

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

SABRINA AYLEN CARMONA  
SANCHEZ,

*Petitioner,*

v.

RAFAEL VERGARA, Warden of Adams  
County Correctional Center, *et al.*,

*Respondents.*

No.: 5:26-cv-46-DCB-BWR

**PETITIONER’S REPLY IN SUPPORT OF MOTION FOR TEMPORARY  
RESTRAINING ORDER**

Throughout this matter, Respondents have not only revealed a fundamental misunderstanding of how immigration law and the Constitution interact, but also demonstrated callous disregard for Petitioner Sabrina Carmona Sanchez’s dignity, safety, and liberty. That is precisely why emergency relief in the form of a temporary restraining order (TRO) requiring her release from detention is necessary here.

As outlined in her opening and supplemental briefs, Docs. 7, 11, Ms. Carmona Sanchez has established the four requirements for a TRO. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (to obtain a temporary restraining order, a petitioner “must establish that [1] [s]he is likely to succeed on the merits, [2] that [s]he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in [her] favor, and [4] that an injunction is in the public interest.”); *see also Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430, 435 (5th Cir. 1981). Notably, Respondents’ opposition to a TRO only addresses two of these requirements: likelihood of success on the merits and likelihood of irreparable harm absent relief.

See Doc. 14. As Ms. Carmona Sanchez’s prior briefing lays out and for the additional reasons set forth herein, she has shown a substantial likelihood of success on the merits and that she has already suffered and will continue to suffer irreparable harm as a result of her unlawful detention. And notwithstanding Respondents’ arguments to the contrary, a TRO granting release from detention is proper here even though the underlying habeas petition also requests release from detention.

**I. Ms. Carmona Sanchez Is Likely to Succeed on the Merits**

Ms. Carmona Sanchez has shown a likelihood of success on the merits of her habeas petition, notwithstanding the Fifth Circuit’s recent decision in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026).<sup>1</sup> As Ms. Carmona Sanchez explained at length in her supplemental brief, *Buenrostro-Mendez* involved only a statutory claim and did not address procedural due process claims like Ms. Carmona Sanchez’s at all. See Doc. 11 at 2–4. Indeed, since Ms. Carmona Sanchez filed her supplemental brief, even more courts, including within the Fifth Circuit, have granted habeas relief on procedural due process grounds to people in Ms. Carmona Sanchez’s posture. See, e.g., *Diallo v. Trump*, No. 1:25-cv-02012-JE-JPM (W.D. La. Mar. 5, 2026), ECF No. 73; see also Doc. 11 at 2–3 (citing other post-*Buenrostro-Mendez* opinions granting relief on due process grounds). In their opposition to a TRO, Respondents offer no argument against Ms. Carmona Sanchez’s procedural due process claim, focusing instead on her statutory claim alone. See Doc. 14. With no clearly articulated argument to the contrary and a significant weight of legal authority on her side, Ms. Carmona Sanchez has demonstrated a substantial likelihood of success on the merits of her procedural due process claim. To prevail on “a motion for a temporary restraining

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<sup>1</sup> A petition for en banc review is still anticipated in *Buenrostro-Mendez*, and the Fifth Circuit’s mandate will not issue until March 30, 2026. Order, *Buenrostro-Mendez v. Bondi*, No. 25-20496 (5th Cir. Mar. 2, 2026), ECF No. 231.

order, the moving party need only establish a likelihood of success on the merits on one claim where there are multiple claims at issue.” *Maldonado v. Noem*, No. 4:25-CV-2541, 2025 WL 1593133, at \*2 (S.D. Tex. June 5, 2025) (citing *Texas v. United States*, 86 F. Supp. 3d 591, 672 (S.D. Tex.), *aff’d*, 809 F.3d 134 (5th Cir. 2015), *as revised* (Nov. 25, 2015)). Ms. Carmona Sanchez has established a likelihood of success on her due process claim.

