

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

NURBOLOT MISIRBEKOV,

Petitioner,

v.

FRANK VENEGAS, et al.,

Respondents.

Case No. 25-cv-168

**MOTION FOR TEMPORARY
RESTRAINING ORDER**

COMES NOW Plaintiff Nurbolot Misirbekov, through counsel, and pursuant to Fed. R. Civ. P. 65 respectfully requests that this Court enter a temporary restraining order to preserve the status quo in this matter pending a hearing on his Verified Petition for Habeas Corpus (ECF No. 1).¹

Mr. Misirbekov is a political refugee from Kyrgyzstan who has been granted withholding of removal by an immigration judge, meaning he cannot legally be deported to Kyrgyzstan. He has filed for habeas relief because Respondents have detained him for more than six months after the immigration judge's order became final and his detention has now become unconstitutionally prolonged under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

¹ Pursuant to L.R. 7.1(D), a copy of this Motion and the accompanying Memorandum of Law were emailed to counsel for Respondents at USATXS.CivilNotice@usdoj.gov and daniel.hu@usdoj.gov before filing; however, due to the time-sensitive nature of the relief sought and the possibility that Respondents could simply rush Mr. Misirbekov onto a plane and remove him to a random third country, counsel was unable to wait for a response before filing. However, counsel believes that Respondents will oppose this motion.

As set forth in the accompanying Memorandum of Law, Mr. Misirbekov has reason to fear that, before this Court can determine the merits of his Petition, Respondents may try to hurriedly deport him to a random third country where his life or safety could be threatened, or that such third country (which would not be bound by the U.S. immigration court's order) would return him to Kyrgyzstan, where he stands to face politically-motivated imprisonment and torture.

In support of this Motion, Mr. Misirbekov relies upon the accompanying Memorandum and his Verified Petition and its exhibits. Pursuant to the Local Rules, a proposed order is also filed herewith. Mr. Misirbekov respectfully requests the Court grant this motion and issue a temporary restraining order as soon as possible, to preserve the status quo and this Court's jurisdiction over his petition.

Dated: August 1, 2025

Respectfully submitted,

/s/ James D. Jenkins

James D. Jenkins (attorney-in-charge)

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 1st day of August, 2025, and that a true copy of the foregoing was served pursuant to Fed. R. Civ. P. 4(i) via certified United States mail, sent this 1st day of August, 2025 to the Respondents at the following addresses, and a courtesy copy was sent via electronic mail to the U.S. Attorney's Office for the Southern District of Texas at USATXS.CivilNotice@usdoj.gov and daniel.hu@usdoj.gov

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/s/ James D. Jenkins
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