

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2025 DEC -2 PM 4:52

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

CLERK
AW
BY DEPUTY CLERK

ALEX ANDRES JAPON BENITES,)

Petitioner,)

v.)

Case No. 2:25-cv-00885-cr

VERMONT SUB-OFFICE DIRECTOR OF,)

IMMIGRATION AND CUSTOMS,)

ENFORCEMENT, ENFORCEMENT AND)

REMOVAL OPERATIONS; TODD M.)

LYONS, IN HIS OFFICIAL CAPACITY AS)

ACTING DIRECTOR, U.S. IMMIGRATION)

AND CUSTOMS ENFORCEMENT; KRISTI)

NOEM, IN HER OFFICIAL CAPACITY)

AS SECRETARY OF THE U.S.)

DEPARTMENT OF HOMELAND)

SECURITY; MARCO RUBIO, IN HIS)

OFFICIAL CAPACITY AS SECRETARY)

OF STATE; PAMELA BONDI, IN HER)

OFFICIAL CAPACITY AS U.S. ATTORNEY)

GENERAL; GREG HALE, IN HIS OFFICIAL)

CAPACITY AS SUPERINTENDENT OF)

NORTHWEST STATE CORRECTIONAL)

FACILITY; and DAVID WESLING, IN HIS)

OFFICIAL CAPACITY AS ACTING)

BOSTON FIELD OFFICE DIRECTOR,)

IMMIGRATION AND CUSTOMS)

ENFORCEMENT, ENFORCEMENT AND)

REMOVAL OPERATIONS)

Respondents.)

AMENDED ORDER EXTENDING TEMPORARY RESTRAINING ORDER

Petitioner Alex Andres Japon Benites previously requested that the court issue an order requiring his custody to remain in Vermont so that he may effectively litigate his habeas corpus petition. Following other cases, this court granted Petitioner’s motion for a temporary restraining order (“TRO”) and extended the TRO until the show cause hearing


on December 2, 2025. *See, e.g., Walizada v. Trump*, Case No. 2:25-cv-00768 (D. Vt. Oct. 1, 2025) at Doc. 13 (extending motion for temporary restraining order until petitioner’s show cause hearing); *Perez Alfaro v. Trump*, Case No. 2:25-cv-00584 (D. Vt. June 16, 2025) at Doc. 4 (granting motion for temporary restraining order and ordering “the petitioner shall not be removed from the District of Vermont pending further Order of this court”).

At the show cause hearing, the court made rulings on the record and granted Petitioner’s habeas corpus petition, finding Petitioner was detained under 8 U.S.C. § 1226(a) and was statutorily entitled to a bond hearing. The court ordered that an Immigration Judge provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a), preferably on December 4, 2025, but at least within seven (7) business days of this Order.

In order to preserve this court’s jurisdiction and protect Petitioner’s ability to consult with counsel and receive an effective bond hearing, and pursuant to the All Writs Act, 28 U.S.C. § 1651, authorizing the federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law[,]” it is hereby ORDERED that Petitioner, Alex Andres Japon Benites, shall not be removed from the District of Vermont pending further Order of this court.

This TRO shall be extended for fourteen (14) additional days or until the parties inform the court that Petitioner’s bond hearing has been conducted and ruled upon, whichever is earlier.

Dated at Burlington, in the District of Vermont, this 2^d day of December, 2025, at 4:40 p.m.



Christina Reiss, Chief Judge
United States District Court