

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

GIORGI MALACIDZE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-25-1527-D
	)	
KRISTI NOEM, et al.,	)	
	)	
Respondents.	)	

**REPORT AND RECOMMENDATION**

Petitioner Giorgi Malacidze, a noncitizen detainee in the custody of the U.S. Immigration & Customs Enforcement, filed a Petition for Writ of Habeas Corpus. Doc. 1. United States Chief District Judge Timothy D. DeGiusti referred this matter to the undersigned Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B)-(C). This Report and Recommendation addresses Petitioner’s Motion for Temporary Restraining Order (“Motion”). Doc. 8.

Petitioner requests in his Motion that the Court “issue a temporary restraining order ordering Petitioner’s release pending adjudication of his habeas petition.” Doc. 8-1 at 5. Alternatively, Petitioner asks the Court to order Respondents “to conduct a bond hearing at which the government must bear the burden of justifying Petitioner’s continued detention by clear and convincing evidence.” *Id.* at 13. Petitioner’s Motion seeking a temporary restraining order under Federal Rule of Civil Procedure 65(b)(1) should be denied. A court may only grant a temporary restraining order if the moving party has complied with certain requirements, including certifying reasons why notice to the adverse

party should not be required. Fed. R. Civ. P. 65(b)(1)(B). Petitioner has provided no certification of efforts to give notice to Respondents and reasons why such notice should not be required. Thus, Petitioner has failed to comply with Rule 65(b)(1).<sup>1</sup>

Accordingly, the undersigned recommends that the Court deny Petitioner's Motion seeking a temporary restraining order under Federal Rule of Civil Procedure 65(b)(1). *See, e.g., Medina-Herrera v. Noem*, No. CIV-25-1203-J, 2025 WL 3182082, at \*1 (W.D. Okla. Oct. 31, 2025) (recommending denial of temporary restraining order based on failure to comply with Rule 65(b)(1)) (R&R), *adopted*, 2025 WL 3178840 (W.D. Okla. Nov. 13, 2025); *Martinez v. Jones*, No. CIV-25-1235-PRW, 2025 WL 3172288, at \*1 (W.D. Okla. Oct. 22, 2025) (recommending denial of temporary restraining order based on failure to comply with Rule 65(b)(1)) (R&R), *adopted*, 2025 WL 3013128 (W.D. Okla. Oct. 28, 2025); *Bahadorani v. Bondi*, No. CIV-25-1091-PRW, Doc. 11 (Order, Sept. 24, 2025) (denying temporary restraining order when the petitioner failed to comply with Federal Rule of Civil Procedure 65(b)(1)); *Honeycutt v. Mitchell*, No. CIV-08-140-W, 2008 WL 4694226, at \*1 (W.D. Okla. Oct. 23, 2008) (recognizing that a temporary restraining order is "an extraordinary remedy, appropriate only when the procedural safeguards of Fed. R.

---

<sup>1</sup> On December 19, 2025, the Court ordered Respondents to respond to Petitioner's Petition, Doc. 1, in which he seeks the same relief requested in the Motion. *See* Doc. 6 (ordering response from Respondents not later than December 30, 2025). However, counsel for Respondents has not yet entered an appearance and, as such, Respondents were not electronically served with Petitioner's Motion. Petitioner's counsel makes no mention of any other attempts to serve the Motion on Respondents.

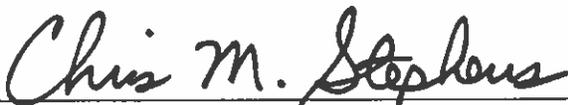
Civ. P. 65(b) are scrupulously honored” and adopting recommendation that temporary restraining order be denied when movant failed to justify a lack of notice).

**Recommendation and Notice of Right to Object**

For the foregoing reasons, the undersigned recommends that the Court **DENY** Petitioner’s Motion for Temporary Restraining Order, Doc. 8, seeking a temporary restraining order under Federal Rule of Civil Procedure 65(b)(1). The parties are advised of their rights to object to this Report and Recommendation. *See* 28 U.S.C. § 636. Any objection must be filed with the Clerk of Court not later than **December 29, 2025**. *See id.* § 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party wishes to respond to the other party’s objections, such response must be filed not later than **January 2, 2026**. *See* Fed. R. Civ. P. 72(b)(2). Failure to object timely waives the right to appellate review of the factual and legal issues addressed in this Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation does not dispose of all issues referred to the undersigned Magistrate Judge in this matter.

**ENTERED** this 22<sup>nd</sup> day of December, 2025.

  
CHRIS M. STEPHENS  
UNITED STATES MAGISTRATE JUDGE