standard.

4. Meanwhile, Petitioner has been detained since July 7, 2026 — for over sixty-nine days — without a custody hearing of any kind before any neutral decisionmaker. Whatever the en banc court ultimately holds, the deprivation continues each day the question remains unanswered, and Petitioner bears that cost in the interim.

5. Ground Two raises another serious question that does not require resolving the statutory dispute: Petitioner has never been given written notice of the legal basis for her detention, and the record of her 2021 encounter with immigration officers has never been produced. A habeas court is entitled to know why the Executive is holding a person.

6. Irreparable harm -removal. Petitioner's appeal has been pending before the Board of Immigration Appeals since October 16, 2025. If she is removed while that appeal is pending, the appeal may be deemed withdrawn, and the immigration judge's decision would become final as though it had never been appealed. That warning appears on the Board's own Filing Receipt in her case. Removal would also moot this petition entirely.

7. Petitioner has declared under oath that in [redacted] Venezuela, [redacted]

[redacted] Removal would return her to that country before any court has finally resolved her case. See Exhibit 21.

8. Irreparable harm - further transfer. Petitioners have already been transferred once, without notice, while a habeas petition was pending. That transfers left her unable to receive mail from the court where her case is pending. A second unannounced transfer would repeat that harm and could also defeat this Court's jurisdiction.

9. Irreparable harm -continued detention and family separation. Every day of confinement that the law does not authorize is a loss of liberty that cannot afterward be undone. Petitioner's eight-year-old son, who has a diagnosed disability, has been separated from his only parent since July 7, 2026.

10. Balance of equities and public interest. When the Government is a party, these factors merge. Nken v. Holder, 556 U.S. 418, 435 (2009). Respondents have no legitimate interest in removing a person whose administrative appeal is pending, or in moving a habeas petitioner without giving notice to the court. The relief requested releases no one, does not interfere with removal proceedings. and does not decide the asylum application. It preserves the Court's ability to resolve the case.

11. Certification under Rule 65(b)(l)(B). Immediate and i lTeparable ha l l l l will occur before Respondents can be heard in opposition. Petitioners have already been transferred once without notice while a case was pending. She is detained, indigent. unrepresented in this proceeding. and has limited access to mail, telephone, and legal materials. Copies are being served on Respondents and on the United States Attorney for this District by mail.

12. Bond. Petitioner requests that bond be waived under Ruic 65(c) in view of her indigence and the fact that Respondents are the United States and its officers.

Respectfully submitted this 14th day of September 2026.

Arianny Villalobos

**Arianny Carola Villalobos Chaparro,**
**Petitioner, prose A#** [redacted]
**Dilley Immigration Processing Center 300 El Rancho Way, Dilley, TX 78017**

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

**ARIANNY CAROLINA VILLALOBOS CHAPARRO, A#** [redacted]
**Petitioner,**

**v.**

SA26CV6102 XR

**WARDEN/ FACILITY ADMINISTRATOR, DILLEY IMMIGRATION PROCESSING CENTER;**
**FIELD OFFICE DIRECTOR, ICE ERO, SAN ANTONIO FIELD OFFICE;**
**ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);**
**MARKWAYNE MULLIN, Secretary of Homeland Security;**
**ATTORNEY GENERAL OF THE UNITED STATES,**
**Respondents.**

**Case No.** _____

**DECLARATION OF ARIANNY CAROLINA VILLALOBOS CHAPARRO**

I, Arianny Carolina Villalobos Chaparro, declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, as follows:

I. I am the Petitioner in this action. I make this declaration from my own personal knowledge.

2. I was born on [redacted] 1990 in [redacted] Venezuela. I am a citizen of Venezuela. My Alien Registration Number is [redacted]

3. I am the mother of [redacted] born on [redacted] He is eight years old and he was diagnosed with ADHD. I am his only parent and his only caregiver. He is with a relative now because I am detained.

4. On September 13, 2021 I atTived near Eagle Pass, Texas, carrying my three-year-old son. I did not hide from anyone. I walked up to the immigration officers, told them who I was,

and asked for protection. They took us in, processed us, and released us the next day with papers for the immigration court.

5. I have never been given any paper telling me under what law ICE is holding me now. I have never seen the papers they made when I turned myself in at the border in 2021.

6. Since 2021 I have lived in Florida. I have gone to every immigration court hearing. I have never missed one.

7. I applied for asylum. The judge denied it. My lawyer appealed to the Board of Immigration Appeals on October 16, 2025 and we paid $1,010. That appeal is still waiting. No one has told me that it has been decided.

