

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JOSE ELIEZER MARTINEZ-ANDINO,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND  
SECURITY, *et al.*,

Defendants.

Civil Action No. 26-1208 (BAH)

Judge Beryl A. Howell

**ORDER**

Upon consideration of plaintiff's Second Motion for Temporary Restraining Order, ECF No. 8, and defendants' Motion to Dismiss, ECF Nos. 21, 23 (Errata), the legal memoranda in support and opposition, the exhibits attached thereto, and the entire record herein, it is hereby—

**ORDERED** that defendants' Motion to Dismiss, ECF Nos. 21, 23 (Errata), the Amended Complaint, ECF No. 19, is **GRANTED IN PART** and **DENIED IN PART**; it is further

**ORDERED** that defendants' Motion to Dismiss is **GRANTED** only to dismiss all counts against defendant Acting Attorney General Todd Blanche; Count II of the Amended Complaint; and Count III insofar as this claim relies upon 8 C.F.R. § 292.5, and is otherwise **DENIED**; it is further

**ORDERED** that plaintiff's Second Motion for a Temporary Restraining Order, ECF No. 8, is **GRANTED IN PART** and **DENIED IN PART**; it is further

**ORDERED** that plaintiff's Second Motion for a Temporary Restraining Order is **DENIED AS MOOT** insofar as the proposed order seeks information already provided by defendants, provision of plaintiff's access to counsel during his previous period of detention in the custody of immigration authorities, and that defendants not release plaintiff from U.S. custody, and further

**DENIED** insofar as the proposed order directs defendants to parole plaintiff into the United States; it is further

**ORDERED** that plaintiff's Second Motion for a Temporary Restraining Order is **GRANTED IN PART** insofar as he seeks an order that defendants facilitate his return to the United States; it is further

**ORDERED** that defendants immediately take all steps necessary to facilitate plaintiff's return to the United States; it is further

**ORDERED** that defendants file, by June 25, 2026, at 4:00 PM, a status report advising the Court of the steps taken by defendants to facilitate plaintiff's return to the United States, and that the parties file a joint status report every 48 hours thereafter advising the Court of the same until plaintiff is returned to the United States or to United States custody; it is further

**ORDERED** that, when plaintiff is returned to the United States or to United States custody, defendants provide plaintiff, promptly and regularly, with telephone access for calls to attorneys and inform plaintiff's counsel of plaintiff's location within 24 hours of his being transferred to any new location, in accordance with Immigration and Customs Enforcement's Performance-Based National Detention Standards 5.5, 5.4(II)(E), and 7.2(II)(A)(1); it is further

**ORDERED** that, by July 3, 2026, the parties submit a joint status report indicating whether plaintiff intends to move for a preliminary injunction or other immediate relief, and proposing a schedule to govern further proceedings.

**SO ORDERED.**

Date: June 23, 2026

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**BERYL A. HOWELL**  
United States District Judge