

FILED  
JAMES J. VILT JR., CLERK  
U.S. DISTRICT COURT  
W/D OF KENTUCKY  
Date: Nov 13, 2025

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION

GREGORIO MONTES RAMIREZ,

Petitioner,

v.

MIKE LEWIS, Jailer, Hopkins County Jail  
TODD M. LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
SANUEL OLSON Chicago Field Office  
Director for Detention and Removal  
Operations, Immigration & Customs  
Enforcement,  
KRISTI NOEM, Secretary, U.S. Department  
of Homeland Security;  
PAMELA BONDI, Attorney General of the  
United States,

Respondents.

CAUSE NO. 4:25CV-143-RGJ

PETITIONER'S MOTION FOR  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

**PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Petitioner Gregorio Montes Ramirez, by counsel, respectfully moves this Court under Fed. R. Civ. P. 65 for a temporary restraining order and preliminary injunction preventing Respondents and their agents from transferring him out of Hopkins County, Kentucky Jail during the pendency of this habeas proceeding.

INTRODUCTION

Petitioner has filed a habeas petition under 28 U.S.C. § 2241 challenging the legality of his detention. Unless enjoined, DHS may transfer him to another facility at any time, which would frustrate this Court's jurisdiction, impede counsel's access, and irreparably harm his ability to pursue habeas relief.

## LEGAL STANDARD

Rule 65 authorizes the Court to issue a TRO and PI where the movant shows:

1. A likelihood of success on the merits;
2. A likelihood of irreparable harm absent relief;
3. That the balance of equities tips in his favor; and
4. That the injunction is in the public interest.

*Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997).

## ARGUMENT

1. Petitioner is likely to succeed on the merits.

Courts across the country have found that DHS's attempt to detain long-term residents who entered without inspection under 8 U.S.C. § 1225(b)(2)(A) lacks support in the statute and contradicts the plain text of 8 U.S.C. § 1226(a). This Court has already rejected DHS's interpretation of mandatory detention in *Barrera v. Tindall*, No. 3:25-cv-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sep. 19, 2025) (holding that applying § 1225(b)(2) to interior arrests would not only disregard the statutory scheme and ignore the titles to each section, but it would also render § 1226(c)(1)(E)'s criminal-conduct criterion superfluous). In *Maldonado v. Olson*, the District of Minnesota held that DHS's new policy would "subject nearly every alien in the United States -- whether they are newly arrived at the border or have been living here for several years -- to mandatory detention," and reaffirmed that § 1226(a) is the default detention authority for noncitizens already present. No. 25-cv-2674, 2025 U.S. Dist. LEXIS 158321, at 28–32 (D. Minn. Aug. 15, 2025). Similarly, in *Lopez-Campos v. Raycraft*, the Eastern District of Michigan

enjoined DHS's use of § 1225(b)(2)(A), finding the agency's interpretation "not only wrong but also fundamentally unfair." No. 2:25-cv-12486, 2025 U.S. Dist. LEXIS 169423, at 17-21 (E.D. Mich. Aug. 29, 2025). In *Jimenez v. Kramer*, the District of Nebraska observed that DHS's charging document itself identified the respondent as "an alien present in the United States who has not been admitted or paroled," which aligned with detention under § 1226(a), not § 1225(b)(2). No. 8:25-cv-324, 2025 U.S. Dist. LEXIS 157245, at 6-7 (D. Neb. Aug. 14, 2025). Taken together, these rulings confirm that Petitioner's detention arises under § 1226(a), that the IJ has jurisdiction to set a bond in this case.

2. Petitioner faces irreparable harm absent relief.

Petitioner faces immediate and irreparable harm if Respondents are not enjoined from transferring him. His continued confinement already inflicts a constitutional injury that cannot be remedied through damages. The threat of transfer only magnifies this harm by severing access to his counsel, complicating the Court's jurisdiction over his custodian, and disrupting his ability to meaningfully pursue habeas relief. Courts have recognized that such disruptions to constitutional rights and judicial review constitute irreparable injuries. *See Gamez Lira v. Noem*, No. 1:25-cv-00855-WJ-KK, 2025 U.S. Dist. LEXIS 173818, at 7-8 (D.N.M. Sept. 5, 2025) (granting TRO where detention violated due process); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 U.S. Dist. LEXIS 171005, at 33 (D. Md. Aug. 24, 2025) (finding irreparable harm where DHS's automatic stay nullified a bond order). Because the harm to Petitioner's liberty and to this Court's ability to adjudicate his claims cannot be undone after the fact, immediate injunctive relief is warranted.

