

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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Martin Berchie,

Case No.: 25-CV-3197

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Petitioner

v.

**PETITIONER'S EMERGENCY  
MOTION FOR TEMPORARY  
RESTRAINING ORDER UNDER  
FRCP 65(b) AND PRELIMINARY  
INJUNCTION UNDER FRCP 65(a)**

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Peter Berg, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; Joel Brott, Sherburne County Sheriff.

**EXPEDITED HANDLING  
REQUESTED**

Respondents.

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**PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY INJUNCTION WITH EXPEDITED HANDLING**

Mr. Martin Berchie ("Petitioner"), pursuant to 28 U.S.C. § 2241, the Fifth Amendment of the United States Constitution, 8 U.S.C. §§ 1101 *et seq.* ("the INA"), 5 U.S.C. §§ 702 *et. seq.* (the "APA"), Rule 65(a)-(b) of the Federal Rules of Civil Procedure, 28 U.S.C. § 1657 with reference to 28 U.S.C. Ch. 153, and 28 U.S.C. § 1651 ("All Writs Act") moves the Court for entry of a Temporary Restraining Order and Preliminary Injunction enjoining Respondents, and all persons acting on Respondents' behalf, from

continuing to infringe on Petitioner's constitutional rights by continuing to detain Petitioner, or taking any other related enforcement action against Petitioner.

Petitioner moves the Court to temporarily enjoin Respondents from attempting to move Petitioner from the State of Minnesota during this petition.

Petitioner moves the Court to order Respondents to provide 72-hour notice of any intended movement of Berchie pending the adjudication of Berchie's habeas corpus petition.

Petitioner moves the Court for an emergency preliminary order enjoining ICE, at a statewide level, from detaining certain aliens—*i.e.*, those who: (1) have already served 90 days or more in post-administratively-final-removal-order custody, (2) have already served 180 days or more in immigration custody (regardless of when the removal order issued or became final), and (3) have subsequently been released on an Order of Supervision after demonstrating there is no significant likelihood of removal in the reasonably foreseeable future—prior to actually obtaining a valid travel document for the individual, potentially to be made permanent after further briefing and a hearing that complies with Fed. R. Civ. P. 65(a).

Petitioner is concurrently filing an accompanying Memorandum of Law that fully sets forth the reasons this Motion must be granted.

The moving party does not intend at this time to present witness testimony at an evidentiary hearing, as it is believed this matter can be disposed of most efficiently on the papers.

WHEREFORE, Petitioner prays that this Court grant his request for a temporary restraining order and preliminary injunction.

DATED: August 11, 2025

Respectfully submitted,

**RATKOWSKI LAW PLLC**

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