

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

Bernardo Gabriel Borbor Mera,

Petitioner,

v.

Pamela Bondi, Attorney General,

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,

David Easterwood, Acting Director, St. Paul
Field Office Immigration and Customs
Enforcement,

and,

Ryan Shea, Sheriff of Freeborn County.

0:25-cv-04298-KMM-EMB

**EMERGENCY MOTION
FOR TEMPORARY
RESTRAINING ORDER**

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

For the reasons set forth in the accompanying memorandum, Petitioner Bernardo Gabriel Borbor Mera hereby moves immediate and emergency basis for a Temporary Restraining Order ordering Respondents to immediately release Petitioner and to prohibit them from moving him outside of the geographic boundaries of the Federal District of Minnesota and from re-detaining him for the duration of these proceedings.

Petitioner is an Ecuadorian national who has resided in the United States since January 1, 2025, after being paroled into the United States. Respondents issued Petitioner a Form I-94 valid through December 31, 2025. On April 11, 2025, Respondents sent a mass form email stating that parole was terminated within 7 days. Petitioner was a recipient of such an email. No reason was provided for the purported termination of his parole. On October 7, 2025, Respondents moved to dismiss Borbor Mera's removal proceedings with the intent of placing him in expedited removal proceedings. The immigration judge granted DHS's motion over Borbor Mera's objection. That day, Respondents took Petitioner into custody at the Fort Snelling Immigration Court and immediately transferred Petitioner to the Freeborn County Jail in Albert Lea, Minnesota, where he remains. The same day, Respondents placed Petitioner in expedited removal proceedings in violation of the stay issued in *CHIRLA v. Noem*, No. 25-5289, 2025 WL 2649100 (D.C. Cir.

Sept 12, 2025). On October 10, 2025, Respondent ICE filed and served a *new* Notice to Appear after Petitioner challenged Respondents' violation of the *CHIRLA v. Noem* order. Petitioner remains detained in ICE custody.

Petitioner's parole termination and continued detention are unconstitutional as a violation of his due process rights, the Immigration and Nationality Act, Respondents' own regulations, and the Administrative Procedure Act.

Petitioner 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 release Petitioner from custody forthwith.
3. Petitioner seeks a Temporary Restraining Order enjoining Respondents from re-detaining Petitioner during the pendency of this Court's consideration of this Petition for a Writ of Habeas Corpus.

WHEREFORE, Petitioner 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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November 13, 2025

Date

/s/ Gabriela Anderson

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