

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

ESTEFANY JOHANNA SANCHEZ,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department
of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs Enforcement,

David Easterwood, Acting Director, St.
Paul Field Office Immigration and
Customs Enforcement.

Respondents.

Case No. 0:26-cv-00216

**PETITIONER’S MEMORANDUM OF
LAW IN SUPPORT OF TEMPORARY
RESTRAINING ORDER OR
PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner Estefany Johanna Sanchez (“Ms. Sanchez”) seeks a Temporary Restraining Order (“TRO”), pursuant to Fed. R. Civ. P. 65(b) or, in the alternative, a preliminary injunction pursuant to Rule 65(a), enjoining Respondents from moving Petitioner out of the jurisdiction of this Court, away from legal counsel, and to a location where it is likely that Petitioner will continue to be deprived of medical care. Because Petitioner has no adequate legal remedy, is suffering and will continue to suffer

irreparable harm without a TRO, and is likely to succeed on the merits, this Court should grant the TRO and order the government not to move Ms. Sanchez out of this District, or to release her entirely pending the resolution of this case.

BACKGROUND

Petitioner has been illegally detained for reasons that appear to pertain to Respondents' perception of Petitioner's nationality, specifically based on the fact that English is not her first language. Petitioner has filed a habeas petition challenging her continued unlawful detention. (ECF 1.) Petitioner's habeas petition contains allegations that this Court has found, in other habeas cases, warrant immediate release. *Id.*; *see also Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025).

In response to similar habeas petitions, Courts in this District routinely issue Orders to Show Cause, requiring Respondents to respond on an expedited basis, usually within a matter of days. *See, e.g., M.-M. v. Easterwood et al.*, Case No. 26-cv-106 (NEB/ECF), Dkt. 3 (D. Minn. Jan. 9, 2026) (ordering a response within three days of the petition's filing).

Despite (or, more cynically, *because of*) Respondents' knowledge that this Court now routinely orders Respondents to release detained noncitizens similarly situated to Petitioner who have the resources to file habeas petitions, Respondents are transferring noncitizen detainees outside of the jurisdiction of this Court at an ever-increasing rate.

People in immigration detention are transferred out of state in a day, which impedes their efforts to ask this Court to intervene in Respondents' deluge of recklessly unconstitutional and dangerous activity.

Petitioner's life is at risk, and Respondents threaten to disappear her away from those who might otherwise be able to hold Respondents accountable for the ongoing violations of her rights and irreparable—life threatening—harm. Accordingly, Petitioner moves this Court to preserve its jurisdiction over the petition pursuant to the All Writs Act, 28 U.S.C. § 1651 (see *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 603 (1966)), and immediately order that Ms. Sanchez not be removed from the territory of the District of Minnesota, or alternatively be released entirely, pending further order of this Court.

FACTS

Petitioner is a Minnesota resident who was recently and unlawfully detained by U.S. Immigration and Customs Enforcement (“ICE”) while accompanying her husband and one of her two children to her child's school bus stop. *See generally* ECF 1. After being taken into ICE custody, Ms. Sanchez experienced a medical crisis due to underlying health conditions, and was taken to the hospital. *See* Affidavit of Christine Harb (“Harb Decl.”)

Petitioner was taken away from the hospital following treatment and upon information and belief is currently being held in the Bishop Henry Whipple Federal Building in St. Paul (“Whipple”). Despite being in civil immigration custody—not criminal incarceration—she has been subjected to inhumane physical conditions and medical neglect, and restrictive conditions of confinement that severely limit her ability

to communicate with the outside world or to recover from her illness. *Id.*

Ms. Sanchez's situation is all the more dire, since she is on the precipice of a worsening medical crisis. *Id.* para. 7. Respondents admitted to her that their intent was to transfer Ms. Sanchez imminently. *Id.* at para 6. If Ms. Sanchez is transferred to Texas, this will impede or at a minimum delay her release from this unlawful detention, and her return to her family. Ms. Sanchez has been subjected already to atrocious conditions of confinement, and in all likelihood will continue not to receive proper medical care while in detention. *Id.*

Petitioner's legal counsel has previously been denied access to noncitizen clients who are detained in the Whipple. *Hernandez v. Easterwood*, Case No. 26-0162 (MJD/DTS) Dkt. 5, (January 12, 2026). ICE refuses to permit in-person attorney visits, leaving Petitioner now unable to consult in-person with her attorney about her illegal detention or any other urgent legal matters. *Id.* This deprivation of access to counsel is compounded by ICE's practice of transferring detainees to facilities outside Minnesota—often before they have any opportunity to speak with an attorney. These transfers occur without notice to detainees, their loved ones, or their legal counsel.

