

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 TO EXTEND TEMPORARY
RESTRANDING ORDER**

COMES NOW Plaintiff Nurbolot Misirbekov, through counsel, and pursuant to Fed. R. Civ. P. 65(b)(2) respectfully requests that this Court extend the Temporary Restraining Order previously entered on August 1, 2025 (Dkt. 5) to preserve the status quo in this matter pending a hearing on his Verified Petition for Habeas Corpus (Dkt. 1). In support thereof, he respectfully suggests the following:

1. On August 1, 2025, Mr. Misirbekov filed this habeas action, alleging his prolonged detention has become unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001) and detailing his concern that he will be removed without notice or process to an undesignated third country before this Court can consider his petition..

2. That same day, this Court entered a temporary restraining order, finding that "Petitioner is likely to be successful on the merits of his habeas corpus petition," and enjoining his removal outside this Court's jurisdiction until Friday, August 15, 2025 at 5 p.m. Central time. (Dkt. 5 at 2-3).

3. Counsel served the Court's order and all other pleadings on Respondents via email and received a response confirming receipt. *See* Dkt. 6 (certificate of service). A copy of the emails is available upon request.

4. To date, Respondents have not entered an appearance in this matter or filed a response to the petition.

5. Counsel understands based on communication with counsel for Respondents that they will be seeking an extension of time in which to respond to Mr. Misirbekov's habeas petition. Such an extension, if granted, would leave Mr. Misirbekov unprotected and at risk of removal without notice or process once the TRO expires tomorrow at 5 p.m.

6. In order to preserve the status quo and allow for the orderly administration of this case and the preservation of this Court's jurisdiction, Mr. Misirbekov respectfully requests that the TRO previously entered by this Court be extended until August 29, 2025, at 5 p.m. Central time. This should allow adequate time for Respondents' response and for Petitioner to reply if necessary.

7. Pursuant to Fed. R. Civ. P. 65(b)(2), a temporary restraining "order expires at the time after entry—not to exceed 14 days—that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record."

8. The undersigned counsel emailed counsel for Respondents yesterday, August 13, 2025, regarding this matter but to date has not yet received a response as to Respondents' consent or opposition.

9. A proposed order is attached.

Dated: August 14, 2025

Respectfully submitted,

/s/ James D. Jenkins

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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 14th day of August, 2025, and that a true copy of the foregoing was sent via electronic mail to counsel for Respondents, Lander Baiamonte, and the U.S. Attorney's Office for the Southern District of Texas at USATXS.CivilNotice@usdoj.gov and Lander.Baiamonte@usdoj.gov.

/s/ James D. Jenkins

Attorney for Petitioner