



Written by [R. Cort Kirkwood](#) on July 23, 2025

Judge Orders ICE Not to Arrest Abrego Garcia If Released From Tennessee Prison

The far-left U.S. district judge who thinks she unilaterally controls federal immigration policy ordered Immigration and Customs Enforcement (ICE) today not to arrest illegal alien Kilmar Abrego Garcia if and when a federal judge releases the gangbanger and wife beater from prison.

[Paula Xinis](#), appointed by President Barack Hussein Obama to the court in Maryland, has been meddling in the case ever since ICE collared Garcia in March and deported him.



powerofforever/iStock/Getty Images Plus

Garcia is known as a “Maryland man” and/or “Maryland father and husband” among his far-left defenders and the hate-Trump media. ICE deported him, then returned him to the United States to face federal charges of smuggling illegal aliens in Tennessee.

ICE had planned to arrest him if a judge releases him pending trial. Xinis thinks she has the constitutional power to issue an injunction that applies to federal authorities in Tennessee and elsewhere, although the U.S. Supreme Court has ruled that federal judges cannot issue nationwide injunctions.

BREAKING: Maryland federal judge Paula Xinis has just issued an order that will block ICE from arresting “Maryland man” Kilmar Abrego Garcia upon his release on bail in Tennessee for his federal human trafficking charges. Judge Xinis is also ordering a 72 hour pause on any effort... pic.twitter.com/JKBfwnPrB8

— Bill Melugin (@BillMelugin_) [July 23, 2025](#)

Background

[Garcia's is](#) the usual tale of woe from far-left Democrats and the hate-Trump media.

After ICE sent Garcia to El Salvador on March 15, Xinis [ordered the administration](#) to return him to the United States, a decision with which the U.S. Supreme Court imprudently agreed. It said the administration must “facilitate” his return. The administration argued that it cannot return him because he was not under federal jurisdiction. He was in El Salvador, and under its jurisdiction. The administration also warned that it would deport him again immediately because of his membership in the MS-13 terror gang.

Meanwhile, far-left Democrats and their Mainstream Media Information Ministry pounded the message



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that he was “wrongly deported.” Not true, [said White House aide Stephen Miller](#).

As the debate raged and the media retailed the lie that Garcia was just a hardworking “Maryland man and father,” the administration [produced the facts](#) that proved the opposite. His wife twice filed petitions for protective orders, claiming that he was a brutal, out-of-control thug. Cops in Prince George’s County, Maryland, [“validated” him](#) as a member of MS-13.

BREAKING: [@FoxNews](#) has obtained the Tennessee Highway Patrol bodycam footage from when “Maryland Man” Kilmar Abrego Garcia was suspected of human trafficking during a traffic stop in 2022.

“He’s hauling these people for money,” a trooper says. <https://t.co/GbCdtAEGBa>
— Bill Melugin (@BillMelugin_) [May 2, 2025](#)

In 2022, the Tennessee Highway Patrol [stopped him](#) with a carload of illegals and suspected him of human trafficking. The Biden administration ordered his release. The owner of the vehicle, a convicted smuggler himself, told investigators that he hired Garcia to unlawfully transport illegals.

Thus, on his return to the United States, he was indicted for human smuggling. From about 2016 through about 2025, the 10-page [indictment alleges](#),

Garcia and others known and unknown to the Grand Jury, conspired to bring undocumented aliens to the United States from countries such as Guatemala, El Salvador, Honduras, Ecuador, and elsewhere, ultimately passing through Mexico before crossing into Texas.

Garcia and his co-conspirators teamed up with “transnational criminal organizations in Mexico” to bring in the illegals. They usually picked up the illegals then delivered them elsewhere. They also unlawfully transported firearms purchased in Texas for resale in Maryland, the indictment alleges.

The [two-count indictment charges](#) Garcia with transporting illegals and conspiracy to transport them, violations of [8 U.S. Code 1324](#) — bringing in and harboring illegals.

Because Garcia was caught transporting illegals in Tennessee, the charges were filed in the U.S. District Court of the state’s Middle District.

For the past two months, the media and Democrats have burnt to the ground any last shred of credibility they had left by glorifying Kilmar Abrego Garcia— a known MS-13 gang member, human trafficker, and serial domestic abuser.

Today, the United States of America confronts Kilmar...
— Secretary Kristi Noem (@Sec_Noem) [June 6, 2025](#)

No Arresting Him

Now that his release seems imminent, as Fox News’ Bill Melugin reported, the usual far-left pettifogging attorneys have persuaded Xinis — again, an Obama appointee — to block his arrest by ICE.

“Upon his release from criminal custody in the Middle District of Tennessee, the Defendants SHALL



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NOT take Abrego Garcia into custody, including but not limited to custody by U.S. Immigration and Customs Enforcement (‘ICE’),” [Xinis wrote](#) today. Also, they must “restore” him to his “ICE Order of Supervision out of the Baltimore Field Office.”

If they move to deport him, he must receive “written notice” three days before deportation.

Yet Xinis also included this order:

Defendants SHALL immediately transmit this Order and the accompanying Memorandum Opinion to all relevant officers, agents, and employees under their control, including but not limited to: the United States Marshals Service in the Middle District of Tennessee, the ICE New Orleans Regional Office, the ICE Baltimore Field Office, and all personnel involved in this matter or the pending criminal case.



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KILMAR ARMANDO
ABREGO GARCIA, *et al.*,

Plaintiffs,

v.

KRISTI NOEM, Secretary,
United States Department
of Homeland Security, *et al.*,

Defendants.

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Civil Action No. 8:25-cv-00951-PX

ORDER

For the reasons stated in the foregoing Memorandum Opinion, it is this 23rd day of July, 2025, by the United States District Court for the District of Maryland, ORDERED that:

1. Plaintiffs' Emergency Motion for Relief (ECF No. 203) is GRANTED;
2. Upon his release from criminal custody in the Middle District of Tennessee, the Defendants SHALL NOT take Abrego Garcia into custody, including but not limited to custody by U.S. Immigration and Customs Enforcement ("ICE");
3. Defendants SHALL restore Abrego Garcia to his ICE Order of Supervision out of the Baltimore Field Office;
4. Should Defendants commence third-country removal proceedings, Defendants SHALL 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;
5. Defendants SHALL immediately transmit this Order and the accompanying Memorandum Opinion to all relevant officers, agents, and employees under their control, including but



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- not limited to: the United States Marshals Service in the Middle District of Tennessee, the ICE New Orleans Regional Office, the ICE Baltimore Field Office, and all personnel involved in this matter or the pending criminal case, *United States v. Abrego Garcia*, No. 3:25-CR-00115-1 (M.D. Tenn.); and
6. The Clerk is DIRECTED to transmit a copy of this Order to all counsel of record.

July 23, 2025
Date

/S/
Paula Xinis
United States District Judge



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In June, the U.S. Supreme Court blocked lower federal courts from issuing nationwide injunctions. On January 21, 22 states sued in federal court to block Trump’s executive order that ended birthright citizenship, [which he issued](#) on January 20. [They had planned](#) the lawsuit before Trump took office, but in any event, several district judges issued nationwide injunctions. When the consolidated case landed before SCOTUS, it determined that lower district courts [cannot issue](#) blanket nationwide injunctions.

That, again, suggests that Xinis has overstepped her authority. A district judge in *Maryland*, has ordered ICE not to arrest Garcia when he is released from federal custody in *Tennessee*, and further extended the order’s application to federal officials in *Tennessee* and *New Orleans, Louisiana*.



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