

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

Francisco Javier Tiburcio Garcia,

Petitioner,

v.

Pamela Bondi, Attorney General;

0:25-cv-03219-JMB-DTS

Kristi Noem, Secretary, U.S. Department of
Homeland Security;

Department of Homeland Security;

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

Immigration and Customs Enforcement,

Sirce Owen, Acting Director for Executive
Office for Immigration Review,

Executive Office for Immigration Review,

Peter Berg, Director, Ft. Snelling Field Office
Immigration and Customs Enforcement;

and,

Joel L. Brott, Sheriff of Sherburne County.

Respondents.

**EMERGENCY MOTION
FOR TEMPORARY
RESTRANING ORDER
AND PRELIMINARY
INJUNCTION**

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

For the reasons set forth in the accompanying memorandum, Petitioner Francisco Javier Tiburcio Garcia hereby moves under Fed. R. Civ. P. 65 on an immediate and emergency basis for a Temporary Restraining Order ordering Respondents to provide Petitioner with a bond hearing in accordance with 8 U.S.C. § 1226(a) within 7 days and to prohibit them from moving him outside of the geographic boundaries of the Federal District of Minnesota for the duration of these proceedings.

Petitioner is a Mexican national who has resided in the United States for well over ten years. On July 25, 2025, Respondents took Petitioner into custody in Owatonna, Minnesota. He requested bond on August 3, 2025. Petitioner attended a bond redetermination hearing on August 5, 2025, but was denied when the Immigration Judge disclaimed jurisdiction to hear his case, stating that he was an applicant for admission detained under 8 U.S.C. § 1225(b)(2)(A).

These decisions were wrong as a matter of law as they mischaracterize the scope of the detention authority at 8 U.S.C. § 1225(b)(2)(A) and fail to recognize that Petitioner can only be detained pursuant to 8 U.S.C. § 1226(a) under the facts of this case.

Plaintiff hereby motions as follows:

1. Pursuant to Fed. R. Civ. P. 65, Plaintiff seeks an Emergency Temporary Restraining Order temporarily enjoining Respondents from moving Petitioner

outside of the geographic boundaries of the District of Minnesota for the duration of this matter.

2. Pursuant to Fed. R. Civ. P. 65, Plaintiff seeks an Emergency Temporary Restraining Order requiring that Respondents provide Petitioner with a bond hearing in accordance with 8 U.S.C. § 1226(a)(2)(A) within 7 days.

WHEREFORE, Plaintiff respectfully requests this Court:

- A. Grant this Motion for Temporary Restraining Order; and,
- B. Grant such other and further relief as justice may require.

Respectfully submitted,

/s/ David L. Wilson

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August 13, 2025

Date

/s/ Cameron Giebink

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