

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Francisco Uzcategui Villasmil v. Luis Soto, et al.

Uzcategui Villasmil v. Soto · No. Civil Action No. 26-1765 (GC) · Decided February 25, 2026

SUMMARY

The United States District Court for the District of New Jersey denied without prejudice Francisco Uzcategui Villasmil’s motion for a temporary restraining order and denied his request for an order to show cause in his 28 U.S.C. § 2241 habeas proceeding. The Court ordered that he not be transferred from the District of New Jersey or removed from the United States pending further order, and directed Respondents to answer the Petition within fourteen days and provide the relevant administrative record.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Georgette Castner
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 25, 2026
DOCKET	Civil Action No. 26-1765 (GC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a counseled petition for a writ of habeas corpus under 28 U.S.C. § 2241, moved for a temporary restraining order requiring his immediate release, and requested an expedited order to show cause. The district court denied the TRO without prejudice, denied the request for an order to show cause, screened the petition under Habeas Rule 4, and directed respondents to answer within fourteen days while imposing interim restrictions on transfer and removal.
STANDARD OF REVIEW	The court screened the habeas petition for dismissal under Habeas Rule 4 and applied the requirements for an ex parte TRO under Federal Rule of Civil Procedure 65(b).
PRECEDENTIAL VALUE	unpublished, nonprecedential
PARTIES	Francisco Uzcategui Villasmil v. Luis Soto, et al., in their official capacities

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether petitioner satisfied Federal Rule of Civil Procedure 65(b)'s requirements for an ex parte temporary restraining order.
2. Whether the court was required to issue an expedited order to show cause and hearing under 28 U.S.C. § 2243.
3. Whether the petition should be dismissed at screening under Habeas Rule 4 or instead proceed with an answer and production of the record.
4. Whether the court could prohibit petitioner's transfer from the District of New Jersey or removal from the United States pending further proceedings under the All Writs Act.

HOLDINGS

1. Petitioner was not entitled to an ex parte TRO because the petition and supporting materials did not clearly present specific facts showing that immediate and irreparable injury would occur before respondents could be heard, and counsel did not provide the written certification required by Rule 65(b).
2. The court was not required to issue an immediate show-cause order or set the expedited hearing requested by petitioner because Habeas Rule 4 provides an alternative procedure applicable to § 2241 cases and governs the court's initial screening and response process.
3. Dismissal without an expedited answer and production of the record was not warranted at the screening stage.
4. Under the All Writs Act, the court could order that petitioner not be transferred from the District of New Jersey or removed from the United States pending further order of the court.

KEY QUOTATIONS

“Under Rule 65(b), a court may issue a TRO without written or oral notice to the adverse party or its attorney “only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.””

“This Court has screened the Petition for dismissal pursuant to Habeas Rule 4 and has determined that dismissal without an expedited answer and production of the record is not warranted.”

FACTUAL BACKGROUND

Francisco Uzcategui Villasmil was detained by immigration authorities and alleged that his continued detention violated the Temporary Protected Status statute. He sought habeas relief under 28 U.S.C. § 2241 and moved for

immediate release through a TRO. His counsel stated that counsel had contacted ICE and the United States Attorney's Office seeking release, but the court found that the required specific factual showing and written certification for ex parte relief had not been provided.

PROCEDURAL HISTORY

The case was initiated in the District of New Jersey by a federal habeas petition challenging petitioner's immigration detention. Petitioner separately sought emergency release through a TRO and requested an expedited show-cause order and hearing under 28 U.S.C. § 2243. The court concluded that the petition should not be dismissed at screening, denied the requested expedited procedures, ordered a full answer and production of the administrative record, and barred transfer from the district or removal from the United States pending further order.

DISPOSITION

other

CASES CITED

- *Sira v. Bondi*, No. 26-667, 2026 WL 189875, at *1 n.1 (D.N.J. Jan. 23, 2026)
- *Martinez-Cruz v. Soto*, No. 25-18254, 2025 WL 352124, at *1 n.3 (D.N.J. Dec. 9, 2025)
- *Schumaker v. Knight*, No. 23-20834, 2024 WL 866347, at *1 (D.N.J. Feb. 29, 2024)
- *Iremashvili v. Rodriguez*, No. 15-6320, 2017 WL 935441, at *2, *4 (D.N.J. Mar. 9, 2017)
- *Benitez Castro v. Bondi*, No. 25-17598, 2025 WL 3213829, at *1 n.5 (D.N.J. Nov. 18, 2025)