

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

KYAW KYAW,

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General;

KRISTI NOEM, Secretary, Department of
Homeland Security;

TODD LYONS, Director, Immigration and
Customs Enforcement;

SAM OLSON, Director of Enforcement and
Removal Operations, St. Paul Field Office,
Immigration and Customs Enforcement;

RYAN SHEA, Sheriff, Freeborn County,

Respondents.

Civil No.: 25-cv-4237-JWB-SGE

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

The Department of Homeland Security (“DHS”) has civilly incarcerated Kyaw Kyaw (“Petitioner” or “Mr. Kyaw”) for over nine months since he won a grant of relief in immigration court. DHS has not identified any country to which it is considering removing him. Thus, his removal is not reasonably foreseeable, and his detention lacks a legitimate government purpose, in violation of the Immigration and Nationality Act and the Constitution’s guarantee of due process. Meanwhile, DHS has recently established an unlawful policy allowing removals to alternative countries with as little as six hours’

notice, thereby denying noncitizens their right – protected by the Immigration and Nationality Act, the Convention Against Torture, and the Due Process Clause – to adequate notice and opportunity to be heard regarding third-country removal.

Pursuant to Federal Rule of Civil Procedure 65 and Mr. Kyaw's Petition for Writ of Habeas Corpus, Mr. Kyaw respectfully moves the Court to issue an immediate order requiring Respondents to release him and enjoining Respondents from removing him to a third country without adequate notice and an opportunity to be heard regarding removal to that country.

Mr. Kyaw refers the Court to the accompanying memorandum in support of this motion, as well as his petition for writ of habeas corpus and its associated exhibits.

Dated: November 6, 2025

Respectfully submitted,

s/ Mary Georgevich

Mary Georgevich (MN #0399950)
NATIONAL IMMIGRANT JUSTICE CENTER
111 W. Jackson Blvd., Suite 800
Chicago, IL 60604
312-660-1615
MGeorgevich@immigrantjustice.org

Counsel for Petitioner