IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Samson Chikomborero Chirambe 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; **Warden**, Fort Snelling Whipple Building **Todd Lyons**, Acting Director, U.S. Immigration and Customs Enforcement; **Todd Blanche**, Attorney General of the United States Respondents.	EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS CASE No: 0:26-cv-03588-KMM-DTS

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

INTRODUCTION

Petitioner Samson Chikomborero Chirambe seeks immediate emergency relief while this Court considers his Emergency Petition for Writ of Habeas Corpus. This case was already urgent because Respondents abruptly deprived Petitioner of more than twenty years of supervised liberty, without identifying any violation of his supervision and without affording the revocation procedures required by federal regulation. It has now become a medical emergency.

Petitioner has lived with HIV for approximately three decades. Since his diagnosis, he has faithfully adhered to antiretroviral therapy, maintained regular medical care, and remained virally undetectable for years. That stability did not happen by accident. It is the product of continuous adherence to prescribed HIV medication.

Respondents knew this before they took custody of him.

Before Petitioner was booked into detention, ICE officers documented his medications and expressly represented that they had contacted Sherburne medical personnel and confirmed that the facility was prepared to continue those medications. Yet after Respondents assumed complete physical control over Petitioner—and thereby deprived him of the ability to obtain his medication independently—Petitioner reports that his prescribed HIV medication has not been provided as required.

Federal HIV-treatment guidance warns that interruption of antiretroviral therapy can result in viral rebound, immune decompensation, and clinical progression. Petitioner spent decades successfully suppressing the virus through strict adherence. He should not now be forced to risk undoing that medical stability simply because Respondents chose to imprison him without first providing the process required by law.

The medical emergency is especially unnecessary because detention is not required to ensure Petitioner's appearance or protect the community. For more than twenty years, Petitioner lived openly under ICE supervision. He appeared when instructed. He did not abscond. He did not commit any serious or violent offense. Indeed,

immediately before his re-detention, ICE told him that his next reporting date would not occur until February 2027.

Then, within days, ICE reversed course. On August 6, 2026, Petitioner appeared as directed and was detained without a warrant, without a meaningful revocation notice, without an opportunity to contest the basis for re-detention, and without any identified violation of supervision. On August 10, 2026, late in the afternoon, Respondents advised Petitioner that they intended to remove him to Uganda and staged him for removal by the following morning—even though Uganda had never been identified or litigated as a country of removal during his 2004 immigration proceedings.

The Court need not resolve every claim in the Petition today. But the Court should not permit the Government to continue imposing a potentially dangerous interruption in Petitioner's HIV treatment while the legality of the detention causing that interruption remains under active judicial review.

Petitioner therefore respectfully requests a Temporary Restraining Order directing his immediate release to his prior conditions of supervision while the Petition is adjudicated. At minimum, if the Court requires further briefing before ordering release, the Court should immediately require Respondents to restore Petitioner's complete prescribed antiretroviral regimen, ensure continuity of appropriate HIV care, and prohibit any transfer or removal that would further disrupt that treatment or deprive the Court of the ability to provide meaningful relief.

FACTS OF THE CASE

Petitioner is a native and citizen of Zimbabwe who entered the United States lawfully in December 1995 on a visitor visa. He has now lived in this country for more than thirty years.

Petitioner's medical history is significant. In approximately 1997, physicians discovered cancerous material in or near the area surrounding his brain. Petitioner underwent serious surgery and chemotherapy. During that period, he was also diagnosed with HIV.

Petitioner immediately began treatment for HIV and has remained extraordinarily compliant with that treatment for decades. He consistently took his medication, maintained medical appointments, and reports that his viral load has remained undetectable for years. His longstanding treating physician, Dr. Winston Cavert, is familiar with Petitioner's HIV diagnosis and medical history.

On January 27, 2004, an Immigration Judge granted Petitioner withholding of removal to Zimbabwe and entered a final removal order. Petitioner could therefore not lawfully be returned to Zimbabwe.

Respondents did not accomplish removal to another country. Instead, ICE released Petitioner into the community under post-order supervision.

For more than twenty years, that supervision worked.

Petitioner complied with ICE's reporting requirements. He did not abscond. He did not miss reporting appointments. He did not commit any serious or violent criminal offense. His only known United States offense is an approximately 1998 or 1999 careless-driving matter. ICE knew who Petitioner was, where he lived, and how to locate him.

Immediately before the detention at issue here, Petitioner again reported to ICE as required. ICE personnel advised him that his next reporting date would be in February 2027.

