IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Rene Marroquin Tellez Petitioner v. **David Easterwood**, Director of St. Paul Enforcement and Removal Operations, Immigration and Customs Enforcement; **Markwayne Mullin**, Sec'ty of the Dep. Homeland Security; **Mike Jambor**, Administrator of the Kandiyohi County Jail; **Todd Lyons**, Acting Director, U.S. Immigration and Customs Enforcement; **Todd Blanche**, Attorney General of the United States Respondents.	MOTION FOR TRO CASE No: 26-cv-02204

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

AND PRELIMINARY INJUNCTION

INTRODUCTION

Petitioner, Rene M.T., respectfully moves this Court for an Emergency Temporary Restraining Order and Preliminary Injunction prohibiting his transfer or removal and ordering his immediate release and at minimum, preserving the *status quo* while this Court adjudicates his Petition for Writ of Habeas Corpus.

This case presents extraordinary circumstances warranting immediate intervention. Petitioner's wife has extensive medical issues that require Rene M.T. to be their provider, but also for him to attend her medical appointments with her and to help her manage her mental health. Petitioner is not merely a noncitizen with a pending immigration application. He is a long-term ICE supervisee with a pending U-visa petition who has already been granted deferred action and work authorization by United States Citizenship and Immigration Services ("USCIS") through the U-visa framework. He has complied with ICE check-ins approximately every six months since 2017, has no criminal history, has deep family ties in the United States, and was arrested only because he continued to appear as required. ICE detained him at a routine check-in, did not provide meaningful paperwork or explanation, and has not identified any concrete changed circumstance or removal plan that would justify re-detention. Similarly, upon information and belief, Respondents intend to **transfer and prepare to remove Rene M.T. on April 10, 2026.**

Petitioner's continued detention is unlawful for multiple independent reasons. First, his unrevoked U-visa-based grant of deferred action is a present legal barrier to removal. As the Supreme Court has explained, deferred action means that "no action will thereafter be taken to proceed against an apparently deportable alien." *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484 (1999). Recent decisions from the District of Minnesota have repeatedly recognized that where deferred action remains in effect, detention premised on imminent removal is unlawful and release is required. *See Juan M. v. Att'y Gen.*, No. 26-cv-266 (ECT/JFD) (D. Minn. Jan. 17, 2026); *Victor G. v. Lyons*, No. 26-cv-119 (ECT/SGE) (D. Minn. Jan. 17, 2026); *Marcos L. v. Noem*, No. 26-cv-676 (MJD/SGE) (D. Minn. Feb. 3, 2026).

Second, even apart from deferred action, Respondents unlawfully re-detained Petitioner after years of successful compliance on supervision without showing any changed circumstances making removal significantly likely in the reasonably foreseeable future, as required by 8 C.F.R. § 241.13(i)(2). In *Aleixi A.-H. v. Easterwood*, this Court held that when the Government revokes supervision under § 241.13(i)(2), it bears the burden of demonstrating changed circumstances, and that the bare claim that ICE is pursuing travel documents falls "woefully short." No. 26-cv-1155 (LMP/EMB), slip op. at 2–3 (D. Minn. Feb. 17, 2026). Here, Respondents have not even provided that much.

Third, Respondents are not ready to remove Petitioner. He has no Guatemalan passport, no travel document, no removal date, and no evidence has been provided that Guatemala has agreed to accept him. His detention is therefore untethered to any realistic, lawful removal objective and violates *Zadvydas v. Davis*, 533 U.S. 678, 699–701 (2001), the Administrative Procedure Act, and the Due Process Clause.

Absent immediate relief, Petitioner faces irreparable harm in the form of removal and in the form of his wife's mental or physical health declining. He is separated from his wife, who suffers from diabetes and high blood pressure, and from four United States citizen children who depend on him emotionally and financially. He also faces the imminent risk of transfer or removal before this Court can adjudicate his habeas petition, thereby frustrating judicial review and effectively nullifying the protections he seeks to vindicate. Emergency relief is necessary to preserve the Court's jurisdiction, prevent irreparable constitutional injury, and maintain the *status quo*.

