

**UNITED STATES DISTRICT COURT
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 their 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. 0:26-cv-00417-JRT-DLM

**NOTICE TO COURT
AND STATUS UPDATE
CONCERNING
IMPLEMENTATION OF
TEMPORARY RESTRAINING
ORDER**

Counsel for Plaintiffs in the above captioned matter write to provide a status update regarding enforcement and compliance with Court’s Temporary Restraining Order (“TRO”), ECF 41. In most relevant part, the TRO ordered Defendants to “immediately release all members of the Detained Subclass . . . to counsel or to individuals specifically authorized by counsel.” *Id.* at 31–32.

At approximately 6:20 p.m. on January 28, less than two hours after the TRO was issued, the undersigned shared with U.S. Attorney’s Office Civil Chief Ana Voss, counsel for Defendants, a list identifying members of the Detained Subclass currently known to counsel along with a list of authorized representatives available to pick up those individuals upon release. Ms. Voss responded within a minute stating that she would forward the list to her client(s). The undersigned asked whether the list would be forwarded along with instructions to release that night, and explained that authorized representatives were available to receive any released individuals immediately. Ms. Voss responded at 6:49 p.m. stating that she would forward the information to her clients but that the Department of Justice “is likely going to be seeking an immediate stay” of the TRO. Ms. Voss did not advise as to whether she instructed any agency to effect the release of any individual, or whether any releases were anticipated to occur.

At the time of this writing, Defendants have yet to provide any indication that they intend to release any members of the Detained Subclass, including individuals who the undersigned have identified. This is in spite of the fact that Plaintiffs’ counsel has indicated that authorized individuals were prepared to receive released members of the Detained

Subclass immediately. The detainees that Defendants have not released include lead plaintiff U.H.A.

The undersigned and their representatives have appeared physically at detention centers to request the release of certain individuals who are members of the Detained Subclass. At the detention centers, agents of the Defendants have indicated that no release would occur, in light of the Department of Justice's anticipated decision to request a stay of the TRO. Agents of the Defendants appear to be under orders not to effect releases pursuant to the Court's TRO, unless a separate order specific to an identified individual mandates release.

Defendants are required to comply with the TRO. *See Juan T.R. v. Noem*, No. 26-CV-0107 (PJS/DLM), 2026 WL 200329, at *1 (D. Minn. Jan. 26, 2026) (observing Defendants' obligation to comply with Court orders despite continued violations). At the time of this writing, no stay has been issued, or even requested, with regard to the Court's TRO, but Ms. Voss has indicated that Defendants intend to seek to dissolve the TRO pursuant to Fed. R. Civ. P. 65.

Dated: January 29, 2026

Respectfully submitted,

/s/E. Michelle Drake

E. Michelle Drake, Bar No. 0387366

John G. Albanese, Bar No. 0395882

Joseph C. Hashmall, Bar No. 0392610

Hans Lodge, Bar No. 0397012

Marika K. O'Connor Grant, Bar No. 0506179

Ariana Kiener, Bar No. 0402365

Bryan Plaster Bar No. 0402792

Katherine Raths, Bar No. 0403443

Jordan Hughes, Bar No. 0403614
Soledad Slowing-Romero, Bar No. 0506668
BERGER MONTAGUE PC
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413
T. 612.594.5999
F.612.584.4470
emdrake@bergermontague.com
jalbanese@bergermontague.com
hlodge@bergermontague.com
jhashmall@bergermontague.com
moconnorgrant@bergermontague.com
akiener@bergermontague.com
bplaster@bergermontague.com
kraths@bergermontague.com
jhughes@bergermontague.com
sslowingromero@bergermontague.com

Kimberly Grano*
Ghita Schwarz*
Mevlüde Akay Alp*
Pedro Sepulveda
International Refugee Assistance Project
One Battery Park Plaza, 33rd Floor
New York, New York 10004
Telephone: (646) 939-9169
Facsimile: (516) 324-2267
kgrano@refugeerights.org
gschwarz@refugeerights.org
makayalp@refugeerights.org
psepulveda@refugeerights.org

Megan McLaughlin Hauptman*
International Refugee Assistance Project
650 Massachusetts Avenue NW, Suite 600
Washington, D.C. 20001
Telephone: (516) 732-7116
Facsimile: (516) 324-2267
mhauptman@refugeerights.org

Bardis Vakili (Cal. Bar No. 247783)**
Sarah E. Kahn (Cal. Bar No. 341901)*
CENTER FOR HUMAN RIGHTS &

CONSTITUTIONAL LAW

1505 E 17th St. Ste. 117

Santa Ana, CA 92705

Tel: (909) 274-9057

bardis@centerforhumanrights.org

sarah@centerforhumanrights.org

* *Pro hac vice applications pending*

** *Admitted pro hac vice*

Counsel for Plaintiff-Petitioner and Plaintiffs