ICE's practice of transferring detainees out of Minnesota has increased drastically over the past year. Recent reporting indicates that for the year 2025, ICE transferred an average of 114 detainees per month to detention facilities outside of Minnesota, as compared to only an average of 22 transfers per month in 2024.¹ There is an almost

¹Joey Peters and Cynthia Tu, *ICE Enforcement Prompts Relocation of Detainees Outside of Minnesota, Worrying Attorneys about Access, Rights*, SAHAN J. (Dec. 23, 2025), <https://sahanjournal.com/immigration/ice-enforcement-prompts-relocation-of-detainees-o>

certain likelihood that ICE intends to transfer Petitioner to a facility outside of Minnesota, given that Respondents explicitly told Ms. Sanchez that she would be sent to Texas and that this appears to be their widespread pattern.

It should go without saying that transfer of a detainee to another state without notice further infringes upon that detainee's access to counsel.

ICE has taken Petitioner without a warrant and is detaining her without a lawful basis. They are subjecting her to inhumane conditions of confinement and depriving her of medical care and access to communication with the outside world. As Ms. Sanchez's doctor said: "Given that Ms. Sanchez has a confirmed bacterial infection of unknown etiology along with repeated episodes of syncope, it is imperative that she be released for appropriate medical and psychiatric care effective immediately." Harb Decl. para 10.

A transfer out of Minnesota would subject Ms. Sanchez to the imminent risk of the further isolation, medical neglect, and an inability to pursue her legal claims. This action would directly contravene Ms. Sanchez's constitutional rights, including her rights to a fair hearing and due process of law. In Texas, or wherever Ms. Sanchez might be sent, without access to counsel, Petitioner cannot communicate any complaints or concerns she may have as to her conditions of confinement or her escalating medical emergencies.

Even more concerning, experience shows that detainees held in certain common transfer destinations (including El Paso, Texas, which appears to be the most common destination for detainees transferred from Whipple) are pressured upon arrival to sign

[outside-of-minnesota-worrying-attorneys-about-access-rights/](#) (last accessed Jan. 11, 2026).

papers indicating that they consent to removal and deportation. There is a substantial risk that Petitioner, removed from the supports of her family and legal counsel, facing an escalating life threatening illness, would undergo significant pressure following a transfer to waive her due process rights altogether and consent to removal from the country.

By transferring Petitioner out of the District of this Court and foreclosing Petitioner's access to counsel during this critical window for legal intervention, the result is that detainees like Petitioner are subjected to unlawful detention with no recourse, and the protections in the US Constitution are rendered optional, for a government that can move fast enough to shepherd its victims away from the attorneys and judges seeking to hold them to account.

LEGAL STANDARD

“The same legal standard applies to both a request for a temporary restraining order and a request for a preliminary injunction.” *Jackson v. Macalester Coll.*, 169 F. Supp. 3d 918, 921, n.1 (D. Minn. 2016). When evaluating the propriety of either a temporary restraining order (“TRO”) or a preliminary injunction, a district court considers the four “*Dataphase* factors”: “(1) the threat of irreparable harm to the movant, (2) the balance between this harm and the injury that the injunction will inflict on other parties, (3) the probability that the movant will succeed on the merits and (4) the public interest.” *Id.* at 921 (citing *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981)). The third factor—the probability of success on the merits—is the predominate factor. *Id.*

ARGUMENT

For the reasons discussed herein, Petitioner easily satisfies each of the *Dataphase* factors, and her request for a TRO or, in the alternative, a preliminary injunction, should be granted. Petitioner will suffer irreparable harm if Respondents prolongue Petitioner's detention by sending her out of Minnesota. Her habeas petition is in all likelihood meritorious, Respondents are not burdened by being asked to respect due process, and the public would benefit from the rule of law being restored in Minnesota.

I. Petitioner Will Suffer Irreparable Harm If Respondents Remove her from the State of Minnesota

The Court may grant a TRO or preliminary injunction where the moving party will suffer irreparable harm. "Irreparable harm occurs when a party has no adequate remedy at law, typically because its injuries cannot be fully compensated through an award of damages." *Erickson v. Hutchinson Tech. Inc.*, 158 F. Supp. 3d 751, 760 (D. Minn. 2016) (quotation omitted). A temporary injunction should be granted to maintain the status quo of the parties until the case can be decided on the merits where the rights of one party will be irreparably injured or where relief sought in the main action will be ineffectual or impossible to grant. *Id.* at 756.

