

January 8, 2026

Judge Kate M. Menendez
 U.S. District Court, District of Minnesota
 300 South Fourth Street
 Minneapolis, MN 55415

Via ECF

Re: *Tincher v. Noem*, Case No. 25-cv-4669 (KMM/DTS)

Dear Judge Menendez,

On behalf of plaintiffs Susan Tincher, John Biestman, Janet Lee, Lucia Webb, Abdi Kadir Noor, Alan Crenshaw, and the putative class of peaceful protestors and observers they represent (collectively, “Plaintiffs”), we write to request leave to move for reconsideration of this Court’s decision to convert Plaintiffs’ Motion for Temporary Restraining Order (“TRO Motion”) (ECF 16) into a motion for preliminary injunction (ECF 24). *See* L.R. 7.1(j).

Under Local Rule 7.1(j), this Court will grant leave to file a motion for reconsideration when a party “show[s] compelling circumstances” exist. L.R. 7.1(j). This Court has repeatedly noted that motions for reconsideration “serve the limited purpose of ‘correct[ing] manifest errors of law or fact or . . . present[ing] newly discovered evidence.’” *Farmer v. FilmTec Corp.*, Case No. 22-cv-2974, 2024 WL 4826450, at *1 (D. Minn. Nov. 19, 2024) (quoting *Hagerman v. Yukon Energy Corp.*, 839 F.2d 407, 414 (8th Cir. 1988)). In other words, leave to file a motion for reconsideration will be granted “when necessary to afford a party an opportunity for relief in extraordinary circumstances.” *Id.* (quotation marks omitted).

Extraordinary circumstances warrant granting Plaintiffs leave to move for reconsideration in this case. Plaintiffs filed their TRO Motion on December 18, 2025, at the beginning of the deployment of federal immigration and law-enforcement officers to Minnesota known as “Operation Metro Surge.” Plaintiffs are peaceful observers and protestors whose constitutionally protected activities have been met with unconstitutional threats, violence, and even arrest at the hands of federal agents. (ECF 1, 1-1 to 1-15.) Although Plaintiffs filed the TRO Motion because they feared imminent and irreparable harm, at the government’s urging this Court converted Plaintiffs’ TRO Motion into a motion for preliminary injunction. (ECF 24.) The government assured the Court that it would use the additional time this conversion allowed “to investigate the allegations in Plaintiffs’ declarations,” which it called “serious.” Ex. A. In its opposition brief filed on Monday, January 5, 2025, the government represented to this Court that its investigation had revealed that Plaintiffs’ experiences were purportedly “one-time isolated past incidents” and that there was “no threat of immediate and irreparable harm” to Plaintiffs or other peaceful observers and protestors. (ECF 46 at 40–41.)

The government’s claims were not true. The *very same day* that the government’s brief was filed, reports emerged that the government was deploying an additional two

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thousand federal agents to Minnesota.¹ Two days after that, an ICE agent shot and killed observer Renee Good while she was driving away from agents who were attempting to force their way into her vehicle.² Thousands of peaceful observers and protesters turned out in the streets of the Twin Cities in the wake of Ms. Good's murder. Peaceful observers and protesters turned out again today, they will turn out again tomorrow, and they will continue turning out every day until Operation Metro Surge is over. These Minnesotans who are peacefully exercising their core constitutional rights to speak and gather continue to be met with unconstitutional and terrifying violence at the hands of federal agents on a daily basis, including unwarranted pepper spraying and unfounded arrests. *See Ex. B (Crenshaw Decl.); Ex. C (Smith Decl.).* And things appear to be getting worse, not better: *even more* federal agents are being deployed to Minnesota at this very moment.³

In sum, Defendants' heightened presence in this District is not only ongoing—it's intensifying. And with intensified federal law enforcement efforts in Minnesota come increased gatherings of people to protest and bear witness to what is happening to our community. There is an immediate need for the entry of a temporary restraining order to preclude the government from continuing to violate the First and Fourth Amendment rights of these brave individuals. That order can and should enter while the government's investigation and further process related to a preliminary injunction continue. These are precisely the sorts of "extraordinary circumstances" premised on new evidence that a motion for reconsideration exists to remedy. *Farmer*, 2024 WL 4826450, at *1.

Given the urgency of the situation, Plaintiffs respectfully request that the Court not only grant Plaintiffs permission to move for reconsideration, but also convert this letter into the motion. *See Pub. Rec. Media, LLC v. U.S. Dep't of Just.*, Case No. 12-1225, 2013 WL 2480678, at *1 (D. Minn. June 7, 2013). Moreover, because the parties have already fully briefed Plaintiffs' entitlement to emergency relief, Plaintiffs respectfully request that a temporary restraining order be entered immediately. (See ECF 1, 1-1 to 1-15, 18, 38, 46, 50.) As the Court noted previously, TROs may be entered on an ex parte basis, and the government here has had ample time and process to respond.

Sincerely yours,



Virginia R. McCalmont

¹ Nicole Sganga & Camilo Montoya-Galvez, *2,000 Federal Agents Deploying to Minneapolis in Immigration Crackdown, Fraud Probe*, CBS News (Jan. 5, 2026 at 10:24 p.m.), available at <https://www.cbsnews.com/news/minneapolis-federal-agents-crackdown/>.

² Devon Lum, Robin Stein & Ainara Tiefenthäler, *Videos Contradict Trump Administration Account of ICE Shooting in Minneapolis*, The New York Times (Jan. 8, 2026), available at <https://www.nytimes.com/video/us/100000010631041/minneapolis-ice-shooting-video.html>.

³ Nicholas Bogel-Burroughs, Mitch Smith & Jacey Fortin, *More Agents Head to Minnesota as U.S. Takes Over Shooting Investigation*, The New York Times (Jan. 8, 2026 at 8:16 p.m.), available at <https://www.nytimes.com/2026/01/08/us/minnesota-ice-shooting-news.html>.