UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

LUIS FRANCISCO VALDEZ SALDIVAR Petitioner, v. DAVID EASTERWOOD, in his official capacity as the St. Paul Field Office Director for U.S. Immigration and Customs Enforcement; DAVID J. VENTURELLA, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, in his official capacity as Secretary of the United States Department of Homeland Security, and TODD BLANCHE, in his official capacity as Attorney General of the United States; and RYAN SHEA, in his official capacity as the Freeborn County Sheriff, Respondents.	Case No. 0:26-cv-04001 **PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER UNDER FRCP 65(b) AND PRELIMINARY INJUNCTION UNDER FRCP 65(a)** **EXPEDITED HANDLING REQUESTED**

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION WITH EXPEDITED HANDLING

Petitioner Luis Francisco Valdez Saldivar ("Petitioner"), pursuant to 28 U.S.C. § 2241, the Fifth Amendment to the United States Constitution, and Rule 65 of the Federal Rules of Civil Procedure, moves the Court for entry of a Temporary Restraining Order and Preliminary Injunction enjoining Respondents, and all persons acting on Respondents' behalf, from removing him from the United States before this Court has an opportunity to consider his pending Emergency Petition for Writ of Habeas Corpus pursuant to 28 U.S.C.

§ 2241.

Petitioner is presently detained at the Freeborn County Jail in Albert Lea, Minnesota. He was arrested by Immigration and Customs Enforcement ("ICE") on September 11, 2026, when he appeared as required for a USCIS biometrics appointment in connection with his pending Form I-914, Application for T Nonimmigrant Status. USCIS has not denied his T-visa application and has not communicated any negative bona fide determination concerning his application.

Petitioner has a final alternate order of removal arising from voluntary departure granted in 2009. He does not challenge the validity of that order through this motion. Rather, his habeas petition challenges his present detention and the threatened execution of removal while his T-visa application remains pending and while he is a member of the nationwide Stay of Removal Class certified in *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, 2026 WL 1455004 (C.D. Cal. May 20, 2026).

The circumstances are urgent. ICE has informed Petitioner that his removal is expected to occur at approximately 4:00 a.m. on September 15, 2026. Petitioner is therefore at imminent risk of being removed before this Court can meaningfully consider his § 2241 petition and his request for relief arising from his membership in the Stay of Removal Class certified in *ICWC*. Petitioner is contemporaneously submitting Form I-246, Application for Stay of Deportation or Removal.

Removal at this time would cause irreparable harm and would substantially impair this

Court's ability to provide meaningful relief. A brief order preserving the status quo will impose no comparable harm on Respondents and will permit the Court to determine the parties' respective rights before Petitioner is removed from the country.

Accordingly, Petitioner respectfully requests that the Court enter an immediate temporary restraining order:

1. Enjoining Respondents, and all persons acting under their authority or in concert with them, from removing Petitioner from the United States pending further order of this Court;
2. Directing Respondents to preserve the status quo with respect to Petitioner's removal while the Court considers his Emergency Petition for Writ of Habeas Corpus and related emergency relief; and
3. Granting such other and further relief as the Court deems just and proper.

Because removal is reportedly imminent, Petitioner respectfully requests that the Court consider this motion on an emergency basis and enter the requested temporary relief before the scheduled removal.

Respectfully submitted,

Dated: September 15, 2026

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