

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

Tina Violet Sengooba,)	
Petitioner)	
v.)	EMERGENCY MOTION FOR
Peter B. Berg, Director of St. Paul)	TEMPORARY RESTRAINING
Enforcement and Removal Operations,)	ORDER AND PRELIMINARY
Immigration and Customs Enforcement;)	INJUNCTION
Kristi Noem, Secretary of the Department)	
of Homeland Security; Pamela Bondi,)	
Attorney General of the United States;)	CASE No: 25-cv-04304-PAM-SGE
Matthew Akerson, Captain of Kandiyohi)	
County; and, Todd Lyons, Acting Director)	
for U.S. Immigration and Customs)	
Enforcement, in their official capacities.)	
Respondents)	

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

INTRODUCTION

Petitioner, Tina Sengooba, is a citizen and national of Uganda. She is a thirty-four-year-old female who remains unlawfully detained pursuant to 8 U.S.C. § 1225(b)(2), whereby she has not received an individualized bond hearing and the Respondents are yet to carry out the appropriate review of her detention pursuant to post-final order provisions of the INA. Ms. Sengooba was initially detained upon entry into the U.S. in 2025, given a credible fear interview, and placed into removal proceedings pursuant to 8 U.S.C. § 1230. Requesting bond was futile pursuant to *Matter of Yajure Hurtado* as the government had classified Ms. Sengooba as an arriving alien and continued to treat her that way despite her credible fear review being passed. Petitioner challenges the legality of her mandatory detention and requests a Temporary Restraining Order for her release from ICE custody, and to prohibit his transfer outside of Minnesota.

FACTS OF THE CASE

Ms. Sengooba entered the United States on February 21, 2025, and was detained after expressing a fear of persecution in Uganda due to her identity as a lesbian. She passed a credible-fear interview and was placed in removal proceedings.

She applied for asylum, withholding of removal, and protection under the Convention Against Torture. Following a full merits hearing on May 22, 2025, the Immigration Judge denied all relief and ordered her removed.

On October 22, 2025, the BIA dismissed her appeal, rendering the removal order final. Ms. Sengooba filed a timely petition for review with the Eighth Circuit, which remains pending. The court has not issued a stay, but ICE has made no progress toward effectuating removal.

Uganda's government has persecuted or refused to take LGBTQ+ nationals, and ICE has produced no evidence that her removal is likely in the reasonably foreseeable future. Accordingly, her continued detention is no longer reasonably related to its statutory purpose under § 241(a)(6) (or 236(a) should the stay be granted).

Ms. Sengooba's detention exceeds the six-month presumptive limit recognized in *Zadvydas*, 533 U.S. at 701. She suffers from anxiety and depression exacerbated by confinement. Her U.S. citizen relatives in Minnesota are willing to house and supervise her.

Requesting a bond hearing before the Immigration Judge would be futile, as EOIR lacks jurisdiction once the order of removal is final. *See* 8 C.F.R. § 1003.19(h)(2)(i)(B). Even in the alternative where proceedings remain open due to a Stay being issued by the Eighth

Circuit, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) also makes the request futile. Thus, only this Court can provide an effective remedy.

LEGAL ARGUMENT

Ms. Sengooba is challenging the constitutionality of the statutory framework by which the Respondents are detaining her without bond under 8 U.S.C. § 1225(b)(2). Petitioner asserts that because her expedited removal as an arriving alien was terminated and she was placed into INA § 240 proceedings, an individualized bond hearing should have been held, where due to her lack of risk to the community or flight risk, there is a strong likelihood she would have been released.

I. Motion for Temporary Restraining Order and Preliminary Injunctive Relief.

To obtain a temporary restraining order, a petitioner-plaintiff “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.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Piedmont Heights Civic Club, Inc. v. Moreland*, 637 F.2d 430 (5th Cir. 1981)). Under similar circumstances, courts have granted petitions for a writ of habeas corpus pursuant 28 U.S.C. § 2241 where, as here, the petitioner has been detained in the United States upon attempted entry and have been put into INA § 240 proceedings.

Another recent decision held that detention under 1225(b)(2)(A) amounts to detention in violation of the laws of the U.S. *Mugliza Castillo v. Lyons*, No. 2:25-cv- 16219 (D.N.J. filed Oct. 3, 2025) (Farbiarz, J.).

Ms. Sengooba is likely to succeed on the merits, especially given that ICE had been processing non-citizens in Ms. Sengooba’s same circumstance under § 1226(a) for decades.

Ms. Sengooba's detention is unlawful under § 1225(b)(2) and a textbook violation of her Due Process rights.

1. Ms. Sengooba will likely succeed on the merits.

Ms. Sengooba seeks her immediate release because she would have been unlawfully and unconstitutionally deemed ineligible for bond based on an erroneous finding that she is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). A plain reading of the statute makes clear that Ms. Sengooba, who had been initially detained in February 2025, cannot be detained under 8 U.S.C. § 1225(b)(2)(A), but rather, must be detained under § 1226(a).