FACTS OF THE CASE

Petitioner, Rene M.T., is a native and citizen of Guatemala. He has lived in the United States for many years and has longstanding family and community ties here.

Petitioner has a final order of removal arising from earlier immigration proceedings. In or around 2011, he was granted voluntary departure but did not depart. After that time, immigration authorities became aware of him, but rather than detaining and removing him, ICE allowed him to remain in the community under supervision.

Since approximately 2017, Petitioner has complied with ICE reporting requirements and has appeared for check-ins approximately every six months as directed. He has not absconded, violated reporting requirements, or otherwise failed to comply with ICE's supervision regime.

Petitioner has no criminal history. His record is otherwise clean.

Petitioner has a pending U nonimmigrant visa petition with USCIS. In connection with that process, USCIS granted him deferred action and work authorization approximately three years ago. *See* Petition, Exhibit A. To Petitioner's knowledge, that deferred action has never been revoked or terminated. He has not been served with any notice from USCIS terminating his deferred action or employment authorization.

Petitioner is married to his wife, Susan Longoria, and they have been married for approximately two years. Together they are raising four United States citizen children, approximately ages sixteen, fifteen, fourteen, and twelve. Petitioner adopted three of those children approximately seven years ago and has acted as their father in every meaningful respect.

Petitioner's wife suffers from serious medical conditions, including diabetes and high blood pressure. Petitioner is the primary financial provider for the household and a central support for the daily functioning of the family. Before his detention, he used his income and labor to support his wife and children, pay the family's bills, and provide stability in the home.

Since Petitioner's detention, his family has suffered substantial hardship. His wife has been left to manage her medical conditions without his support while also caring for the children and the household. His detention has therefore imposed serious emotional and financial strain on the family. As Petitioner explains in his own words, "I deserve to be here with my family."

Petitioner appeared for a routine ICE check-in, just as he had done repeatedly over the years. He reported voluntarily and in compliance with ICE's instructions.At that check-in, ICE officers detained him.

ICE officers told Petitioner only that the law had changed regarding his situation, but they did not meaningfully explain what had changed. Officers completed paperwork during the encounter, but they did not provide Petitioner with copies. He was not served with a written explanation of why he was being re-detained. He was not provided with a written revocation of supervision, a written custody determination, or a written explanation of any purported changed circumstances making removal significantly likely in the reasonably foreseeable future.

Until today, he had not been provided with a deportation date. He has not been shown any travel document, any itinerary, or any other concrete evidence demonstrating that Guatemala has agreed to accept him for repatriation.

Petitioner does not possess a Guatemalan passport and has no Guatemalan travel documentation.

Petitioner remains detained at Kandiyohi County Jail even though he had complied with ICE for years, maintained a clean record, supported a medically vulnerable spouse and four United States citizen children, and presented himself voluntarily at the very check-in where ICE arrested him.

LEGAL ARGUMENT

I. Legal Standard

To obtain a temporary restraining order, a petitioner "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

That standard is satisfied here. Petitioner is likely to succeed on the merits because his detention violates the Immigration and Nationality Act, the U-visa regulatory framework, the Administrative Procedure Act, and the Fifth Amendment. He faces ongoing irreparable harm through unlawful detention, family separation, and the imminent risk of transfer or removal before his habeas petition can be adjudicated. The balance of equities and public interest overwhelmingly favor preserving the status quo and requiring the Government to comply with the law.

II. Petitioner is likely to succeed on the merits.

Petitioner is likely to succeed because Respondents have no lawful authority to continue detaining him.

First, Petitioner's removal is not significantly likely in the reasonably foreseeable future because USCIS has already granted him deferred action and work authorization through the U-visa framework, and that protection has not been revoked. This is not a case where Petitioner relies on the mere existence of a pending application. USCIS already reviewed his case sufficiently to confer deferred action and employment authorization. That is a present, affirmative immigration protection that requires due process for revocation, and, in addition, can only be revoked by USCIS, not ICE.

