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CLERK, U.S. DISTRICT COURT
ST. PAUL, MINNESOTA

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Gerardo Sanchez-acuna A# 

Petitioner,

v.

U.S. Department of Homeland Security;

U.S. Immigration and Customs Enforcement (ICE);

Mary De Anda-Ybarra, Field Office Director, ICE Enforcement and Removal Operations,
El Paso Field Office, in her official capacity,

Respondents.

Case No.: 0:26-cv-01577(MJD/LIB)

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER,
ACCESS TO COURTS, RETURN TO
DISTRICT, AND STAY OF
DEPORTATION**

EMERGENCY

Petitioner, Gerardo Sanchez-Acuna proceeding pro se, respectfully moves this Court for a
Temporary Restraining Order ("TRO") and related emergency relief.

I. BACKGROUND



1. This Court, through Magistrate Judge Leo I. Brisbois, ordered Respondents to file a response.
 2. The Court granted Respondents an extension of time **until May 5, 2026** to file that response.
 3. Petitioner, Gerardo, has been transferred to **El Paso, Texas**, and is currently in ICE custody.
 4. Petitioner has **no access to pen, paper, legal materials, or any means of communication.**
 5. As a result, Petitioner is completely unable to pursue his legal appeals, including this habeas action and other pending matters filed in the District of Minnesota.
 6. Petitioner is currently subject to deportation, which may occur **before the Court's response deadline and before Petitioner has any ability to be heard.**
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II. LEGAL STANDARD FOR TEMPORARY RESTRAINING ORDER

A Temporary Restraining Order is appropriate where the movant demonstrates:

1. A likelihood of success on the merits;
 2. A threat of immediate and irreparable harm;
 3. That the balance of equities favors the movant; and
 4. That the injunction is in the public interest.
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III. ARGUMENT

A. Likelihood of Success on the Merits

7. The Fifth Amendment guarantees due process, including notice and a meaningful opportunity to be heard.
 8. Petitioner's complete lack of access to legal materials and communication prevents any meaningful participation in this case.
 9. Deportation or continued detention under these conditions violates due process and the constitutional right of access to the courts.
 10. Petitioner is therefore likely to succeed on the merits.
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B. Irreparable Harm

11. Deportation constitutes immediate and irreparable harm.

12. Removal before Petitioner can access the courts or pursue his legal claims would permanently deprive him of those rights.
 13. Such harm cannot be undone once removal occurs.
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C. Pending U Visa Relief and Deferred Action Support Emergency Relief

14. Petitioner has a pending application for U **Nonimmigrant Status (U Visa)** with U.S. Citizenship and Immigration Services (USCIS).
 15. USCIS has already issued favorable determinations, including a **waiver of inadmissibility, advance permission to reenter, and a prima facie eligibility determination.**
 16. Petitioner has also been granted **deferred action** in connection with his U Visa application.
 17. These determinations reflect that Petitioner has been recognized by the federal government as eligible for protection and relief under immigration law.
 18. Deportation under these circumstances would directly interfere with and undermine the ongoing USCIS adjudication process.
 19. Removal would nullify protections already granted and prevent Petitioner from benefiting from that relief.
 20. Courts recognize that removal in the face of pending or preliminarily approved immigration relief constitutes **irreparable harm.**
 21. Deportation would also violate principles of fundamental fairness and due process.
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D. Transfer Outside District and Denial of Access to Courts

22. Petitioner's transfer to Texas has effectively severed his ability to access this Court.
 23. All of Petitioner's pending legal matters, including this habeas petition, are filed in **Minnesota.**
 24. By removing Petitioner from Minnesota and placing him in conditions where he has no access to legal tools, Respondents have **frustrated this Court's jurisdiction** and Petitioner's ability to litigate his claims.
 25. Courts have authority in habeas proceedings to order relief necessary to preserve jurisdiction and ensure meaningful access to judicial review.
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E. Balance of Equities

26. Granting relief preserves the status quo and ensures fair adjudication.
27. Respondents face minimal burden from temporary relief.
28. Petitioner faces severe and irreversible harm without intervention.

F. Public Interest

29. The public interest strongly favors protecting constitutional rights.
 30. Ensuring access to courts and proper adjudication of immigration relief promotes the integrity of the judicial system.
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IV. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. **Issue an immediate Temporary Restraining Order** prohibiting Petitioner's deportation;
 2. **Order Respondents to provide immediate access to legal materials and communication;**
 3. **Order Respondents to return Petitioner to the District of Minnesota**, where his habeas petition and related proceedings are pending;
 4. **Stay removal proceedings** pending resolution of this matter;
 5. Grant any additional relief the Court deems just and proper.
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V. CERTIFICATION OF EMERGENCY

Petitioner certifies that this motion is filed on an emergency basis because deportation may occur **before the Court's response deadline and while Petitioner is completely unable to access the courts**, resulting in immediate and irreparable harm.

Respectfully submitted,

Gerardo Sanchez-Acuna
Petitioner, Pro Se
Currently in El Paso, TX EAST MONTANA

Date: 5/4/2026 _____

CERTIFICATE OF SERVICE

I certify that on this date, a true and correct copy of this motion was served on all Respondents or their counsel by [method].

Date: 5/4/26

Signature: Angela Sanchez de la bodega