

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAN ALBERTO GIMENEZ
GONZALEZ,

Petitioner,

v.

SAM OLSON Field Office Director of
Enforcement and Removal Operations,
Chicago Field Office, Immigration and
Customs Enforcement; KRISTI NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; PAMELA
BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; WARDEN DOE,
Warden of Broadview Processing Center

Respondents.

Case No. 1:25-cv-11073

Judge: John Robert Blakey

Magistrate Judge: Daniel P. McLaughlin

**PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER**

Pursuant to Federal Rule of Civil Procedure 65, Petitioner Willian Alberto Gimenez Gonzalez ("Petitioner" or "Mr. Gimenez Gonzalez"), through his attorney, requests that this Court grant him a temporary restraining order ordering Respondents to refrain from any transfer of the Petitioner outside of the jurisdiction of the United States and to refrain from any transfer of Petitioner from the facility in which he is presently being held. At present is detained at Northlake Correctional Facility, located at 1805 West 32nd St., Baldwin, Michigan, 49304. In support of this motion, Mr. Gimenez Gonzalez states as follows:

1. On September 14, 2025, Petitioner filed a Petition for Writ of Habeas Corpus, Civil Action No. 1:25-cv-11073. **See Exhibit A, Filed-Stamped Copy of Petition for Writ of Habeas Corpus.**
2. Respondent is an asylum seeker whose application for asylum was filed with U.S. Citizenship and Immigration Services (“USCIS”) on February 18, 2025.
3. Respondent was previously in immigration proceedings before the Memphis Immigration Court. Due to misinformation provided to Petitioner by a person at the Chicago Immigration Court, he arrived at the Chicago Immigration Court on April 23, 2024, intending to attend his hearing, which was occurring in Memphis.
4. As a result of his absence, he was ordered removed *in absentia*.
5. Petitioner subsequently filed a motion to reopen and rescind his order of removal on October 17, 2024. The Memphis Court granted this request and transferred his case to the Chicago Immigration Court, which scheduled a Master Calendar Hearing for July 7, 2026.
6. On September 12, 2025, at around 11:00AM, Petitioner was stopped by Immigration and Customs Enforcement (“ICE”) agents while with his wife outside a barbershop in Chicago’s Little Village neighborhood.
7. The officers stated his full name to him and asked him to confirm his identity, which he did. Upon confirmation, he was immediately taken into custody.
8. The ICE officers did not explain to Petitioner why he was being detained, nor does Petitioner’s attorney know the basis for his detention.

9. Petitioner's attorney spent a day searching for Petitioner, but personnel at Broadview Processing Center in Broadview, Illinois would not speak to him regarding whether his client was detained in the facility.
10. A day later, on September 13, 2025, members of Petitioner's Church, organizations, and elected officials gathered with members of the media present to protest Petitioner's detention and demand that his whereabouts be disclosed.¹
11. At that gathering, Petitioner's counsel publicly announced that he would file a petition for *habeas corpus* on Petitioner's behalf.
12. Near the end of the gathering, which was livestreamed by press and organizations, Petitioner's wife received a call from Petitioner, where he informed her that he was detained at the Broadview Processing Center.
13. Petitioner's counsel filed a petition for *habeas corpus* with this Court that same night, at 12:59 A.M. on September 14th, 2025.
14. At 7:38 A.M. on September 14th, 2025, Petitioner's wife contacted Petitioner's counsel to inform him that Petitioner was transferred from Broadview Processing Center in Broadview, Illinois to Northlake Correctional Facility in Baldwin, Michigan.
15. Following his transfer, the Executive Office for Immigration Review ("EOIR") also appears to have canceled Petitioner's scheduled July 7, 2026 hearing before the Chicago Immigration Court and fast-tracked a hearing before a Detroit-based

¹ Cindy Hernandez & Anna Savchenko, *Outside ICE facility in Broadview, calls for the release of a day laborer who accused cops of wrongdoing*, CHI. SUN TIMES (Sept. 13, 2025) <https://chicago.suntimes.com/news/2025/09/13/community-alleges-ice-targeted-day-laborer-demands-his-release>.

Immigration Judge. *See Exhibit B, Printout of Petitioner Gimenez Gonzalez's EOIR Automated Case Information Report (last accessed September 19, 2025 at 3:30 P.M.) (redacted to protect personal identifying information, Petitioner's A-number).*

16. Unless this Court intervenes, ICE may again move Mr. Gimenez Gonzalez to an even more remote location and away from his legal counsel and family. All of this before his counsel can ascertain the basis for the decision to detain him or make arguments before a court
17. Upon information and belief, ICE maintains a policy and practice of transferring noncitizen detainees to immigration detention centers located far from the geographical areas where they were initially apprehended. These transfers frequently occur without adequate notice to the detainee or legal counsel, and often result in significant barriers to legal representation, communication, and access to evidence. *See, e.g., Suri v. Trump*, No. 25-1560, 2025 WL 1806692, at *5–6 (4th Cir. July 1, 2025) (noting that the government did not contest the finding “that it used these tactics [of frequent transfers] to shop for a forum it perceived as more favorable and to make it difficult for [the petitioner’s] attorney to file a habeas petition on his behalf.”).
18. Upon information and belief, ICE routinely transfers individuals who have strong ties to Illinois—including those represented by legal counsel within the state—to detention facilities in distant jurisdictions.