Here, Petitioner will suffer irreparable harm if a TRO is not granted. "In most instances, constitutional violations constitute irreparable harm." *Morehouse Enterprises, LLC v. Bureau of Alcohol, Tobacco, Firearms & Explosives*, 78 F.4th 1011, 1017 (8th Cir. 2023). In particular, transferring an immigration detainee causes "loss of access to their counsel and support networks and significantly delay[s] the proceedings." *Escalante v. Bondi*, No. 25-cv-3051 (ECT/DJF), 2025 WL 2212104, at *2 (D. Minn. July 31, 2025),

report and recommendation adopted, 2025 WL 2235056 (D. Minn. Aug. 4, 2025); *see also In re Guantanamo Bay Detainee Continued Access to Counsel*, 892 F. Supp. 2d 8, 15 (D.D.C. 2012) (finding that deprivation of access to counsel seriously handicaps a habeas petitioner’s ability to effectively present their case).

In this situation, a delay or any other impediment to Ms. Sanchez’s release could be life threatening given her medical condition.

An almost identical injunction, albeit without an underlying medical emergency, was granted in *Escalante*, where the Court considered whether to enjoin ICE’s transfer of a habeas petitioner to a facility outside of the District of Minnesota. 2025 WL 2212104, at *2. The Court found that the petitioner had established a threat of irreparable harm, based on the petitioner’s arguments that such a transfer would limit the petitioner’s ability to meet in-person with his counsel, and that “in-person meetings between detainees and their counsel are necessary for assessment of claims, preparing personal declarations regarding sensitive facts, attorney-client counseling, obtaining signatures on applications and release forms, preparing testimony, and otherwise limiting the means to communicate confidentially.” *Id.* Here, as in *Escalante*, the irreparable harm experienced by Petitioner is at a minimum the burden on her ability to meet in-person with her counsel. What’s more, this harm is compounded by her ongoing medical crisis, the fact that transfers to detention facilities outside the state indisputably delay habeas proceedings, and that delay and lack of access to counsel who can advocate for her in a medical emergency *could be fatal*.

As the district court noted in *Mercado v. Noem*, when detainees are “shipped

rapidly from one state to another and ultimately removed swiftly from the United States” they sometimes lose the ability to retain legal advice at all prior to removal. 800 F. Supp. 3d 526, 578 (S.D.N.Y. 2025); *see also Escalante*, 2025 WL 2212104, at *2 (harm resulting from “moving immigration detainees around the country on short notice,” including loss of access to counsel, support issuance of TRO).

In short, absent a TRO, Respondents will continue to detain Petitioner unlawfully and at the peril of her medical condition unless habeas relief is granted, and Petitioner’s presence in Minnesota where counsel and this Court have access and jurisdiction, respectively, are of the utmost importance. The Court should find, as in *Escalante*, that Respondents’ threat to relocate Petitioner while in ICE detention in Minnesota constitutes irreparable harm.

II. The Balance of Equities Favors Keeping Petitioner in Minnesota

The second *Dataphase* factor requires the Court to weigh the harm to be suffered by the Petitioner if the temporary relief is denied against “the harm that a preliminary injunction would cause to other parties, and the public interest.” *Glenwood Bridge, Inc. v. City of Minneapolis*, 940 F.2d 367, 372 (8th Cir. 1991). However, irreparable harm is not always “susceptible of precise proof.” *Thermorama, Inc. v. Buckwold*, 267 Minn. 551, 552 (Minn. 1964).

As discussed, Petitioner is suffering and will continue to suffer irreparable harm if a TRO is not issued. Petitioner is cramped in unhealthy and confined quarters with inadequate and inhumane arrangements for sleeping or resting. Harb. Respondents’ denial of basic humane conditions and medical care is a violation of Petitioner’s Fifth

Amendment right to due process, and risks irreparable harm up to and including removal from the country without the opportunity for a fair hearing. *Youngberg v. Romeo*, 457 U.S. 307, 322 (1982) (finding that civil detainees are “entitled to more considerate treatment than a criminal detainee, whose conditions of confinement are designed to punish.”). Given that Petitioner is just one noncitizen in a long line of cases filed in the past month before this Court, many of whom have been transferred almost contemporaneously with the filing of their habeas petitions, absent a TRO, Respondents’ violations will assuredly continue unabated.

