

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

Pedro Rodrigo Rodas Rodas,

Petitioner,

v.

Pamela Bondi, Attorney General,

0:25-cv-03432-JRT-LIB

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,

Samuel Olson, Director, St. Paul Field Office,  
Immigration and Customs Enforcement,

and,

Ryan Shea, Sheriff of Freeborn County.

Respondents.

**EMERGENCY MOTION  
FOR TEMPORARY  
RESTRAINING ORDER**

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

For the reasons set forth in the accompanying memorandum, Petitioner Pedro Rodrigo Rodas Rodas hereby moves 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 Guatemalan national who has resided in the United States since around December 14, 2018. On July 10, 2025, Respondents took Petitioner into custody in Blaine, Minnesota, and immediately transferred Petitioner to the Freeborn County Jail in Albert Lea, Minnesota, where he remains. Petitioner attended a bond redetermination hearing on July 30, 2025, and was granted a bond in the amount of \$1,500.00. 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 Rodas Rodas 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 *ultra vires* and unconstitutional as a violation of his due process rights. Respondents’ underlying arguments that 8 U.S.C. § 1225(b)(2)(A)

applies to Petitioner are also 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, but that is beyond the scope of the inquiry here given that the Immigration Judge set a bond and only the automatic stay prevents his release.

Plaintiff hereby moves as follows:

1. Petitioner seeks a Temporary Restraining Order enjoining Respondents from moving Petitioner outside of the geographic boundaries of the District of Minnesota.
2. Petitioner seeks a 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. Petitioner seeks a 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 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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September 1, 2025

Date

/s/ Gabriela Anderson

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/s/ Cameron Giebink

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