19. Upon information and belief, such transfers are routinely carried out without individualized assessments of the detainee's circumstances or due process considerations.
20. Recent media reports have highlighted instances where ICE's transfer practices have disrupted legal representation and access to counsel. *See, e.g.,* Eric Levenson and Gloria Pazmino, *Why ICE Is Really Moving Detainees Over A Thousand Miles from Where They Were Arrested*, CNN, (Apr. 10, 2025), <https://www.cnn.com/2025/04/10/us/immigration-detainees-trump-ice-students-visa>; Alma Campos, *Where Do People Go After Ice Arrests Them?*, South Side Weekly (Mar. 13, 2025), <https://southsideweekly.com/where-do-people-go-after-ice-arrests-them/>.
21. It is "well established" that the Fifth Amendment's Due Process Clause protects detained noncitizens like Petitioner from unconstitutional deprivations of liberty when in deportation proceedings. *Demore v. Kim*, 538 U.S. 510, 523 (2003). The Supreme Court "repeatedly has recognized that civil commitment *for any purpose* constitutes a significant deprivation of liberty that requires due process protection." *Addington v. Texas*, 441 U.S. 418, 425 (1979) (emphasis added). Additionally, the Court has long held that civil detention is unconstitutional absent a sufficient justification and strong procedural protections. *See generally, e.g., Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80–83 (1992); *United States v. Salerno*, 481 U.S. 739 (1987); *Addington*, 441 U.S. at 425–27, 433; *Jackson v. Indiana*, 406 U.S. 715 (1972).

22. Absent a temporary restraining order, Mr. Gimenez Gonzalez will suffer irreparable harm.
23. Petitioner has no other remedy at law and cannot adequately pursue relief from detention or removal without first knowing the basis on which Respondents have detained him and the circumstances of his transfer.
24. Should ICE move Mr. Gimenez Gonzalez further away from counsel or outside of the jurisdiction of the United States, he will be unlawfully deprived the right to seek relief.
25. Further, as outlined and explained in his Petition for Writ of *Habeas Corpus* “[a]ny request by Petitioner for bond determination before EOIR would be futile.” See ECF No. 1 at ¶ 4. Because of this, Petitioner has no ability to challenge his unlawful detention absent intervention from this Court.
26. In this case, Petitioner’s irreparable injuries outweigh the threatened harm that a temporary restraining order may cause Respondents.
27. When the balance of harms favors the plaintiff, preliminary relief may be granted. WRIGHT, MILLER & KANE, FEDERAL PRACTICE AND PROCEDURE: CIVIL 2D § 2948.2, n. 5 and accompanying text (1995). The irreparable injury mentioned above demonstrates that the severe injury to Mr. Gimenez Gonzalez far outweighs any alleged policy or administrative harm that a temporary restraining order will cause Respondents.
28. The granting of this injunction will not disserve the public interest.
29. The vindication of fundamental constitutional rights, like the right to due process and to be free from unlawful government custody, is in the public interest. And the public

has an interest in governmental agencies being held accountable and in compliance with the constitution.

30. The circumstances of Petitioner's arrest also raise the prospect that his detention by immigration authorities is related to his public participation in a civil rights lawsuit, further implicating protected constitutional rights.
31. Jurisdictional questions concerning Mr. Gimenez Gonzalez's "immediate custodian" at the time of filing are unresolved. Courts examining this issue have noted that "to preserve the petitioner's access to the habeas corpus writ" the remedy "is the 'unknown custodian' exception, which encompasses situations where either the custodian or place of confinement, or both, are made unknown to petitioner or her attorney." *Rivera Zumba v. Bondi*, 25-cv-14626(KSH), 2025 WL 2476524, at *6 (D.N.J. Aug. 28, 2025) (citations omitted).
32. Relief through a bail hearing pending litigation of a *habeas* petition is appropriate where rapidly shifting policies concerning arrest and detention of immigrant petitioners have necessitated immediate, but prolonged assessment of the legality of confinement. *See Mahdawi v. Trump*, 136 F.4th 443, 448 (2nd Cir. 2025). (denying stay of district court's order for petitioner's release on bail where government's arguments were found to be unlikely to prevail and petitioner showed, "among other things, that [he] presented neither a flight risk nor a danger to his community or to others.")
33. Petitioner's attorney, Kevin L. Herrera, has informed the Civil Division of the U.S. Attorney's Office for the Northern District of Illinois-Eastern Division of the intent to file this request for a Temporary Restraining Order.

WHEREFORE, Petitioner prays that the Court grant his Motion for Temporary Restraining Order as soon as practicable, to enjoin Respondents, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them from any transfer out of Northlake Correctional Facility, located at 1805 West 32nd St., Baldwin, Michigan, 49304 to any other detention facility or outside the jurisdiction of the United States. Petitioner further prays that the Court Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or that this Court provide him a bail hearing pursuant to pending resolution of his petition for *habeas corpus* within fourteen days.

Dated: September 19, 2025

Respectfully submitted,

s/ Kevin Herrera
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Attorney for Petitioner

VERIFICATION OF COUNSEL

I, Kevin Herrera, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

s/ Kevin Herrera
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I, the undersigned attorney, Kevin L. Herrera, certify that I electronically filed the Plaintiff's Motion for Temporary Restraining Order with the Clerk of Court using the CM/ECF system on September 19, 2025. Pursuant to FED R. CIV. P. 5(b)(3) AND THE Northern District of Illinois LR 5.9. I have thereby electronically served all electronic filing users with a copy of the Plaintiff's Emergency Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241.

By: s/ Kevin L. Herrera

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