## **II. Ms. Carmona Sanchez Has Already Suffered and Will Continue to Suffer Irreparable Harm Due to Her Unlawful Detention**

Every day that Ms. Carmona Sanchez is unconstitutionally detained is, in and of itself, irreparable harm. Dozens of courts throughout the country, including within the Fifth Circuit, have granted habeas relief and issued temporary restraining orders or preliminary injunctions in recent months in cases with claims like Ms. Carmona Sanchez’s, easily concluding that unlawful detention without a bond hearing constitutes irreparable harm. *See, e.g., Kostak v. Trump*, No. 3:25-cv-1093, 2025 WL 2472136, at \*3 (W.D. La. Aug. 27, 2025); *Ortega-Aguirre v. Noem*, No. 4:25-cv-04332, 2025 WL 3684697, at \*4 (S.D. Tex. Oct. 10, 2025). Respondents do nothing to contend with this other than citing one Western District of Louisiana case involving someone who was apprehended at the border and never released from detention or given work authorization, unlike Ms. Carmona Sanchez, whose sudden loss of liberty without due process—years of freedom and work authorization in the United States, blessed by Respondents—is significantly different. Doc. 14 at 5 (citing *Kum v. Ross*, No. 6:25-CV-00451, 2025 WL 3113646, at 2 (W.D. La. Oct. 22, 2025), *R&R adopted*, 2025 WL 3113644 (W.D. La. Nov. 6, 2025)). Moreover, that case, which was notably litigated by a *pro se* petitioner, says nothing about “irreparable harm.” *See generally Kum*, 2025 WL 3113646.

Additionally, Ms. Carmona Sanchez has already suffered and will continue to suffer irreparable harms flowing from her unlawful detention: she is being denied access to medically

necessary hormone replacement therapy she was prescribed prior to detention; she is suffering verbal harassment and intimidation from the detained men in her dorm; and she is at obvious risk of physical and sexual violence as a feminine-presenting woman in a men’s detention facility where she is forced to use the open restroom and, until recently, the shower in the dormitory with minimal privacy protections. *See* Exhibit 1, Declaration of Sabrina Carmona Sanchez ¶¶ 6–7, 9. Respondents do not contest that Ms. Carmona Sanchez is not receiving her prescribed medication; they do not contest that her identification from Ecuador reflects her sex as female, they do not contest that she is housed in a men’s detention center; and they do not contest that she is required to change clothes and use the restroom in a public area with men. At most, their declarant, William M. Sanders, Assistant Field Office Director, states that there is no documentation in Ms. Carmona Sanchez’s file that she expressed “any concerns about being housed with male individuals” during an assessment that took place one day after her arrival at Adams. Doc. 14-1 ¶ 8. Not only do Respondents callously dismiss the clear risk of harm Ms. Carmona Sanchez faces daily in their custody, they do not even extend her the basic dignity of referring to her with female pronouns.<sup>2</sup> The constitutional injury Ms. Carmona Sanchez experiences every day she remains in detention is enough to constitute irreparable harm *per se*; the heightened safety risks, medical neglect, and dignitary harms she faces as a woman in a men’s facility further compound the harm.

And even though—as Respondents have noted several times now—this is not a civil action directly challenging Ms. Carmona Sanchez’s conditions of confinement, her conditions of confinement and the irreparable harms flowing therefrom are equities properly considered by this Court in ruling on her TRO motion. *See Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1154 n.5 (D.

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<sup>2</sup> Respondents use the pronouns he, him, and his to refer to Ms. Carmona Sanchez approximately 40 times in their eight-page opposition brief. *See* Doc. 14.

Minn. 2025) (finding that information about the conditions of confinement “support [the petitioners’] claim of irreparable harm” for injunctive relief); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036–37 (N.D. Cal. 2025) (finding that in addition to deprivation of liberty, the economic and health harms that the petitioner would suffer from unlawful redetention would be irreparable); *Peregrino Guevara v. Witte*, No. 6:20-CV-01200, 2020 WL 6940814, at \*8–9 (W.D. La. Nov. 17, 2020), *R&R adopted*, 2020 WL 6929700 (W.D. La. Nov. 24, 2020) (granting TRO in habeas and concluding that “due to [petitioner’s] chronic kidney illness, there is a significant and heightened risk that he experiences severe illness should he contract Covid-19”).

Respondents claim the “Fifth Circuit also pronounced that conditions of confinement claims, like this one . . . ‘do not warrant release.’” Doc. 14 at 7 (quoting *Nogales v. Dep’t of Homeland Sec.*, 524 F. Supp. 3d 538, 543 (N.D. Tex. 2021), *aff’d*, No. 21-10236, 2022 WL 851738 (5th Cir. Mar. 22, 2022)). Respondents, however, quote the *district court* opinion in *Nogales*, not the Fifth Circuit affirmance. More importantly, *Nogales* involved a *substantive* due process challenge to immigration detention based on the habeas petitioner’s risk of contracting COVID-19. That case directly challenged conditions of confinement through habeas. *Nogales*, 2022 WL 851738, at \*1. Here, Ms. Carmona Sanchez has two claims: a statutory claim and a *procedural* due process claim challenging Respondents’ authority to detain her without affording her any process whatsoever. *See generally* Doc. 1. Those claims have nothing to do with her conditions of confinement. Her conditions of confinement are only relevant because while she awaits relief on these claims, she is suffering irreparable harm in the detention she should never have been subjected to in the first place.