On the other hand, there is no harm whatsoever to Respondents if a TRO is granted. *Escalante*, 2025 WL 2212104, at *2 (noting that in granting the TRO, “Respondents will be prevented from removing [petitioner] from the geographic boundaries of this District only temporarily . . . The Court finds the potential harm to Respondents . . . is minimal.”).

Because Petitioner is suffering irreparable harm due to the violation of her constitutional rights and is in a potentially escalating medical crisis, and Respondents cannot demonstrate *any* legitimate interest that would be harmed by holding Petitioner in Minnesota for another few days or releasing her entirely, the balance of equities weighs strongly in favor of the issuance of a TRO or preliminary injunction.

III. Given Respondents’ Blatant Violations of Well-Established Law, Petitioner is Likely to Succeed on the Merits

The third *Dataphase* factor asks the Court to evaluate the probability that the Petitioners will succeed on the merits. “[T]he probability of success on the merits has

been referred to as the most important of the four factors.” *Arnzen v. Palmer*, 713 F.3d 369, 372 (8th Cir.2013). “To obtain a preliminary injunction, Petitioner must demonstrate that it has a fair chance of prevailing on its claims.” *Marvin Lumber & Cedar Co. v. Severson*, No. CV 15-1869 (MJD/LIB), 2015 WL 5719502, at *7 (D. Minn. Sept. 28, 2015) (quotation omitted).

Petitioner has a strong likelihood of success on the merits on her underlying habeas petition. Respondents’ violations of Petitioner’s due process rights, as alleged herein and which these proceedings seek to restrain, threaten to impede Petitioner’s ability to pursue and achieve a fair hearing on her habeas petition, and are themselves unconstitutional conditions of detention that further support the success of the petition. *See Escalante*, 2025 WL 2212104, at *2, *In re Guantanamo*, 892 F. Supp. 2d at 15; *Mercado* 800 F. Supp. 3d at 577–78; *Vasquez Perdomo*, 790 F. Supp. 3d at 882. On the ultimate issue here, Plaintiff’s habeas petition is likely be successful. Respondents’ basis for her detention relies entirely on an interpretation of immigration law that has been resoundingly rejected by district courts throughout the country, including in Minnesota.

On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under 8 U.S.C. § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE. See, e.g., *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No. 0:25-cv-3946-NEB, 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025);

Ramirez Clavijo v. Kaiser, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV- 02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

In short, and as dozens of federal district courts have uniformly agreed since July 2025, Respondents’ basis for detaining individuals like Petitioner without a hearing is contrary to the clear and plain language of the Immigration and Nationality Act and thus is without legal basis. Because Petitioner is being held unlawfully, her habeas petition is likely to succeed on the merits, and accordingly the Court should find her primary factor weighs heavily in favor of granting a TRO in this case. *See Escalante*, 2025 WL

2212104, at *3 (given the likelihood of succeeding on the merits, petitioner had “done enough to justify an issuance of a restraining order preventing Respondents from removing him from the District of Minnesota.”).

IV. The Public Interest Strongly Supports Fair Treatment for Detainees

The fourth *Dataphase* factor asks the Court to consider whether granting the injunctive relief would be in the public’s interest. This factor weighs heavily in favor of Petitioner.

As the Court found in *Escalante*, “there is substantial public interest in ensuring that Petitioner can effectively present her claims, which implicate the practices and policies of a federal agency engaged in the detention of immigrants throughout the nation. Petitioner claims the government's recent reinterpretation of the applicable laws contradicts decades of precedent, policy and practice. The public has an interest in ensuring these claims are fairly presented on the merits and not obstructed by [petitioner’s] potential removal to a location where access to his attorneys would be impeded.” 2025 WL 2212104, at *3.

Further, there is no public interest in permitting the deprivation of constitutional rights, or safety, to any resident of the United States. Our society depends on one branch of government being able to check the other, and for that to happen, the Executive Branch cannot be playing a speed game to evade accountability. There is a strong public interest in protecting and enforcing the Due Process Clause of the Fifth Amendment, and this factor thus weighs heavily in favor of granting the requested TRO as well.

CONCLUSION

Because Petitioner has met her burden to prove the need for a TRO or, in the alternative, a preliminary injunction, her request should be granted. As the Court found in a strikingly similar situation in *Escalante*, granting the TRO here is “consistent with the very purpose of a temporary restraining order: to maintain the status quo to prevent ‘irremediable injury to some of the parties before their claims can be investigated and adjudicated.’” 2025 WL 2212104, at *3 (*quoting Love v. Atchison, T. & S. F. Ry. Co.*, 185 F. 321, 331 (8th Cir. 1911)).

Date: January 13, 2025

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