3. The balance of equities favors Petitioner.

The balance of equities overwhelmingly favors Petitioner. Absent an injunction, he faces ongoing unlawful detention and the added risk that DHS may transfer him to another facility, frustrating his access to counsel and undermining this Court's jurisdiction over his habeas petition. These are substantial injuries that cannot be undone once they occur. By contrast, Respondents will suffer no prejudice from maintaining Petitioner at Hopkins County Jail while this case proceeds. Courts have consistently recognized that the government has no legitimate interest in enforcing an unlawful detention regime or in transferring a detainee in a way that obstructs judicial review. *See Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 U.S. Dist. LEXIS 169423, at 21 (E.D. Mich. Aug. 29, 2025).

4. The public interest supports relief.

The public interest is best served by ensuring that detention authority is exercised within the limits Congress prescribed and that constitutional protections are observed. Allowing DHS to transfer Petitioner while his habeas petition is pending would undermine both principles by frustrating judicial review and impairing access to counsel. Courts addressing DHS's recent reliance on § 1225(b)(2)(A) have emphasized that the statute cannot be stretched to cover long-term residents apprehended inside the United States, and that enforcing such an interpretation would erode the careful framework Congress enacted. *See Maldonado v. Olson*, No. 25-cv-2674, 2025 U.S. Dist. LEXIS 158321, at 29 (D. Minn. Aug. 15, 2025). The public interest therefore favors an injunction preserving Petitioner's access to this Court and ensuring his detention complies with federal law.

RELIEF REQUESTED

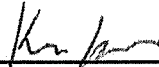
Petitioner respectfully requests that this Court:

1. Issue a temporary restraining order enjoining Respondents, their agents, and all persons acting in concert with them from transferring Petitioner Gregorio Montes Ramirez (A# XXXXXX102) out of Hopkins County Jail during the pendency of this case;
2. Convert the TRO to a preliminary injunction after appropriate briefing and hearing;
3. Grant such other relief as the Court deems just and proper.

#### VERIFICATION

Petitioner will submit a declaration and/or counsel affidavit establishing the facts supporting irreparable harm and urgency, as required by Rule 65(b)(1)(A).

Dated: November 13, 2025.



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*Attorney for Petitioner*

**COUNSEL AFFIDAVIT IN SUPPORT OF TEMPORARY RESTRAINING ORDER**

**AFFIDAVIT OF KRISTIN HOFFMAN**

I, Kristin Hoffman, being duly sworn, state as follows:

1. I am an attorney licensed in the State of Indiana and admitted to practice before the Sixth Circuit Court of Appeals, the Southern District of Indiana and the Northern District of Indiana. I have filed a Motion to Appear Pro Hac Vice before this Honorable Court. I represent Petitioner Gregorio Montes Ramirez in this habeas action.
2. Mr. Montes Ramirez is currently detained at Hopkins County Jail in Madisonville, KY, in the custody of Respondent Hopkins County Jailer, Mike Lewis, under the direction of the Department of Homeland Security and Immigration and Customs Enforcement.
3. On information and belief, DHS has authority to transfer Mr. Montes Ramirez at any time to another facility, including facilities outside of Indiana or Kentucky. Such a transfer would frustrate this Court's jurisdiction over the habeas petition, impede my ability to meet with and communicate with my client, and disrupt his ability to meaningfully pursue his claims.
4. Mr. Montes Ramirez is already suffering ongoing irreparable harm through his unlawful detention. If he is transferred while this habeas petition is pending, the resulting severance of attorney-client contact and interference with judicial review would compound that harm in ways that cannot be remedied after the fact.
5. Because Mr. Montes Ramirez remains in custody and I cannot promptly secure a sworn declaration from him, I submit this affidavit on his behalf to establish the facts supporting the need for emergency relief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 12, 2025



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