In examining the relevant provisions of §§ 1225 and 1226, the Court considers “whether the language at issue has a plain and unambiguous meaning with regard to the particular dispute in the case.” *Robinson v. Shell Oil Co.*, 519 U.S. 337, 340 (1997). The Court’s “job is to interpret the words consistent with their ‘ordinary meaning . . . at the time Congress enacted the statute.’” *Wis. Cent. Ltd v. U.S.*, 585 U.S. 274, 277 (2018) (quoting *Perrin v. U.S.*, 444 U.S. 37, 42 (1979)); see also *New Prime Inc. v. Oliveira*, 586 U.S. 105, 113 (2019) (If courts could “freely invest old statutory terms with new meanings, we would risk amending legislation” and “upsetting reliance interests in the settled meaning of a statute”) (internal quotations and citations omitted). Of course, the words of a statute “cannot be construed in a vacuum. It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.” *Roberts v. Sea-Land Services, Inc.*, 566 U.S. 93, 101 (2012) (quoting *Davis v. Mich. Dep’t of Treasury*, 489 U.S. 803, 809 (1989)). In *Jennings v. Rodriguez*, the Supreme Court analyzed the interplay between Section 1225 and Section 1226. 583 U.S. 281

(2018). The Supreme Court noted that Section 1225(b) applies primarily to “aliens seeking entry into the United States.” *Jennings*, 583 U.S. at 297. The statute itself contemplates the termination of expedited removal proceedings, available to a Department of Homeland Security (“DHS”) Officer whereby an arriving alien is denied admission, whereby such removal would instead be replaced by 8 U.S.C. § 1230 (INA § 240) proceedings. *See* 8 C.F.R 208.30. This is an important crossover for an applicant for admission, no longer being able to be treated as an applicant for admission.

For non-citizens already present inside the United States, “Section 1226(a) creates a default rule for those aliens by permitting the Attorney General to release them on bond, ‘except as provided in subsection (c) of this section.’” *See Jennings*, 583 U.S. at 303.

A line must be drawn between how §§ 1225 and 1226 function when it comes to detention of noncitizens, and it is straightforward: detention authority under §1225 is exercised at or near the port of entry for those seeking admission, and detention authority under §1226 must be used when a non-citizen is no longer seeking admission or subject to expedited removal pursuant to 8 C.F.R 208.30. *See Martinez v. Hyde*, – F.Supp.3d –, 2025 WL 2084238 at *4 (D. Mass. July 24, 2025)(The line historically drawn between these two sections, making sense of their text and overall statutory scheme, is that section 1225 governs detention of non-citizens “seeking admission into the country,”).

Therefore, Ms. Sengooba should not have been treated to have been detained pursuant to §1225(b)(2).

2. Ms. Sengooba will Suffer Irreparable Harm

The harm that flows from the violation of Ms. Sengooba's constitutional rights is unquestionably irreparable. *See K.A. ex rel. Ayers v. Pocono Mountain Sch. Dist.*, 710 F.3d

99, 113 (3d Cir. 2013). The deprivation of an alien’s liberty is, in and of itself, irreparable harm. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Irreparable harm is virtually presumed in cases like this one where an individual is detained without due process. *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29, 2023). (“[B]efore the Government unilaterally takes away that which is sacred, it must provide a meaningful process.”).

3. Balance of the Equities and Public Interest

The “public interest is best served by ensuring the constitutional rights of persons within the United States are upheld.” *See Elrod v. Burns*, 427 U.S. As discussed above, the abrupt detention without bond of Ms. Sengooba likely violated federal law and his due process. “There is generally no public interest in the perpetuation of unlawful agency action,” and “there is a substantial public interest in having governmental agencies abide by the federal laws that govern their existence and operations.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016) (cleaned up).

Here, Ms. Sengooba’s continued detention without bond is in violation of her Fifth Amendment rights and far outweighs any burden the Respondents would suffer.

4. The Court Has Authority to Grant Ms. Sengooba’s Immediate Release Pending the Adjudication of Her Habeas Petition.

As a general matter, writs of habeas corpus are used to request release from custody. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). A habeas court has “the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted.” *See Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (noting that at “common-law habeas corpus was, above all, an adaptable remedy”). Release in this case is appropriate.

The Petitioner has been detained since February 21, 2025. Her family resides in Minnesota and in other parts of the United States and she is of no risk to the community. Having a Petition for Review pending before the Eighth Circuit vests her interests in continuing to return for immigration proceedings. Therefore, Petitioner argues that release from detention is the appropriate relief in this case. Alternatively, Petitioner respectfully asks that this Court prevent her transfer while the instant *habeas* pends.

CONCLUSION

For the foregoing reasons, the Court should grant the instant writ and order her immediate release from ICE custody and prevent the transfer or removal of the Petitioner from Minnesota.

Dated: November 12, 2025

Respectfully Submitted,

/s/ Hannah Brown
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