

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**YARIMA GONZALEZ CRESPO**  
**IN REPRESENTATION OF**  
**ALBETO PIERRE**

**Petitioner,**

v.

**REBECCA GONZÁLEZ RAMOS, Special Agent in Charge of Homeland Security Investigations in San Juan; CALEB VITELLO, Senior Official Performing the Duties of the Director, United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of Homeland Security; and PAMELA BONDI, United States Attorney General, *in their official capacities,***

**No. 3:25-cv-01696**

**PETITION FOR A WRIT OF  
HABEAS CORPUS**

**Respondents.**

**EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER (TRO)**

**I. INTRODUCTION**

Petitioner seek an immediate TRO to enjoin Respondents from transferring him out of the District of Puerto Rico and to ensure his immediate release from ICE custody, pending the final Habeas Corpus hearing due to the irreparable harm that it would have on the Petitioner. For the reasons stated herein, the Court should grant the Motion for a Temporary Restraining Order.

**I. APPLICABLE LAW**

The standard for issuing a temporary restraining order is identical to the standard for issuing a preliminary injunction. A plaintiff seeking such relief must establish that he is likely to succeed on the merits, that [they are] likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, and that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

Where a petitioner raises “serious questions going to the merits” and the balance of hardships

“tips sharply” in their favor, a TRO may be issued, provided the other two *Winter* factors are also met. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131-32 (9th Cir. 2011).

## **II. DISCUSSION**

### **A. Petitioners Have Shown a Strong Likelihood of Success on the Merits.**

Petitioner has raised serious, substantial, and compelling questions regarding the legality of his detention.

**1. Administrative Procedure Act (APA) Claim:** Petitioner is likely to succeed in showing that his arrest and detention are the result of an arbitrary and capricious agency action. Respondents’ decision to detain Petitioner is an agency action that is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law, in violation of the APA, 5 U.S.C. § 706(2). The decision to detain is arbitrary because it fails to consider crucial factors, including Petitioners’ pending applications, his lack of a criminal record, his strong ties to the community, the profound and irreparable harm of separating him from his U.S. citizen children, and the availability of less restrictive alternatives to detention. The decision appears based on impermissible punitive motives rather than a reasonable application of statutory criteria. This demonstrates a strong likelihood of success on the APA claim.

**2. Fifth Amendment Due Process Claim:** Petitioner have demonstrated a strong likelihood of prevailing on his claim that his detention violates his Fifth Amendment rights.

- **Liberty Interest:** The detention appears arbitrary and punitive, serving no legitimate non-punitive purpose, as Petitioner is not a flight risk or danger.
- **Access to Counsel:** The right to counsel in immigration proceedings is rooted in the Fifth Amendment’s Due Process Clause. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990). Respondents have a policy, pattern, and practice at the detention facility in Puerto Rico of impeding detainees’ access to legal counsel. These impediments include, but are not limited to, turning away attorneys, failing to provide a means for confidential legal

consultations by phone, creating other unreasonable barriers to communication and even failing to provide proper documentation, like the Notice to Appear (NTA) in a timely manner.

- **Conditions of Confinement:** Civil detainees' conditions of confinement are unconstitutional if they "amount to punishment." *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). There are multiple findings of inhumane conditions of detention at immigration detention centers further strengthening Petitioner's due process claims.

### **B. Petitioner Has Established He Will Suffer Irreparable Harm.**

Absent a TRO, Petitioner will suffer multiple forms of immediate and irreparable harms.

First, the deprivation of a constitutional right, such as the right to due process and freedom from unlawful seizure, unquestionably constitutes irreparable injury. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). Every day of unlawful detention is a harm that cannot be remedied later.

Second, if Respondents transfer Petitioner outside of this judicial district, this Court could be divested of jurisdiction over his habeas petition, leaving him with no meaningful remedy. This risk is concrete and immediate.

Third, the continued detention of Petitioner results in the traumatic and ongoing separation of a family, inflicting profound and irreparable psychological harm upon Petitioner and his minor child (a US citizen) and his consensual partner who is six months pregnant. This is a substantial injury that monetary reparations cannot compensate.

### **C. The Balance of Hardships and the Public Interest Favor a Writ of Habeas Corpus.**

The balance of equities tips sharply in Petitioner's favor. The harm they face—loss of their constitutional rights, separation from their children, and denial of access to the courts—is catastrophic. In contrast, the harm to Respondents is minimal. The requested TRO merely requires them to maintain the status quo by keeping Petitioner in this district and allowing him to speak with his lawyers. The government is not harmed "in any legally cognizable sense by being enjoined from constitutional

violations.” *Zepeda v. INS*, 753 F.2d 719, 727 (9th Cir. 1983).

Finally, the public interest is overwhelmingly served by issuing the TRO. The public has a profound interest in upholding the Constitution, ensuring the executive branch acts within the limits of the APA, maintaining the integrity of the judicial process, and protecting the sanctity of the family unit.

**WHEREFORE**, the Petitioner requests from this Court an Order:

1. Granting Petitioners’ Emergency Motion for a Temporary Restraining Order.
2. **ENJOINED** Respondents—including their officers, agents, employees, attorneys, and all persons acting in concert with them—from transferring, relocating, or removing Petitioner from the District of Puerto Rico without further order of this Court.
3. Respondents shall provide Petitioners with meaningful access to their legal representatives. This includes, but is not limited to, permitting legal visitation, and providing access to confidential, unmonitored telephone calls with their attorneys and legal assistants at no cost to the Petitioners.
4. After finding a strong likelihood of success on the merits and that the balance of equities overwhelmingly favors Petitioners, **ORDERS** that no security shall be required under Federal Rule of Civil Procedure 65(c).
5. Order Respondents **TO SHOW CAUSE**, in writing, why a TRO should not be issued ordering the relief requested herein pending the final disposition of this action.
6. To **SET** a hearing on the writ of Habeas Corpus petition.
7. To issue an *ex-parte* Temporary Restraining Order, that shall remain in effect for fourteen (14) calendar days.

Respectfully submitted,

*s/ Fermín L. Arraiza-Navas*  
#215705 (US District Court Puerto Rico)

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Dated: December 29, 2025

### **VERIFICATION OF COUNSEL**

I, Fermín L. Arraiza Navas, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

Dated this 29 day of December, 2025.

s/Fermín L. Arraiza Navas  
Attorney Name