

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

U.H.A., K.A, H.D., D. Doe, M. Doe, on behalf of themselves and others similarly situated, *and* **THE ADVOCATES FOR HUMAN RIGHTS**,

Plaintiff-Petitioner and Plaintiffs,

v.

PAMELA BONDI, in her official capacity as Attorney General of the United States;
KRISTI NOEM, in her capacity as Secretary of the United States Department of Homeland Security;
TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;
DAVID EASTERWOOD in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement; *and*
JOSEPH B. EDLOW, in his official capacity as Director, U.S. Citizenship and Immigration Services,

Defendants-Respondents.

Case No. 26-cv-417-JRT-DLM

**PLAINTIFFS' MOTION FOR
CLARIFICATION**

Now come Plaintiffs and seek clarification from the Court with respect to ECF No. 41, Order Granting Temporary Restraining Order.

Plaintiffs are informed that Respondents do not intend to immediately comply with the Court's Order. Instead, Respondents intend to seek a stay. Petitioners do not believe this is procedurally or substantively warranted. However, that is an issue for another day.

As it stands, the procedural posture of U.H.A.'s petition for habeas corpus is unclear to Plaintiff-Petitioners. First, Petitioner U.H.A. respectfully requests clarification as to whether, in addition to granting the temporary restraining order, the Court intended to also grant Petitioner's individual habeas petition, as it has been fully briefed, and no party has requested an evidentiary hearing. *See* ECF Nos. 1, 5, 12. As the Court is aware, Petitioner U.H.A. has been unlawfully jailed for more than ten days, as he was detained on January 18, sent in shackles to Texas, and returned to Minnesota, where he is now confined in the Sherburne County jail. Petitioner respectfully requests that the Court clarify its ruling as to him. If the Court's intention is that U.H.A. is entitled to relief *only* as a result of the temporary restraining order, Petitioner respectfully notifies the Court that the Defendant-Respondents appear to be planning to delay compliance with the temporary restraining order pending their filing of a motion to stay, even though the filing of such a motion in district court would not automatically stay the Court's Order.

Petitioners also request clarification on the duration of the Order. The Court has titled this a temporary restraining order, that is, an order that is not an injunction and therefore not appealable under 28 U.S.C. § 1292(a)(1). The Court also scheduled a hearing on February 19, obliging the briefing schedule requested by Defendants at the January 26 hearing. Because an order "titled as a temporary restraining order" that exceeds the time limits set forth in Fed. R. Civ. P. 65(b) can be treated as an appealable preliminary injunction under section 1292(a)(1). *Nordin v. Nutri/Sys., Inc.*, 897 F.2d 339, 343 (8th Cir. 1990), Petitioners understand the Court's Order to be in effect for fourteen days, subject to extension for good cause shown. Fed. R. Civ. P. 65(b)(2). Because Fed. R. Civ. P. 65(b)(2)

requires that “[t]he reasons for an extension must be entered into the record,” out of an abundance of caution, Plaintiffs request clarification that the Court determined that good cause exists to extend the TRO beyond fourteen days. Good cause is based on the reasons detailed in the Court’s order, including a likelihood of success that “Defendants lack lawful authority to detain them” (Order at 19-20); “the threat of prolonged, unauthorized, and seemingly unaccountable” deprivations of liberty (Order at 21); and Defendants’ request for more than two weeks to file an opposition to Plaintiffs’ motion.

In the alternative, Petitioners are amenable to a briefing and hearing schedule on the preliminary injunction that would conclude within fourteen days.

Dated: January 29, 2026

Respectfully submitted,

/s/E. Michelle Drake

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