Nevertheless, ICE then issued a new call-in notice dated August 5, 2026. Petitioner complied with that directive as well.

On August 6, 2026, Petitioner appeared at ICE's office because the Government instructed him to appear. ICE detained him.

ICE did not identify a missed reporting obligation, violation of supervision, new criminal conduct, attempt to abscond, refusal to cooperate, or other misconduct by Petitioner. Petitioner was not provided a pre-deprivation hearing or any meaningful opportunity to contest whether twenty years of supervised liberty should suddenly be revoked.

Nor, on the information presently available to Petitioner and counsel, was he provided a Notice of Revocation identifying a valid factual basis for revocation, a prompt

informal interview at which he could respond to the asserted reason, or the meaningful post-revocation custody process contemplated by 8 C.F.R. §§ 241.4 and 241.13.

The Government's intended third-country removal proceeded almost immediately. Late in the afternoon on August 10, 2026, Petitioner was advised that ICE intended to remove him to Uganda. By early the following morning, August 11, 2026, he had been staged for that removal.

Uganda had not been identified as a country of removal during Petitioner's 2004 proceedings. Petitioner therefore never had any reason or opportunity during those proceedings to develop evidence concerning persecution, torture, refoulement, or other country-specific dangers he may face there.

The circumstances surrounding Petitioner's medical care are equally troubling.

Before Petitioner entered Sherburne County Jail, two ICE officers documented Petitioner's medications. Those officers represented that they had specifically communicated with Sherburne medical personnel about Petitioner's medications and had been assured that Sherburne was prepared to provide them.

Petitioner was told that medical personnel would address his medication needs upon arrival.

Nevertheless, Petitioner has reported that he has not been receiving his prescribed HIV medication as required.

The result is that Respondents knowingly took custody of a person who had maintained viral suppression through decades of consistent HIV treatment, assured him that continuity of medication had been arranged, deprived him of the ability to obtain that medication himself, and then failed to ensure the promised continuity of treatment.

Petitioner cannot simply leave detention and visit his treating physician. He cannot travel to his pharmacy and retrieve his prescription. He cannot control when medications are dispensed. Respondents have taken exclusive physical control over him and, with it, control over his ability to continue the treatment that has kept his HIV suppressed for decades.

Emergency relief is warranted.

LEGAL ARGUMENT

I. LEGAL STANDARD

A temporary restraining order and preliminary injunction are extraordinary remedies intended to preserve the status quo and prevent irreparable injury while the Court adjudicates the merits.

In the Eighth Circuit, courts consider the familiar *Dataphase* factors: (1) the threat of irreparable harm to the movant; (2) the balance between that harm and the injury that granting the injunction would inflict on the opposing party; (3) the probability of success on the merits; and (4) the public interest. *Dataphase Systems, Inc. v. C L Systems, Inc.*,

640 F.2d 109, 113–14 (8th Cir. 1981) (en banc); see also *Tumey v. Mycroft AI, Inc.*, 27 F.4th 657 (8th Cir. 2022).

The inquiry ultimately asks whether the equities require judicial intervention to preserve meaningful relief before a final decision can be reached.

That standard is satisfied here. Petitioner has substantial underlying claims that his re-detention violated the INA, governing regulations, and the Fifth Amendment. More importantly for purposes of immediate relief, the detention is presently interfering with treatment for HIV that Petitioner successfully maintained for decades.

II. PETITIONER IS LIKELY TO SUCCEED ON HIS CLAIM THAT RESPONDENTS UNLAWFULLY REVOKED HIS LONGSTANDING RELEASE.

Petitioner's strongest preliminary claim concerns not whether the Government can ever remove him, but whether Respondents lawfully took him back into physical custody after more than twenty years of successful supervision.

Petitioner's final order became effective in 2004. The ninety-day statutory removal period therefore expired more than two decades ago. Any present detention is post-order detention governed by 8 U.S.C. § 1231 and its implementing regulations.

Where DHS previously released a noncitizen after determining that removal was not significantly likely in the reasonably foreseeable future, 8 C.F.R. § 241.13 expressly regulates re-detention.

Section 241.13(i)(2) permits revocation where the person violates conditions of release or where, because of changed circumstances, ICE determines there is now a significant likelihood that removal may occur in the reasonably foreseeable future.

Section 241.13(i)(3) does not permit ICE merely to announce that conclusion and imprison the individual. Upon revocation, the individual must be notified of the reasons for revocation and promptly provided an informal interview affording an opportunity to respond. He may submit evidence showing either that removal remains unlikely or that he did not violate supervision. The resulting custody review must evaluate contested facts relevant to the revocation.