### III. Emergency Relief Is Necessary and Appropriate Here

The relief requested in Ms. Carmona Sanchez’s TRO motion is not duplicative of her ultimate prayer for relief, notwithstanding Respondents’ suggestion otherwise. *See* Doc. 14 at 7–8. Ms. Carmona Sanchez seeks only temporary relief: restoration of the status quo ante—her freedom—while the Court determines whether, and under what circumstances, she may be detained. *See* Fed. R. Civ. P. 65(b)(2). Such relief is necessary “to protect the [Petitioner] from irreparable injury and to preserve the district court’s power to render a meaningful decision after a trial on the merits.” *Canal Auth. of Fla. v. Callaway*, 489 F.2d 567, 572 (5th Cir. 1974).

Other courts considering habeas claims like Ms. Carmona Sanchez’s routinely issue TROs or preliminary injunctions<sup>3</sup> requiring release or a bond hearing when the balance of equities so requires. *See, e.g., Kostak*, 2025 WL 2472136, at \*4 (ordering either a bond hearing or “release[] until it has been determined” that the petitioner should be detained); *Ortega-Aguirre*, 2025 WL 3684697, at \*4; *Abuelhawa v. Noem*, No. 4:25-cv-04128, 2025 WL 2937692, at \*1, \*12 (S.D. Tex. Oct. 16, 2025) (granting PI and ordering immediate release of petitioner who had been on an OSUP since 2010 “without incident”); *Guerra Leon v. Noem*, No. 3:25-cv-01495, 2025 WL 4113562, at \*4 (W.D. La. Oct. 30, 2025) (ordering immediate release pursuant to a motion for TRO and PI); *Martinez v. Trump*, No. 25-CV-1445, 2025 WL 3124847, at \*3 (W.D. La. Oct. 22, 2025) (ordering release via the ability to post bond in a TRO).

Certainly, Ms. Carmona Sanchez would not object to the Court ruling on her underlying habeas petition expeditiously and finding her TRO motion to be moot, as the courts did in several of the cases Respondents cite. Doc. 14 at 7–8 (citing *Garcia-Aleman v. Thompson*, No. SA-25-

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<sup>3</sup> Ms. Carmona Sanchez would not object to the Court’s converting her TRO motion to a motion for a preliminary injunction given that Respondents have now responded to it.

CV-00886-OLG-HJB, 2025 WL 3769302 (W.D. Tex. Oct. 30, 2025) (denying TRO and preliminary injunction motion filed one day prior); *Garcia-Aleman v. Thompson*, No. SA-25-CV-886-OLG (HJB), 2025 WL 3534806 (W.D. Tex. Nov. 24, 2025), *R&R adopted*, No. SA-25-CV-00886-OLG, 2025 WL 3532179 (W.D. Tex. Dec. 9, 2025) (noting petition filed on July 22, issuing R&R to grant petition in part on November 24 (less than one month after TRO motion filed), and R&R adopted on December 9); *see also* Doc. 14 at 7–8 (citing *Jimenez v. Decker*, No. 21-cv-880 (VSB), 2021 WL 826752, at \*1, 11 (S.D.N.Y. Mar. 3, 2021) (granting habeas petition one month and two days after it was filed and denying as moot motion for preliminary injunctive relief)). But in lieu of any guarantee of such an expeditious timeline and in light of the irreparable harm Ms. Carmona Sanchez faces each day in detention, she seeks and has met the requirements for emergency relief.

**CONCLUSION**

For the reasons set forth herein and in Ms. Carmona Sanchez’s Motion for a Temporary Restraining Order and accompanying Memorandum of Law, Docs. 6 & 7, and Supplemental Brief, Doc. 11, the Court should grant a temporary restraining order requiring Respondents to immediately release Ms. Carmona Sanchez from their custody.

Dated: March 13, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on today's date, I filed a copy of the foregoing document along with any attachments using the court's CM/ECF system, which will cause notice to be served electronically to all parties whose counsel has entered an appearance.

s/ C.J. Sandley

*Counsel for Petitioner*