8. I have never been anested for a crime, never charged with a crime, and never convicted of a crime, anywhere.

9. In Venezuela I was a dentist. In Florida I became a Registered Dental Assistant and I worked and paid taxes. My licensing exam was on July 10, 2026. I could not take it because they detained me on July 7, 2026.

10. For months before July 2026, my former partner was threatening and harassing me: phone calls, text messages, and then he damaged my car. He scratched it in several places, broke the mirror on the right side, and damaged the windshield wipers.

11. On July 7, 2026 I went alone to the Bradenton Police Department to report him and to ask for protection. No one made me go. At the station the officers asked me for identification, checked my imniigration information, and placed me in immigration custody right there. They did not charge me with any crime. I walked in to ask for help and I did not walk out.

12. They took me to the Flagler County Jail in Bunnell, Florida.

13. My lawyer asked more than once for a bond hearing for me. I have never had one. No immigration judge has reviewed whether I should be released. It has been almost two months.

14. On July 23, 2026 I filed a habeas corpus petition in the federal court in Jacksonville,

Florida. At that time I was at the Flagler County Jail. That case is Number 3:26-cv-01874-MMH-PDB. No one has told me that it has been decided.

15. Some time later, without telling me in advance and without telling that court, they took me out of Florida to the Dilley Immigration Processing Center in Dilley, Texas. I did not ask to be moved. I did not agree. No one explained to me why.

16. I have had no disciplinary problems. I do not know anyone in Texas. Everything I have is in Florida: my son, my job, my church, my friends, my doctors, my case.

17. Because the Florida court sends its mail to the Flagler County Jail, I have not received anything from that court since they moved me. I do not know whether any deadline has passed for me.

18. I am filing this petition here because they are holding me in Texas now and I am afraid that, if I do nothing here and the Florida court ;ays it cannot help me because they moved me, I will be left with no court at all.

19. I am afraid to go back to Venezuela. [redacted]

20. If I am released I will comply with e,ery condition the Court or ICE imposes on me. I will go to every hearing. I will report whenever I am told to. I only want to be with my son while my case is decided.

I declare under penalty of pe1jury that the foregoing is true and correct.

**Arianny Carola Villalobos Chaparro, Petitioner, prose**
**A# [redacted] Dilley Immigration Processing Center**
**300 El Rancho Way, Dilley, TX 78017**

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

**ARIANNY CAROLINA VILLALOBOS CHAPARRO,**
**A#** [redacted]
**Petitioner,**

**v.**

SA26CV6102XR

**WARDEN/ FACILITY ADMINISTRATOR, DILLEY IMMIGRATION PROCESSING CENTER;**
**FIELD OFFICE DIRECTOR, ICE ERO, SAN ANTONIO FIELD OFFICE;**
**ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE);**
**MARKWAYNE MULLIN, Secretary of Homeland Security;**
**ATTORNEY GENERAL OF THE UNITED STATES,**
**Respondents.**

**Case No.** _____

## [PROPOSED] ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER

Before the Court is Petitioner's Emergency Motion for Temporary Restraining Order and Order to Show Cause. Having considered the Motion and the record, the Court finds that the Motion raises serious questions on the merits, that Petitioner faces irreparable harm if relief is not granted, that the balance of equities favors Petitioner, and that relief is not adverse to the public interest.

IT IS ORDERED:

1. SHOW CAUSE. Within seventy-two (72) hours of this Order, Respondents shall file a

sworn response stating: (a) the legal provision under which Petitioner is detained; (b) whether she has been served with any written custody determination and, if so, a copy of it; (c) the date on which Petitioner was transfe1Ted to this District and the reasons for that transfer; and (d) producing the record of Petitioner's encounter with immigration officers in September 2021, including any Form 1-213, Forni 1-862, Forni 1-94, and any document reflecting parole, release on recognizance, or supervision.

2. NO REMOVAL. Respondents, and all persons acting 111 concert with them, are TEMPORARILY RESTRAINED from removing Petitioner from the United States while this Order is in effect, absent further order of this Court.

3. NO TRANSFER WITHOUT NOTICE. Respondents shall not transfer Petitioner to any facility outside this District without giving no less than seventy-two (72) hours' written notice to this Court and to Petitioner.

4. RELATED ACTION. The Clerk of Court shall note the pendency of Villalobos Chaparro v. Warden, Flagler County Jail, et al., No. 3:26-cv-0 1 874-MMH-PDB (M.D. Fla.). Respondents shall state in their response whether they contend that court lacks jurisdiction or retains it.

5. BOND. Bond is WAIVED under Federal Rule of Civil Procedure 65(c).

6. DURATION. This Order takes effect immediately and expires fourteen ( 14) days arter issuance, unless extended. Rule 65(b)(2).

SIGNED this day of , 2026.

UNITED STATES DISTRICT JUDGE