The District of Minnesota has recently enforced those requirements.

In *Roble v. Bondi*, 803 F. Supp. 3d 766, 772–74 (D. Minn. 2025), this Court held that the Government bears the burden under § 241.13(i)(2) of demonstrating changed circumstances supporting the significant likelihood of removal in the reasonably foreseeable future.

More recently, in *Aleixi A.-H. v. Easterwood*, No. 26-cv-1155 (LMP/EMB), Dkt. 9 (D. Minn. Feb. 17, 2026), the Court applied *Roble* and ordered the petitioner's immediate release. The Government's representation that it was pursuing travel documentation was insufficient, without evidence concerning the history of removal efforts, the ongoing nature of those efforts, and their reasonably foreseeable results.

Petitioner recognizes that Respondents may now contend that Uganda's willingness to accept him constitutes a changed circumstance under § 241.13(i)(2). That contention does not defeat this Motion.

First, Respondents must prove the changed circumstance rather than merely invoke it.

Second, the existence of a possible changed circumstance does not eliminate the independent procedural requirements of § 241.13(i)(3). Even where ICE believes revocation is substantively justified, the regulation still requires notice of the reasons for revocation and a prompt opportunity to respond to those reasons.

Third, no later notice concerning Uganda can retroactively supply the process due when Petitioner's liberty was taken on August 6.

Petitioner was not a fugitive located after years of evasion. He appeared voluntarily because ICE summoned him. Only days earlier, ICE had itself concluded that his next reporting obligation could be scheduled for February 2027.

If Respondents possess evidence demonstrating that circumstances suddenly changed so dramatically that twenty years of successful supervision had to become physical imprisonment, the regulation required them to identify that basis and provide Petitioner a meaningful opportunity to respond.

They did not.

If Respondents instead contend that Petitioner's historical release falls under § 241.4, the outcome remains the same. Section 241.4(l) independently requires notice of the reasons for revocation and a prompt informal interview, followed by appropriate review if detention continues.

An agency must follow the regulations it adopts to govern deprivation of liberty. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954).

Petitioner has therefore shown a substantial likelihood of success on his claim that his re-detention was accomplished without the process required by Respondents' own regulations.

III. PETITIONER IS LIKELY TO SUCCEED ON HIS FIFTH AMENDMENT PROCEDURAL DUE PROCESS CLAIM.

The regulatory violation mirrors an independent constitutional problem.

Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Conditional liberty is also liberty. In *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972), the Supreme Court recognized that a person living under conditional release enjoys the ordinary incidents of life—living at home, working, maintaining relationships, and forming the enduring attachments of normal life—even though the Government retains supervisory authority.

Petitioner's interest is exceptionally strong.

He did not spend several weeks or months released from custody. He spent more than **twenty years** living in the community with the Government's knowledge and authorization. During that period, he established and maintained employment, obtained continuous medical care, attended church, developed community relationships, and successfully complied with ICE's reporting requirements.

The Government's prior conduct created more than an abstract hope of freedom. It created a decades-long lived reality in which Petitioner reasonably understood that his continued liberty depended upon compliance with the conditions imposed upon him.

The *Mathews v. Eldridge* factors strongly favor meaningful process before that liberty is taken. 424 U.S. 319, 335 (1976).

First, Petitioner's private interest could hardly be greater: freedom from physical incarceration after more than twenty years at liberty.

Second, the risk of erroneous deprivation is substantial where ICE may reverse decades of successful supervision without providing the person with the reason for that reversal and an opportunity to respond.

This case illustrates the danger. Immediately before re-detention, ICE told Petitioner that he would not need to report again until February 2027. Days later, without any intervening misconduct by Petitioner, ICE imprisoned him.

A meaningful opportunity to respond would have permitted Petitioner to identify the matters most relevant to any custody determination: his perfect or near-perfect

reporting history, stable residence, employment, lack of meaningful criminal history, absence of danger, extraordinary history of appearing when directed, severe medical vulnerability, and the success of supervision over more than two decades.

Third, the Government's burden from providing process is minimal. ICE already has regulatory mechanisms governing revocation and custody review. The Constitution does not require the Court to invent an entirely new administrative system; it requires Respondents to provide meaningful safeguards before depriving a person of physical liberty.

There was also no exigency requiring immediate warrantless seizure without process. ICE chose the date. ICE chose the location. ICE knew where Petitioner was. And Petitioner appeared voluntarily in response to ICE's own instruction.