The legal effect of deferred action is settled. Once such status is conferred, "no action will thereafter be taken to proceed against an apparently deportable alien." *Reno*, 525 U.S. at 484. The District of Minnesota has repeatedly applied that principle to U-visa deferred-action grantees. In *Juan M.*, ICE arrested a U-visa deferred-action recipient despite his valid work permit and deferred-action grant, and the court ordered immediate release. *Juan M. v. Att'y Gen.*, No. 26-cv-266 (ECT/JFD) (D. Minn. Jan. 17, 2026). In *Victor G.*, the court held that where the record contained no indication that USCIS had revoked deferred action, the petitioner remained protected from removal and was entitled to release. *Victor G. v. Lyons*, No. 26-cv-119 (ECT/SGE) (D. Minn. Jan. 17, 2026). *Marcos L.* is to the same effect. There, the court explained that where "nothing in the record supports any argument that Respondents revoked [the petitioner's] employment authorization or terminated his deferred-action status," "there is no basis for his detention." *Marcos L. v. Noem*, No. 26-cv-676 (MJD/SGE) (D. Minn. Feb. 3, 2026).

Those cases fit this one. Like the petitioners in *Juan*, *Victor*, and *Marcos*, Petitioner was already under deferred action when ICE seized him. Like those petitioners, nothing in the record indicates that USCIS revoked his deferred action or work authorization before ICE detained him. ICE therefore cannot lawfully proceed as though removal is currently available.

Removal in this posture would also function as a *de facto* revocation of Petitioner's deferred action without the process contemplated by the governing regulations. The U-visa regulations assign the authority to terminate waiting-list deferred action to USCIS. *See* 8 C.F.R. § 214.14(d)(3). ICE cannot accomplish through arrest and removal what the regulations assign to USCIS to decide through the adjudicatory process.

Second, even putting deferred action aside, Respondents unlawfully re-detained Petitioner after years of successful supervision without satisfying 8 C.F.R. § 241.13(i)(2). Petitioner had been checking in with ICE approximately every six months since 2017. He complied for years. He has no criminal history, no supervision violations, and no history of absconding. He was arrested at a routine check-in only because he complied with ICE's own reporting requirements.

That is functionally a revocation of release from supervision. Once that is recognized, § 241.13(i)(2) controls. And under *Aleixi A.-H. v. Easterwood*, it is the Government's burden to show changed circumstances making removal significantly likely in the reasonably foreseeable future. No. 26-cv-1155 (LMP/EMB), slip op. at 2–3 (D. Minn. Feb. 17, 2026). The Government has not met that burden here.

The statement that "things had changed" is not a changed circumstance. It is not even an explanation. It identifies no new fact about Petitioner, no new travel document, no new acceptance from Guatemala, no new loss of immigration protection, and no new conduct by Petitioner. At most, it suggests a change in agency preference. That is not what § 241.13(i)(2) requires.

Aleixi confirms that even evidence that ICE is "seeking a travel document to effect" removal is "woefully short" where it does not show the history of efforts, the ongoing nature of those efforts, and the reasonably foreseeable results. *Id.* Here, Respondents have not even provided that much. Petitioner was given no removal date, no travel-document information, and no written explanation of any changed circumstance. If the showing in Aleixi was insufficient, the showing here is even more clearly insufficient.

Third, Respondents are not ready to remove Petitioner. He has no Guatemalan passport, no travel document, and no removal date. He has not been shown any travel-document request, any Guatemalan acceptance, any itinerary, or any evidence that removal is scheduled or operationally ready. The Respondents have shown that they plan to transfer Petitioner to another holding facility in preparation of removal but no other concrete plan exists. Respondents told him only that they "might" deport him. That is not a concrete removal plan. Under *Zadvydas*, detention may continue only so long as removal remains significantly likely in the reasonably foreseeable future. 533 U.S. at 699–701. On this record, Respondents cannot carry that burden.

