

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

Jorge Antonio Lopez Valasquez v. Judge S. Maurice Hicks, Jr., Brian
Acuna, et al.

Lopez Valasquez · No. 1:26-0024 · Decided January 6, 2026

SUMMARY

The United States District Court for the Western District of Louisiana denied Jorge Antonio Lopez Valasquez’s motion for a temporary restraining order seeking to prevent his removal from the United States and transfer during the pendency of his habeas petition. The court concluded that the requested relief largely duplicated the habeas relief sought, and that the petitioner had not shown a sufficient likelihood of irreparable injury from a possible transfer.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	S. Maurice Hicks, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	January 6, 2026
DOCKET	1:26-0024
DISPOSITION	other
PROCEDURAL POSTURE	Habeas petitioner moved for a temporary restraining order prohibiting the government from removing him from the United States or transferring him outside the court's jurisdiction while his habeas petition was pending.
STANDARD OF REVIEW	A district court has discretion to grant or deny a temporary restraining order. The movant must establish a substantial likelihood of success on the merits, a substantial threat of irreparable injury, that the threatened injury outweighs the threatened harm to the opposing party, and that the injunction will not disserve the public interest.
PRECEDENTIAL VALUE	unpublished

TOPICS

immigration detention

federal habeas corpus

injunctions

removal proceedings

civil procedure

PRACTICE AREAS

immigration

federal habeas corpus

civil procedure

injunctions

QUESTIONS PRESENTED

1. Whether petitioner was entitled to a temporary restraining order preventing his removal from the United States during the pendency of his habeas petition.
2. Whether petitioner was entitled to injunctive relief preventing his transfer to another immigration detention facility.
3. Whether the requested temporary restraining order should be used to obtain immediate detention-related relief that substantially mirrored the relief sought in the habeas petition.

HOLDINGS

1. A party seeking a temporary restraining order must establish a substantial likelihood of success on the merits, a substantial threat of irreparable injury, that the threatened injury outweighs the threatened harm to the opposing party, and that the injunction will not disserve the public interest; petitioner failed to satisfy that standard.
2. A TRO should not be used to obtain immediate relief that mirrors the relief sought in the underlying habeas petition, effectively deciding the habeas petition before the ordinary habeas process proceeds.

KEY QUOTATIONS

“An applicant for a Temporary Restraining Order 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.”

“Seeking injunctive relief that mirrors the relief requested in the habeas petition is nothing more than a motion to decide the habeas petition now.”

“Mere speculation or conclusory allegations of an irreparable injury are insufficient to entitle a movant to injunctive relief.”

FACTUAL BACKGROUND

Jorge Antonio Lopez Valasquez was detained in immigration custody and sought enforcement of rights as a member of the Bond Denial Class. He requested release or a bond hearing and sought to prevent his removal from the United States and transfer to another facility while pursuing habeas relief. The court found that he had not shown a likelihood of transfer and treated the requested injunction concerning a detention hearing as substantially duplicative of the relief sought in the habeas petition.

PROCEDURAL HISTORY

Petitioner filed a habeas petition on January 5, 2026, seeking release from immigration custody or, alternatively, a bond hearing under 8 U.S.C. § 1226(a). He simultaneously moved for a temporary restraining order preventing his removal or transfer. The district court denied the TRO and directed that the habeas case proceed on an expedited briefing schedule after service on the respondents.

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)
- *Garcia-Aleman v. Thompson*, No. 5:25-CV-00886, ECF No. 20 (S.D. Tex. Oct. 30, 2025)
- *Lotter v. Lyons*, 2025 WL 2946630, at *1 (W.D. Tex. Aug. 22, 2025)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA ALEXANDRIA DIVISION JORGE ANTONIO LOPEZ VALASQUEZ CIVIL ACTION NO. 1:26-0024 VERSUS JUDGE S. MAURICE HICKS, JR. BRIAN ACUNA, ET AL. MAGISTRATE JUDGE WHITEHURST ORDER Before the Court is a Motion for Temporary Restraining Order (Record Document 2) filed by the habeas petitioner in this case, Jorge Antonio Lopez Valasquez (“Petitioner”).

On January 5, 2026, Petitioner filed his Habeas Petition (Record Document 1), followed by the instant Motion on the same day. The Habeas Petition seeks enforcement of his rights as a member of the Bond Denial Class, more specifically he asks the Court to order his release from immigration custody, or in the alternative, to order the Executive Office of Immigration Review (“EOIR”) to conduct a bond hearing under 8 U.S.C. § 1226(a).

See Record Document 1 at 3–4. The instant motion seeks a TRO enjoining the Department of Homeland Security (“DHS”) and all other Respondents from removing Petitioner from the United States and from transferring him out of the jurisdiction of this Court during the pendency of his Habeas Petition. See Record Document 2-1 at 7. An applicant for a Temporary Restraining Order 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.

See *Misquitta v. Warden Pine Prairie ICE Processing Center*, 353 F. Supp. 518, 521 (W.D. La. Nov. 16, 2018) (citing *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)). The decision of whether to grant or deny a TRO lies in the district court's discretion. See *Moore v. Brown*, 868 F.3d 398, 402 (5th Cir. 2017). And courts should deny such motions more often than not.

See *Albright v. City of New Orleans*, 46 F.Supp.2d 523, 532 (E.D. La. 1999) (explaining that temporary restraining orders are “extraordinary relief and rarely issued.”); see also *Suburban Propane, L.P. v. D & S GCTX LLC*, 2025 WL 2429087, at *2 (W.D. Tex. 2025) (holding that the extraordinary relief under Rule 65 must be “unequivocally show[n].”); see also *Anderson v. Jackson*, 556 F.3d 351, 355–56 (5th Cir.

2009) (“Only under ‘extraordinary circumstances’ will this court reverse the denial of a preliminary injunction.”). Petitioner seeks immediate relief in the form of an order prohibiting his removal or transfer so that he can challenge his immigration detention.

To the extent petitioner seeks to expedite a detention hearing, the Court considers this to be a shortcut around the habeas process. Seeking injunctive relief that mirrors the relief requested in the habeas petition is nothing more than a motion to decide the habeas petition now. See *Garcia-Aleman v. Thompson*, No. 5:25-CV-00886, ECF No. 20 (S.D. Tex. Oct. 30, 2025).

As for Petitioner's request that the government be prohibited from transferring him, “[m]ere speculation or conclusory allegations of an irreparable injury are insufficient to entitle a movant to injunctive relief.” *Lotter v. Lyons*, 2025 WL 2946630, at *1 (W.D. Tex. Aug. 22, 2025). Petitioner has failed to show a likelihood that he will be transferred to another facility, and the Court is reluctant to set a precedent that would interfere with the government's need to transfer any immigration detainee with a pending habeas petition.

The case will proceed on an expedited briefing schedule before Magistrate Judge Whitehurst when the Respondents have been served. Accordingly, IT IS ORDERED that Petitioner's Motion for Temporary Restraining Order (Record Document 2) is hereby DENIED. THUS DONE AND SIGNED, in Shreveport, Louisiana, this 6th day of January, 2026. ~_ §. MAURICE HICKS, JR. UNITED STATES DISTRICT JUDGE