Petitioner is therefore likely to establish that Respondents deprived him of his protected liberty without constitutionally adequate process.

IV. PETITIONER IS LIKELY TO SUCCEED ON HIS ALTERNATIVE CLAIM THAT HIS WARRANTLESS ARREST EXCEEDED THE AUTHORITY CONFERRED BY 8 U.S.C. § 1357(a)(2).

Respondents likewise cannot avoid scrutiny of the manner in which they obtained physical custody.

Section 1357(a)(2) permits a warrantless immigration arrest only where the officer has reason to believe both that the person is in the United States in violation of

immigration law and that the person **"is likely to escape before a warrant can be obtained for his arrest."**

The second requirement must mean something. Congress did not authorize warrantless arrest whenever an immigration officer believes an individual is removable. It required an additional, individualized basis to believe that the person would escape before a warrant could be obtained.

The District of Minnesota recently addressed that precise issue in *Jorge F.G. v. Easterwood*, No. 26-cv-2360 (MJD/LIB), Dkt. 15 (D. Minn. July 7, 2026).

There, the Court concluded that the Government's asserted detention authority did not erase the independent statutory restrictions governing the arrest that initiated custody. Where the record contained nothing demonstrating that the petitioner was likely to escape before a warrant could be obtained, the Government failed to comply with § 1357(a)(2), and release was appropriate.

Petitioner's facts are stronger still.

He had lived openly in the United States for more than thirty years. He had complied with ICE supervision for decades. ICE knew exactly where to find him. He did not flee when ICE contacted him. He did the opposite: he voluntarily walked into an ICE office because ICE instructed him to report.

The Government cannot plausibly contend that there was no time to obtain lawful arrest authority while simultaneously acknowledging that it had scheduled and orchestrated Petitioner's attendance at its own office.

Only days before, ICE had considered Petitioner sufficiently reliable to schedule his next check-in for February 2027.

Nothing about those facts indicates an individual likely to escape before a warrant could be obtained.

To the extent Respondents did not possess lawful revocation authority and instead effectuated an independent warrantless arrest, Petitioner has demonstrated a likelihood of success on his § 1357(a)(2) claim as well.

V. PETITIONER IS LIKELY TO SUCCEED ON HIS CLAIM THAT RESPONDENTS MAY NOT REMOVE HIM TO UGANDA WITHOUT MEANINGFUL COUNTRY-SPECIFIC PROCESS.

The immediacy of the contemplated Uganda removal supplies another independent reason to preserve the status quo.

Petitioner does not contend that DHS can never remove an individual who has withholding of removal to an accepting third country.

The issue is process.

Petitioner's 2004 removal proceedings adjudicated whether he could safely be returned to Zimbabwe. They did not adjudicate Uganda.

Uganda was not specifically identified during those proceedings. Petitioner therefore did not present evidence concerning his individualized circumstances in Uganda, possible persecution, torture, refoulement, or other legally cognizable fear of removal there.

More than twenty years later, ICE advised Petitioner late in the afternoon on August 10 that Uganda was the intended country and staged him for removal by early the following morning.

A few hours is not a meaningful opportunity to investigate a country never previously at issue, consult with counsel, identify applicable protection claims, obtain country-condition evidence, and pursue legal review before removal becomes irreversible.

Courts addressing this issue have repeatedly concluded that third-country removal requires meaningful notice and an opportunity to raise country-specific fear. See *Kumar v. Wamsley*, 817 F. Supp. 3d 1059, 1068–73 (W.D. Wash. 2025); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009–19 (W.D. Wash. 2019).

Kumar is particularly relevant because the third country proposed there was also **Uganda**. The court emphasized the importance of ICE affirmatively asking whether the noncitizen fears removal to the proposed country and memorializing the answer, rather than creating a regime in which a detained individual must somehow know what must be said to activate statutory protection.

The need for meaningful process is even greater here given Petitioner's serious medical condition and decades-long dependence upon uninterrupted HIV treatment. Any evaluation of removal must be individualized and must occur before DHS puts him beyond the practical reach of meaningful review.

Petitioner has therefore shown a likelihood of success sufficient to warrant preserving his presence in the United States while this Court adjudicates his claims.

VI. PETITIONER WILL SUFFER IMMEDIATE AND IRREPARABLE HARM ABSENT EMERGENCY RELIEF.

This factor weighs overwhelmingly in Petitioner's favor.