Fourth, the detention is arbitrary, capricious, and not in accordance with law under the APA. Respondents ignored the governing U-visa regulatory framework, disregarded Petitioner's existing deferred-action protection, failed to identify changed circumstances, and refused to continue the less restrictive alternative that had already worked successfully for years: supervision. That is classic arbitrary and capricious agency action.

Finally, the detention violates the Fifth Amendment. Petitioner's liberty interest is substantial. He was living in the community, supporting his family, caring for a wife with serious medical conditions, and raising four United States citizen children. He was seized not because he posed a danger or fled, but because he continued to comply with ICE's reporting requirements. The risk of erroneous detention is high where the Government gave him no meaningful written explanation, no paperwork, and no legitimate basis for claiming that anything material had changed. On the other side of the balance, the Government's interest in detention is minimal because supervision already proved effective for years. The resulting detention is both substantively arbitrary and procedurally defective.

III. Petitioner will suffer irreparable harm absent immediate relief.

Petitioner's ongoing detention is itself irreparable harm. Each additional day of unlawful civil detention inflicts a constitutional injury that cannot be remedied after the fact.

The harm is compounded by the severe hardship imposed on Petitioner's family. His wife suffers from diabetes and high blood pressure. She and the children depend on him emotionally, practically, and financially. His absence destabilizes the household and exacerbates his wife's medical vulnerability. The Petitioner attaches several items of evidence of his situation to demonstrate the relevant harm. Those harms are immediate and ongoing.

There is also a concrete risk that Respondents may transfer Petitioner outside the District of Minnesota or attempt to remove him before this Court can adjudicate the habeas petition. That would frustrate the Court's jurisdiction, impair meaningful judicial review, and risk nullifying the very deferred-action protection Petitioner seeks to vindicate. Emergency relief is therefore necessary to preserve the status quo.

IV. The balance of equities and public interest overwhelmingly favor relief.

The balance of equities strongly favors Petitioner. He seeks only to prevent unlawful detention, transfer, and removal while the Court decides the merits. Respondents suffer no cognizable harm from being required to comply with the

Constitution, the INA, and their own regulations. Petitioner, by contrast, suffers ongoing loss of liberty, family separation, and severe hardship each day he remains detained.

The public interest likewise favors relief. The public has a strong interest in ensuring that federal agencies act within the limits imposed by Congress, follow their own regulations, respect humanitarian protections conferred through the U-visa framework, and do not arbitrarily imprison compliant noncitizens. The public also has an interest in preserving judicial review and in avoiding needless incarceration where supervision has already proven effective.

V. Temporary relief should include no transfer, no removal, and immediate release.

Because Petitioner has shown a strong likelihood of success, irreparable harm, favorable equities, and a compelling public interest, the Court should issue immediate emergency relief.

The narrowest form of relief necessary to preserve the Court's jurisdiction is an order prohibiting Respondents from transferring Petitioner outside Minnesota and from removing him while this matter is pending.

But stronger relief is also warranted. Petitioner's detention is itself unlawful now. This is not a case where the Court must merely preserve jurisdiction while allowing an otherwise lawful detention to continue. Because the merits strongly favor Petitioner, the proper interim remedy is release under the same or less restrictive supervision conditions that governed his years of successful compliance before the challenged arrest.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue an immediate Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the District of Minnesota while this action is pending;

2. Issue an immediate Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States while this action is pending;

3. Order Petitioner's immediate release from ICE custody, subject to the same or less restrictive supervision conditions that governed his release before the challenged redetention;

4. Order Respondents not redetain the Petitioner absent materially changed circumstances;

5. In the alternative, issue a Temporary Restraining Order preserving the *status quo* and set an expedited briefing schedule and hearing on Petitioner's request for a preliminary injunction;

6. Grant such further relief as this Court deems just and proper.

Dated: April 10, 2026

Respectfully Submitted,

/s/ Stacey R. Rogers
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Certificate of Service

I certify that on April 10, 2026, I electronically filed the foregoing document(s) and that they are available for viewing and downloading from the Court's CM/ECF system, and that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Dated: April 10, 2026.

Respectfully Submitted,

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