IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

B.G.N.V., a minor, by and through his Next Friend, E.V.V.,

Petitioner,

v.

ROBERT F. KENNEDY, JR., in his official capacity as Secretary of Health and Human Services; ALEX J. ADAMS, in his official capacity as the Assistant Secretary for the Administration for Children and Families; ANGIE SALAZAR, in her official capacity as Acting Director of the Office of Refugee Resettlement; ROCHELL POLLARD, in her official capacity as the Regional Program Director of Children First Residential Care Gasmer; DAWNISHA HELLAND, in her official capacity as Deputy Director of the Unaccompanied Alien Children Bureau of the Office of Refugee Resettlement; KHALILAH RAINEY, in her official capacity as Division of Sponsor Administration Federal Field Specialist of Children First Residential Care Gasmer; ANA BABUDAR, in her official capacity as Division of Case Administration Federal Field Specialist of Children First Residential Care Gasmer; U.S. DEPARTMENT OF HOMELAND SECURITY; and U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

Civil Action No. 4:26-cv-08418

PETITIONER'S EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Petitioner respectfully requests a temporary restraining order and preliminary injunction directing Respondents to release him to his mother's custody while his petition for a writ of habeas corpus remains pending. At a minimum, the Court should order ORR to promptly issue a final decision on his mother's sponsorship application and prohibit his transfer to the U.S. Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE) until any administrative appeal or judicial review of an adverse decision is resolved.

As explained in the accompanying memorandum of law, BGNV satisfies each requirement for a temporary restraining order and preliminary injunction. He is likely to succeed on his statutory, APA, and due-process claims; he faces immediate and irreparable injury absent relief; the balance of hardships weighs decisively in his favor; and the requested relief serves the public interest. Releasing BGNV to his mother would restore the last uncontested status before this controversy arose: BGNV living in the care of the parent whose home ORR investigated and whom ORR approved as his sponsor before releasing him to her custody. BGNV therefore respectfully requests that the Court:

1) Order Respondents to release BGNV to his mother pending final resolution of this action; or, at a minimum,
2) Order the Office of Refugee Resettlement to promptly issue a final determination on the sponsorship application submitted by his mother, including a statement of reasons sufficient to permit administrative and judicial review; and
3) Prohibit Respondents from transferring BGNV to the custody of DHS or ICE, or to any other federal, state, or local detention facility, until any administrative appeal or judicial review of an adverse decision is resolved.

BGNV further requests that the Court waive the security requirement under Rule 65(c), consider this motion on an expedited basis so as to resolve the motion before [redacted], and grant any other relief as the Court deems just and proper. A supporting memorandum and proposed order accompany this motion.

Dated: September 29, 2026

Respectfully submitted,

By: /s/ *Alexa L. Sendukas*
Alexa L. Sendukas, *Attorney-in-Charge*
(SDTX Bar No. 2688022)
Maria Candil
GALVESTON-HOUSTON IMMIGRANT
REPRESENTATION PROJECT
P.O. Box 36329
Houston, TX 77263
(713) 561-3059
AlexaS@ghirp.org
MariaC@ghirp.org

Of Counsel:
Salvador M. Bezos (*pro hac vice* pending)
J.C. Rozendaal (*pro hac vice* pending)
Lauren A. Watt (*pro hac vice* pending)
Richard A. Crudo (*pro hac vice* pending)
STERNE, KESSLER, GOLDSTEIN
& FOX P.L.L.C.
1101 K St. NW, 10th Floor
Washington, DC 20005
(202) 371-2600
sbezos@sternekessler.com
jcrozendaal@sternekessler.com
lwatt@sternekessler.com
rcrudo@sternekessler.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served on all counsel of record on September 29, 2026, via the Court's CM/ECF system, and a courtesy copy will be served on the United States Attorney for the Southern District of Texas.

Dated: September 29, 2026

Respectfully submitted,

By: /s/ *Alexa L. Sendukas*
Alexa L. Sendukas, *Attorney-in-Charge*
(SDTX Bar No. 2688022)
Maria Candil
GALVESTON-HOUSTON IMMIGRANT
REPRESENTATION PROJECT
P.O. Box 36329
Houston, TX 77263
(713) 561-3059
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1101 K St. NW, 10th Floor
Washington, DC 20005
(202) 371-2600
sbezos@sternekessler.com
jcrozendaal@sternekessler.com
lwatt@sternekessler.com
rcrudo@sternekessler.com

Attorneys for Petitioner