A. Every additional day of allegedly unlawful detention inflicts an irreparable deprivation of liberty.

Petitioner is presently deprived of physical liberty pursuant to a re-detention he contends was accomplished in violation of federal statute, regulation, and the Fifth Amendment.

"Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by due process. *Zadvydas*, 533 U.S. at 690.

Later release cannot return to Petitioner the days spent unlawfully incarcerated. Each additional day therefore compounds an injury that cannot meaningfully be remedied through damages or post hoc review.

That constitutional injury is significant standing alone.

Here, however, it is accompanied by a concrete medical danger.

B. Respondents have interrupted medication necessary to maintain Petitioner's successful treatment of HIV.

Petitioner has lived with HIV for approximately three decades.

He did what medicine asks of a person living with HIV: he entered treatment, adhered faithfully to his medications, attended medical appointments, and maintained viral suppression for years.

Respondents have now interrupted that stability.

The United States Department of Health and Human Services' Guidelines for the Use of Antiretroviral Agents in Adults and Adolescents With HIV specifically warn that discontinuation or interruption of antiretroviral therapy can result in viral rebound, immune decompensation, and clinical progression. The Guidelines therefore do not recommend planned interruption of antiretroviral therapy and instruct that when an unanticipated interruption occurs, its duration should be minimized.

That concern is particularly important for a patient like Petitioner who has already achieved durable viral suppression through long-term adherence. The goal of antiretroviral therapy is to maximally and durably suppress HIV, preserve immune function, reduce HIV-associated morbidity, and prevent disease progression. An involuntary detention-induced interruption directly undermines those purposes.

This is not a theoretical dispute over the quality of medical care Petitioner might receive at some point in the future.

The interruption has already occurred.

Petitioner advised Respondents of his medication needs. ICE officers documented those medications before his detention. Those officers represented that they had affirmatively contacted detention medical personnel and had been assured that Petitioner's medications could and would be continued.

Despite that advance knowledge, Petitioner reports that the medication has not been provided as prescribed. The Eighth Circuit has repeatedly recognized the obvious constitutional significance of withholding prescribed medication from a detainee. In *Presson v. Reed*, 65 F.4th 357 (8th Cir. 2023), the Court affirmed denial of qualified immunity where evidence showed jail officials knew of serious medical needs yet failed to provide prescribed medications or dispensed them inconsistently with medical direction.

Likewise, in *Dadd v. Anoka County*, 827 F.3d 749, 756–57 (8th Cir. 2016), the Eighth Circuit held that jail personnel had fair warning that deliberately refusing to provide prescribed medication for a serious medical condition could violate the Constitution.

The Court need not resolve a separate conditions-of-confinement claim to recognize the significance of those principles here. They demonstrate why deprivation of

prescribed medication is not a minor inconvenience and why Petitioner's medical harm cannot be dismissed as speculative.

More fundamentally, Respondents created this problem. Before August 6, Petitioner controlled his own medical care. He had an established physician. He had access to his medication. He had maintained adherence for decades. Respondents then took physical custody of him and assumed exclusive control over when, where, and whether he could obtain those medications.

Having deprived Petitioner of the ability to care for himself, Respondents cannot reasonably insist that the Court wait for actual viral rebound, immune deterioration, or other clinical harm before intervening. The purpose of a TRO is to prevent the threatened injury before it fully materializes.

C. Transfer or removal creates an additional threat to continuity of treatment and effective judicial review.

Respondents have already demonstrated their intent to move Petitioner rapidly through the removal process.

Petitioner received notice of Uganda late in the afternoon on August 10 and was staged for removal by the following morning.

Movement between detention facilities, staging locations, and ultimately another country creates an obvious additional risk that whatever continuity of treatment can now be restored will again be interrupted.

It would also threaten the Court's ability to provide meaningful relief on the pending habeas claims.

Preserving Petitioner's location and continued presence in the United States for the short period necessary to adjudicate emergency relief therefore protects both his medical treatment and the integrity of this Court's review.

Petitioner has established irreparable harm many times over.

VII. THE BALANCE OF EQUITIES OVERWHELMINGLY FAVORS PETITIONER.

The harm to Petitioner is severe. He faces continuing physical confinement; involuntary disruption of a decades-long HIV treatment regimen; the possibility of viral rebound, immune deterioration, and disease progression; and imminent third-country removal before his claims can meaningfully be heard.

Respondents face no comparable injury from temporary relief. Immediate release would simply return Petitioner to the same supervisory framework that successfully protected the Government's interests for more than twenty years.

