

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

Holger Euclides Tapuy Huatatoca,

Petitioner,

v.

Pamela Bondi, Attorney General,

0:25-cv-03433-PAM-JFD

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

**EMERGENCY MOTION
FOR TEMPORARY
RESTRAINING ORDER**

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,

Joel Brott, Sheriff of Sherburne County.

Respondents.

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

For the reasons set forth in the accompanying memorandum, Petitioner Holger Euclides Tapuy Huatatoca 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 the alternative 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 an Ecuadorian national who has resided in the United States since around April 11, 2023. He was previously released from custody on his own recognizance. On July 23, 2025, Respondents took Petitioner into custody in or near Burnsville, Minnesota, and immediately transferred Petitioner to the Sherburne County Jail in Elk River, Minnesota, where he remains. Petitioner attended a bond redetermination hearing on August 26, 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.

However, the Immigration Judge granted a bond in the amount of \$5,000.00 in the alternative if the immigration court has jurisdiction to redetermine Petitioner's bond.

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 ordering Respondents to permit Petitioner to post the bond ordered in the alternative 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 7, 2025

Date

/s/ Gabriela Anderson

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