

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

Sebastian Diez Gomez v. Judge S. Maurice Hicks, Jr., Warden River
Correctional Center, et al.

Gomez · No. 26-0383 · Decided February 12, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Sebastian Diez Gomez’s motion for a temporary restraining order prohibiting his transfer during the pendency of his habeas petition. The court concluded that Gomez had not shown a substantial likelihood of success on the merits in light of the Fifth Circuit’s decision in Buenrostro-Mendez v. Bondi, and had not established a likely irreparable injury from a possible transfer.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	February 12, 2026
DOCKET	26-0383
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought a temporary restraining order prohibiting the government from transferring him outside the Western District of Louisiana while his habeas petition was pending.
STANDARD OF REVIEW	A temporary restraining order requires the movant to show a substantial likelihood of success on the merits, a substantial threat of irreparable injury, that the threatened injury outweighs harm to the opposing party, and that the injunction would not disserve the public interest. The decision whether to grant or deny a TRO lies within the district court's discretion.
PRECEDENTIAL VALUE	unpublished district court memorandum order
PARTIES	Sebastian Diez Gomez v. Judge S. Maurice Hicks, Jr., Warden River Correctional Center, et al.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Gomez was entitled to a temporary restraining order prohibiting his transfer outside the Western District of Louisiana while his habeas petition was pending.
2. Whether Gomez demonstrated a substantial likelihood of success on his habeas claim challenging detention without a bond hearing.
3. Whether Gomez demonstrated a substantial threat of irreparable injury from a possible transfer.

HOLDINGS

1. Gomez could not demonstrate a substantial likelihood of success because *Buenrostro-Mendez v. Bondi* held that noncitizens who are applicants for admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are not entitled to discretionary bond hearings under 8 U.S.C. § 1226(a)(2).
2. The motion for a temporary restraining order was denied because Gomez failed to establish the required likelihood of success on the merits and failed to show a sufficient likelihood of irreparable injury from a transfer.

KEY QUOTATIONS

“An applicant for a Temporary Restraining Order (“TRO”) must demonstrate each of the following: (1) a substantial likelihood his cause will succeed on the merits, (2) a substantial threat of irreparable injury if the injunction is not granted, (3) the threatened injury outweighs the threatened harm the injunction may do to the opposing party, and (4) granting the injunction will not disserve the public interest.” (at 521)

“Accordingly, IT IS ORDERED that Petitioner's Motion for Temporary Restraining Order (Prohibiting Transfer) (Record Document 2) is hereby DENIED.”

FACTUAL BACKGROUND

Sebastian Diez Gomez, a Colombian national, had been detained since May 27, 2025. He challenged his prolonged immigration detention without a meaningful custody review or bond hearing. He sought to prevent transfer outside the Western District of Louisiana while his habeas petition was pending, but he did not show a likelihood that a transfer would occur.

PROCEDURAL HISTORY

Sebastian Diez Gomez filed a habeas petition challenging his prolonged immigration detention without a bond hearing. The court deemed the habeas petition deficient. Gomez then moved for a temporary restraining order preventing his transfer during the pendency of the habeas case. The district court denied the motion.

DISPOSITION

other

CASES CITED

- *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353 F. Supp. 518, 521 (W.D. La. Nov. 16, 2018)
- *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)
- *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017)
- *Albright v. City of New Orleans*, 46 F. Supp. 2d 523, 532 (E.D. La. 1999)
- *Suburban Propane, L.P. v. D & S GCTX LLC*, 2025 WL 2429087, at *2 (W.D. Tex. 2025)
- *Anderson v. Jackson*, 556 F.3d 351, 355–56 (5th Cir. 2009)
- *Buenrostro-Mendez v. Bondi*, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- *Lotter v. Lyons*, 2025 WL 2946630, at *1 (W.D. Tex. Aug. 22, 2025)

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