

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

MARIANO VENTURO GONZALEZ,)
)
 Petitioner,)

Case No. 1:25-cv-150-GNS

V.)

KRISTI NOEM, in her Official Capacity as)
Secretary, Department of Homeland Security;)

RESPONDENTS

TODD LYONS, in his Official Capacity as)
Acting Director, U.S. Immigration and)
Customs Enforcement;)

PAM BONDI, in her Official Capacity as)
Attorney General of the United States; and)

Mike Woodrum, in his Official Capacity as)
Grayson County Jailer)

Respondents.)
_____)

PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER

Petitioner, Mariano Venturo Gonzalez, by and through Counsel, is illegally detained in Casey County Detention Center. He is moving this court to grant this Temporary Restraining Order (TRO) to prevent Respondents from moving him from the facility temporarily for the adjudication of the Petition of Writ of Habeas Corpus filed on October 23, 2025. In support of this Motion, the Petitioner avers the following.

STATEMENT OF FACTS

Mr. Gonzalez is a native of Mexico. He is 57 years old. He has resided in Kentucky for over twenty (20) years. He has a minimal criminal record that is comprised of traffic violations.

Mr. Gonzalez was detained on October 18, 2025, on three (3) minor traffic violations. He was immediately released on his own recognizance. (Exhibit A). On the same day, Immigration Customs and Enforcement (ICE) purportedly executed a detainer on Mr. Gonzalez.

On October 23, 2025, Mr. Gonzalez filed this action to be released from custody. The fear Respondents would move Mr. Gonzalez from this facility to prevent the adjudication of this action potentially deeming it moot. This would result in the continued illegal detention of Mr. Gonzalez.

ARGUMENT

On a motion for a TRO, the movant, “must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” . *Summit County Democratic Cent. & Exec. Comm. v. Blackwell*, 388 F.3d 547, *Northeast Ohio Coalition for the Homeless v. Blackwell*, 467 F.3d 999. To succeed, Mr. Gonzalez must demonstrate that he is likely to suffer irreparable injury and that an injunction is in the public’s interest.

- I. Mr. Gonzalez is likely it succeeds on the merits of his argument that his detention is unlawful and that he is entitled to immediate release.

The applicable federal regulation does not leave room for interpretation, it does not permit detentions for more that 48 hours. It states, upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturday, Sundays and holidays. Mr. Gonzalez’s clock started ticking no later than Monday at 12:00am. We over 48 hours from that time frame.

The federal regulation does not permit detention for detainer to exceed 48 hours. Mr. Gonzalez is currently illegally detained. He will likely prevail on his claim, unless the Respondents remove him from the facility in an attempt to deem the issue moot.

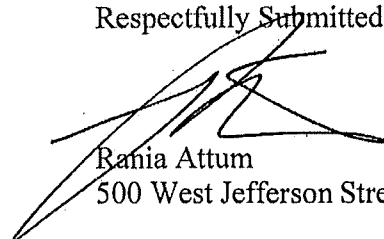
The failure to grant this TRO will result in irreparable harm to Mr. Gonzalez. The Respondents have illegally detained Mr. Gonzalez to effectively push him through the immigration deportation machine that has resulted from the combined efforts of the Department of Homeland Security and the Department of Justice. This machine is comprised of illegal detentions across the board. The failure of the Executive Office of Immigration Review to grant bond hearings, the failure of the Board of Immigration Appeal to uphold the law, and ultimately deportation. The Respondents' may argue this is the nature of "our" immigration system. The Respondent's may argue that this is the nature of "not following the law."

Counsel for the Petitioner would agree, that the Rule of Law and following the Rule of Law are vital to a functioning democracy. Therefore, they legally obliged respect Mr. Gonzalez's due process rights regardless of his immigration status. They have failed to release him in compliance with 8 CFR §287.7(d). He is currently illegally detained.

CONCLUSION

Mr. Gonzalez respectfully moves this court to grant his request for this temporary restraining order. He is likely to prevail on his claim of illegal detention, and he would suffer irreputable harm if this Court denied this request.

Respectfully Submitted,



Rania Attum
500 West Jefferson Street, Ste 1515

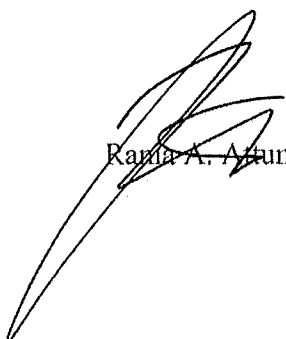
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Certificate of Service

A true and accurate copy of this motion was served by electronic service via CM/ECF
and first class mail as follows:

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Rania A. Attum