

Judge blocks mass releases of illegals

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A federal judge on Thursday (May 11) blocked the mass release of thousands of illegal aliens who do not yet have court dates, shortly before the expiration of the Trump administration’s Title 42 rules.

Judge issues injunction

Federal Judge T. Kent Wetherell II issued a two-week Temporary Restraining Order (TRO) in a suit by Florida’s Attorney General. Judge Wetherell serves on the U.S. District Court for the Northern District of Florida (Pensacola Division).

The administration had planned to release many migrants “on parole with conditions” with the expiration of Title 42. These migrants do not have court dates assigned. But the State of Florida has previously sued, and won, over such parole. Judge Wetherell’s TRO indicates that he believes Florida will prevail yet again. (Judges issue TROs when a plaintiff is likely to prevail on the merits, would suffer irreparable harm, and would furthermore suffer worse harm than the defendant would under the TRO – and when the TRO is in the public interest. *Parker v. State Bd. of Pardons & Paroles*, 275 F.3d 1032, 1034-35 (11th Cir. 2001).)

The TRO will remain in effect for two weeks.

In his 17-page order, Judge Wetherell said flatly that:

The Southwest Border has been out of control for the past 2 years. And it is about to get worse because, at midnight tonight, the Title 42 Order expires.

Wetherell also expressed personal frustration with the federal government. He had in fact been over this before. (*Florida v. United States*, 2023 WL 2399883, March 8, 2023.) This was the case finding that the “parole with conditions” policy was illegal. He said then that it was up to “the political branches (collectively), not the Court, to solve the immigration crisis.”

Trying the court’s patience

Now Wetherell frostily observed that the Border Patrol essentially intended releasing migrants into the community without restraint or restriction. “[A]liens released under the challenged policy would not have an immigration ‘case’ that can ‘continue to be dealt with’ after the purposes of the parole have been served,” the order said. This clearly violates the law governing such paroles. (Title 8 USC §1182(d)(5).)

In answer to the government’s argument about a critical situation that would result in overcrowding, Judge Wetherell essentially told the government they should have thought of that earlier.

Putting aside the fact that even President Biden recently acknowledged that the border has been in chaos for “a number of years,” Defendants’ doomsday rhetoric rings hollow because, as explained in detail in Florida, this problem is largely one of Defendants’ own making through the adoption and implementation of policies that have encouraged the so-called “irregular migration” that has become fairly regular over the past 2 years.

Wetherell set a date of May 19 for a hearing considering a preliminary injunction.

The Biden administration has already filed an appeal in the Court of Appeals for the Eleventh Judicial Circuit. Federal officials took to Twitter to complain bitterly about the TRO:

BREAKING: A federal court judge in Florida has BLOCKED the Biden administration from releasing migrants from Border Patrol custody without court notices under a memo signed this week.

The block is in effect tonight and will last for 2 weeks.

Expect the Biden admin to appeal. pic.twitter.com/tW1Pzn3nEs

— Hamed Aleaziz (@Haleaziz) May 12, 2023

"this problem is largely one of Defendants' own making through the adoption an implementation of policies that have encouraged the so-called "irregular migration" that has become fairly regular over the past 2 years," the judge countered.

— Hamed Aleaziz (@Haleaziz) [May 12, 2023](#)

US Customs and Border Protection statement:

"This is a harmful ruling that will result in unsafe overcrowding at CBP facilities and undercut our ability to efficiently process and remove migrants, and risks creating dangerous conditions for Border Patrol agents and migrants."

— Hamed Aleaziz (@Haleaziz) [May 12, 2023](#)

CBP says it will comply w/ the order.

"The fact remains that when overcrowding has occurred in Border Patrol facilities, Republican & Democratic Administrations alike have used this parole authority to protect the safety & security of migrants and the workforce" statement reads.

— Hamed Aleaziz (@Haleaziz) [May 12, 2023](#)

NEW: Thousands of Haitians have gathered in the Mexican border city of Reynosa, across from McAllen, TX, ahead of Title 42's expiration at midnight. Here, they are being informed about the changes that will take place after Title 42 is no longer in effect. pic.twitter.com/0gZwOBZU9X

— Bill Melugin (@BillFOXLA) [May 11, 2023](#)