

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HECTOR FRANCISCO PONCE GARCIA,

Petitioner,

v.

PAMELA BONDI, et al.

Respondents.

Civil Action No. 26-00200

ORDER

January 12, 2026

SEMPER, District Judge.

THIS MATTER comes before the Court on the motion of Petitioner Hector Francisco Ponce Garcia (“Petitioner”), pursuant to Federal Rule of Civil Procedure 65(b), for a Temporary Restraining Order against Respondents Pamela Bondi in her official capacity as U.S. Attorney General; Kristi Noem, in her official capacity as Secretary of the U.S. Department of Homeland Security; Todd Lyons in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; John Tsoukaris in his official capacity as Newark Field Office Director, Immigration and Customs Enforcement (“ICE”) Eric Rokosky, Warden, Elizabeth Contract Detention Facility, Newark Field Office; (collectively “Respondents”). The Court has considered Petitioner’s Petition for a Writ of Habeas Corpus (ECF No. 1), and the Motion for a Temporary Restraining Order, and all papers submitted in support thereof.

THE COURT FINDS as follows:

Petitioner, a national of Honduras, has been detained by Respondents at the Elizabeth Contract Detention Facility in New Jersey since January 1, 2026. (ECF No. 1 ¶ 1.) After previously being removed to Honduras, Petitioner re-entered the United States and currently has an order of removal which has been reinstated under 8 U.S.C. § 1231(a)(5). (*Id.* ¶ 3.) On February 9, 2018, Petitioner was found to have a reasonable fear of future persecution if returned to Honduras. (*Id.* ¶ 5.) In May 2018, Petitioner was granted bond by an Immigration Judge (IJ), and was released from ICE custody. (*Id.* ¶ 6.) He has resided in the United States since then, and has three children, two of which are United States born, and another who is in lawful status. (*Id.*)

On or about June 30, 2025, an IJ denied Petitioner's applications for withholding of removal. (*Id.* ¶ 7.) Petitioner timely appealed the IJ decision to the Board of Immigration Appeals (BIA). (*Id.* ¶ 8.) The appeal remains pending. (*Id.*) On January 1, 2026, Petitioner was arrested by ICE agents under 8 U.S.C. § 1225(b)(2)(A) (*Id.* ¶¶ 9—10.) Petitioner argues that § 1225(b)(2)(A) does not apply to individuals who previously entered and are now residing in the United States. (*Id.* ¶ 10.) Rather, § 1226(a) applies. (*Id.*)

The Court is satisfied that absent immediate injunctive relief, Petitioner faces a continuing risk of irreparable harm, including detention without statutory authority and interference with his ability to pursue relief. *See Ex parte Endo*, 323 U.S. 283, 304-05 (1944) (recognizing a habeas court's power to issue injunctions to maintain the *status quo ante* and protect the petitioner's ability to pursue judicial review).

The Court further finds that Petitioner's counsel has certified the efforts made to provide notice to Respondents and the reasons why notice should not be required prior to the issuance of temporary injunctive relief. (ECF No. 3.) The balance of equities favors Petitioner, and the public

interest is served by ensuring detention is exercised only in accordance with law. *See Endo*, 323 U.S. at 304-305.

NOW, THEREFORE, on this 12th day of January 2026; it is hereby

ORDERED that Petitioner's request for a temporary restraining order is **GRANTED**; and it is

FURTHER ORDERED that Respondents are **ENJOINED** from removing Petitioner from the District of New Jersey during the pendency of Petitioner's Petition for a Writ of Habeas Corpus, absent further Order of this Court; and it is

FURTHER ORDERED that Petitioner shall serve a copy of this Order and the Petition upon Respondents within two (2) business days of entry of this Order and shall promptly file proof of service on the docket.

SO ORDERED.

/s/ Jamel K. Semper
Hon. Jamel K. Semper
United States District Judge