

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Kilmar Armando Abrego Garcia,

Petitioner,

v.

Kristi Noem, *et al.*,

Respondents.

Civ. No. 8:25-02780-PX

ORDER

For the reasons discussed during today’s hearing, the Court hereby ORDERS the following:

1. By **no later than December 26, 2025**, Respondents SHALL supplement the record with, at a minimum, a sworn declaration from a person with knowledge who binds the Respondents, which addresses: (a) whether Respondents intend to re-detain Petitioner Kilmar Armando Abrego Garcia (“Abrego Garcia”) or elect for him to remain under the U.S. Immigration and Customs Enforcement (“ICE”) supervision conditions previously set on December 11, 2025, *see* ECF No. 112-1; (b) if Respondents intend to re-detain Abrego Garcia, the precise statutory authority and basis for re-detaining him (*e.g.*, 8 U.S.C. § 1226(a)); and (c) Respondents’ position on Abrego Garcia’s entitlement to a prompt bond hearing before an immigration judge if he is re-detained under the basis articulated in (b);
2. By no later than **December 30, 2025**, Abrego Garcia SHALL respond to Respondents’ **December 26, 2025** submission;
3. By no later than **January 14, 2026**, the parties SHALL file a joint status report on what, if any, issues remain outstanding and are ready for resolution in this habeas matter;

4. The Court also STRIKES from ECF No. 115 Respondents' reference to this Court's December 12, 2025, Temporary Restraining Order as "*ex parte*." See ECF No. 115 at 2 & 14. By **December 26, 2025**, counsel for Respondents SHALL refile a corrected copy of the memorandum for replacement at ECF No. 115;
5. Until this Court issues its written decision on whether to convert the Temporary Restraining Order at ECF No. 114 to a preliminary injunction, Respondents remain ENJOINED from re-detaining Abrego Garcia in ICE custody;¹
6. The parties agree to defer further briefing on the resolution of Respondents' Motion to Dissolve the Preliminary Injunction at ECF No. 72. Accordingly, the Preliminary Injunction at ECF No. 20 remains in full force and effect;
7. Further, the previous Order that Respondents are to "provide written notice to Abrego Garcia and all counsel of record at least seventy-two (72) hours (excluding Saturdays, Sundays, and federal holidays) prior to the intended removal, identifying the country to which removal is sought," *Abrego Garcia v. Noem*, 8:25-cv-00951-PX, ECF No. 239 ¶ 4 (D. Md. 2025), remains in full force and effect; and
8. Respondents SHALL immediately transmit this Order to all relevant officers, agents, and employees under their control and who are involved in this matter and in Abrego Garcia's Tennessee criminal case. See *United States v. Abrego Garcia*, 3:25-cr-00115-1 (M.D. Tenn.).

December 22, 2025
Date

/s/
PAULA XINIS
United States District Judge

¹ This Order does not prevent DHS-ICE from modifying or revoking Abrego Garcia's conditions of release upon demonstrated violation of such conditions and within the bounds of applicable law and regulations.