

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

Wuilmer Omar Ferrera Bejarano,

Petitioner,

v.

Pamela Bondi, Attorney General,

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,

Eric Tollefson, Sheriff of Kandiyohi County.

Respondents.

Civil Case No.

0:25-cv-03236 (NEB/JFD)

**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 Wuilmer Omar Ferrera Bejarano hereby moves under Fed. R. Civ. P. 65 on an immediate and emergency basis for a Temporary Restraining Order ordering Respondents to immediately allow Petitioner to pay his bond pursuant to the Immigration Judge's order granting bond in accordance with 8 U.S.C. § 1226(a) 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 Honduran national who has resided in the United States since around 2018. On July 8, 2025, Respondents took Petitioner into custody in Rapid City, South Dakota. On July 29, 2025, Respondents transferred Petitioner to the Kandiyohi County Jail in Willmar, Minnesota, where he remains. He requested bond on July 29, 2025. Petitioner attended a bond redetermination hearing on August 7, 2025, and was granted a bond in the amount of \$20,000.00. DHS subsequently filed a boilerplate Form EOIR-43, pursuant to its own *ultra vires* regulation at 8 C.F.R. § 1003.19(i)(2), unilaterally invoking an “automatic stay” of the immigration judge’s order that Ferrera Bejarano be released from ICE custody on bond.

Petitioner’s continued detention under the automatic stay provision of 8 C.F.R. § 1003.19(i)(2) is unconstitutional and a violation of his due process rights.

Respondents' arguments that 8 U.S.C. § 1225(b)(2)(A) applies are 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.
2. Pursuant to Fed. R. Civ. P. 65, Plaintiff seeks an Emergency Temporary Restraining Order enjoining the enforcement of the automatic stay provision during the pendency of this Court's consideration of this Petition for a Writ of Habeas Corpus.
3. Pursuant to Fed. R. Civ. P. 65, Plaintiff seeks an Emergency Temporary Restraining Order ordering Respondents to permit Petitioner to post the ordered bond and release him from custody forthwith.

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/ Gabriela Anderson

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