Petitioner has already demonstrated that supervision works. He reported as directed. He remained locatable. He did not abscond. He did not commit a serious new offense. He appeared at the very appointment at which he was arrested.

Respondents can impose reasonable reporting requirements and other lawful conditions while the Court adjudicates this case.

And if the Court is not prepared to order release immediately, Respondents cannot plausibly identify any legitimate governmental injury from being required to provide the medication their own officers represented would be continued.

Providing a detainee the HIV medication already prescribed to him is not an extraordinary administrative burden.

Nor would a short prohibition on transfer or removal deprive Respondents of the ultimate ability to execute a lawful removal order if they prevail. It merely preserves the status quo long enough for the Court to determine whether Respondents' detention and removal procedures are lawful.

The balance of harms therefore strongly favors emergency relief.

VIII. THE PUBLIC INTEREST FAVORS RELIEF.

The public has a compelling interest in lawful administration of the immigration system. That interest includes enforcement of final removal orders when authorized by law. But it equally includes compliance with the statutes, regulations, and constitutional limitations governing how the Executive detains and removes individuals.

There is no public interest in detention accomplished without the process federal regulations require. There is no public interest in warrantless arrest outside the limits Congress imposed.

There is no public interest in effectuating a third-country removal so rapidly that meaningful review becomes impossible.

And there is certainly no public interest in unnecessarily interrupting effective treatment of a serious chronic illness after Government officials were specifically informed of the medication and represented that continuity of treatment had been arranged.

Returning Petitioner temporarily to supervision does not prevent lawful immigration enforcement. It simply requires Respondents to exercise that authority within lawful bounds while this Court decides the Petition.

The public-interest factor therefore favors relief.

IX. IMMEDIATE RELEASE IS THE APPROPRIATE INTERIM REMEDY; AT MINIMUM, THE COURT SHOULD ORDER IMMEDIATE RESTORATION OF PETITIONER'S HIV MEDICATION AND PRESERVE THE STATUS QUO.

The principal relief Petitioner seeks is immediate release. That request is not based merely on a preference to receive better medical care outside detention. Petitioner's habeas petition challenges the lawfulness of the detention itself, and release is the traditional remedy for unlawful custody.

The medical emergency explains why that remedy cannot await ordinary briefing. Before August 6, Petitioner had successfully managed his HIV in the community while simultaneously complying with ICE supervision for decades. Release therefore restores both the status quo and the medical arrangement that had kept Petitioner's HIV suppressed.

Respondents retain ample means to monitor him through supervision while the Court adjudicates the Petition.

If the Court concludes that it requires a response from Respondents before ordering release, Petitioner respectfully requests immediate alternative relief sufficient to prevent further medical injury.

Since the Respondents cannot satisfy this, they must immediately release Petitioner.

CONCLUSION

Petitioner has demonstrated a likelihood of success on multiple claims challenging his re-detention. Respondents took him back into custody after more than twenty years of successful supervision, despite identifying no supervision violation and despite telling him only days earlier that he need not report again until February 2027. Petitioner received no meaningful revocation process, was arrested without a warrant despite voluntarily appearing at ICE's own direction, and was then given only hours' notice before being staged for removal to a country never litigated during his immigration proceedings.

Those substantial legal defects are now accompanied by an immediate medical emergency.

Petitioner has successfully controlled HIV for decades through continuous adherence to antiretroviral medication. Respondents knew of that treatment, affirmatively represented that continuity of medication had been arranged, and then failed to provide

his medication as prescribed after taking exclusive physical control over his ability to obtain it.

The Court should not require Petitioner to suffer viral rebound, immune deterioration, or other clinical consequences before intervening.

For these reasons, Petitioner respectfully requests that the Court enter a Temporary Restraining Order:

1. **ordering Petitioner's immediate release** from immigration custody to his prior conditions of supervision pending adjudication of his Petition for Writ of Habeas Corpus;

2. prohibiting Respondents from removing Petitioner from the United States or transferring him outside the District of Minnesota while the Court considers his request for preliminary injunctive relief;

3. alternatively, if immediate release is not ordered, directing Respondents immediately to restore and continuously administer Petitioner's complete prescribed antiretroviral regimen, coordinate with his treating physician and pharmacy as necessary, provide medically appropriate evaluation concerning the interruption, and refrain from any transfer that would further interrupt that treatment;

4. ordering Respondents to file an expedited response; and

5. granting such other relief as this Court finds just and necessary to protect Petitioner's health, liberty, and right to meaningful habeas review.

Dated: August 11, 2026

Respectfully submitted,

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