

UNITED STATES DISTRICT COURT  
FOR MINNESOTA

XUE LOR,

*Petitioner-Plaintiff,*

v.

KRISTI NOEM, in her official capacity as  
Secretary of the U.S. Department of  
Homeland Security;

TODD LYONS, in his official capacity as  
Acting Director of U.S. Immigration and  
Customs Enforcement;

MICHAEL BOTTJEN, in his official  
capacity as Acting Deputy Field Office  
Director of St. Paul-Minneapolis Office,  
U.S. Immigration and Customs  
Enforcement; and

MIKE STASKO, in his official capacity as  
Jail Administrator at Freeborn County Adult  
Detention Center.

*Respondents-Defendants.*

Civil Case No.

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

**INTRODUCTION**

Xue Lor ("Petitioner" or "Mr. Lor") is a resident of Minnesota who has lived in the United States since he was approximately one year old. He is currently unlawfully detained by Respondents at the Freeborn County Adult Detention Center following the revocation of an order of supervision issued after his final order of removal.

Respondents previously determined that Petitioner was neither a flight risk nor a danger to

the community and released him under an order of supervision. Nevertheless, on December 12, 2025, Immigration and Customs Enforcement (“ICE”) officers arrested Petitioner in the parking lot of his place of employment. They revoked his order of supervision without notice, without an opportunity to be heard, without required findings, and without action by an authorized official, in violation of the Fifth Amendment, the Immigration and Nationality Act (“INA”), implementing regulations, the Administrative Procedure Act (“APA”), and the *Accardi* doctrine.

Petitioner now seeks a Temporary Restraining Order requiring (1) his immediate release from Respondents’ custody and (2) an order prohibiting his transfer or removal while this Court adjudicates his habeas petition and related claims.

#### **FACTS OF THE CASE**

Mr. Lor is a long-time resident of Minnesota who has lived in the United States since early childhood. He has no meaningful ties to any other country and considers the United States his home.

On May 17, 2005, Mr. Lor was ordered removed by an Immigration Judge in Fort Snelling, Minnesota. Because ICE was unable to effectuate removal, Mr. Lor was released on an order of supervision pursuant to 8 U.S.C. § 1231(a)(3), after ICE determined that he was neither a danger to the community nor a flight risk. Mr. Lor complied with all conditions of supervision for many years.

On December 16, 2025, ICE officers failed to present a warrant, forcibly arrested him, and revoked his order of supervision. ICE provided no explanation for the revocation and afforded Mr. Lor no opportunity to respond prior to his detention.

Upon information and belief, the official responsible for revoking Mr. Lor’s order of supervision lacked delegated authority and failed to make the findings required by 8 C.F.R. § 241.4(l). Respondents have identified no new facts justifying re-detention and have not secured travel documents. Removal is not reasonably foreseeable due to the absence of a repatriation agreement and the historical refusal of Laos to accept deportees.

Mr. Lor remains detained at Freeborn County Adult Detention Center in Respondents' custody.

### **LEGAL ARGUMENT**

#### ***1. Motion for Temporary Restraining Order and Preliminary Injunctive Relief.***

To obtain a temporary restraining order, Petitioner must show:

1. a substantial likelihood of success on the merits;
2. immediate and irreparable harm in the absence of preliminary relief;
3. that the temporary restraining order is in the public interest.

*See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

##### **a. Mr. Lor Will Likely Succeed on the Merits of His Habeas.**

Mr. Lor is likely to succeed on the merits because his detention is unsupported by statutory authority and violates due process.

Under 8 U.S.C. § 1231(a)(6), detention beyond the removal period is permissible only where the noncitizen is found to be a danger to the community or a flight risk. Respondents previously found neither. Respondents further state that there has been a determination of a significant likelihood of removal in the reasonably foreseeable future, but have not provided support for their assertion. Where removal is not reasonably foreseeable, continued detention is unconstitutional. *Zadvydas v. Davis*, 533 U.S. 678, 699–700 (2001).

Respondents revoked Mr. Lor's order of supervision without complying with mandatory regulations governing who may revoke supervision, what findings must be made, and what procedures must be followed, including notice and an opportunity to respond. See 8 C.F.R. § 241.4(l). Agency action taken without authority and contrary to regulation must be set aside. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

As Respondents failed to follow the Constitution, the INA, and their own regulations, Mr.

Lor's detention is unlawful, and he is likely to prevail on his habeas and APA claims.

**b. Mr. Lor will Suffer Irreparable Harm Absent Injunctive Relief.**

The deprivation of liberty constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Irreparable harm is virtually presumed where an individual is detained without due process. *Torres-Jurado v. Biden*, No. 19-CV-3595, 2023 WL 7130898, at \*4 (S.D.N.Y. Oct. 29, 2023).

**c. Balance of the Equities and Public Interest Favors the Granting of Mr. Soukchaleun's Temporary Restraining Order**

The balance of equities weighs sharply in Mr. Lor's favor. The "public interest is best served by ensuring the constitutional rights of persons within the United States are upheld." *See Oplulent Life Church v. City of Holly Springs*, 697 F.3d 279, 29 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). As Mr. Lor seeks only release under supervision—precisely the status Respondents previously deemed sufficient for nearly twenty years—Respondents suffer no cognizable harm from compliance with the law.

The public interest is served by ensuring that federal agencies act within constitutional and statutory limits. There is no public interest in unlawful detention. *League of Women Voters v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016).

***2. The Court Has Authority to Grant Mr. Lor's Immediate Release Pending the Adjudication of His Habeas Petition.***

A habeas court has broad equitable authority to order release from unlawful custody. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). Where detention lacks legal authorization, immediate release is the appropriate remedy.

***3. The Court Should Restrain Transfer Pending Adjudication***

Should Mr. Lor remain detained, the Court should prohibit Respondents from transferring him outside Minnesota. Transfers risk mooted this Court's jurisdiction and substantially impairs Petitioner's access to counsel and the Court. District courts in Minnesota routinely enjoin transfers in habeas cases to preserve effective judicial review. *See Roble v. Bondi et al.*, No. 25-cv-03196 (D.

Minn. Oct. 2025); *Otero Escalante v. Bondi*, No. 25-cv-03051 (D. Minn. Sept. 2025).

**CONCLUSION**

For the foregoing reasons, this Honorable Court should grant Petitioner's instant writ and order his immediate release from Respondents' custody. Alternatively, to ensure the Court's ability to provide effective relief and prevent irreparable harm, Petitioner requests that Respondents be ordered not to transfer him outside Minnesota until this Court has resolved his petition or motion for emergency release.

Dated: 12/23/2025

Minneapolis, Minnesota

s/ Mai Neng Moua

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