

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**STATE OF FLORIDA,**

**Plaintiff,**

**v.**

**Case No. 3:23cv9962-TKW-ZCB**

**ALEJANDRO MAYORKAS, et al.,**

**Defendants.**

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**ORDER**

This case is before the Court based on Defendants’ further response to the Order to Show Cause (Doc. 35). The response clarifies the number of aliens released under the Parole with Conditions policy and attests that the only aliens who were released under that policy after it was enjoined by the Court were those whose processing was “fully completed” before the temporary restraining order (TRO) went into effect.

The Court views the post-May 11 releases to be in violation of at least the intent of the TRO. However, as previously explained, the Court finds that contempt sanctions are unwarranted because the TRO did not clearly and unambiguously address what Defendants were to do with aliens who had been fully processed for

release, but were not actually released, before the TRO went into effect.<sup>1</sup> *See* Doc. 31 at 2-3. Accordingly, it is

**ORDERED** that the Order to Show Cause (Doc. 17) is discharged, subject to the follow-up reporting required for the 2,752 aliens released under the Parole with Conditions policy after the TRO took effect. *See* Doc. 31 at 4 (¶1).

**DONE and ORDERED** this 22nd day of May, 2023.

A handwritten signature in blue ink, appearing to read 'T. Kent Wetherell, II', with a stylized flourish at the end.

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**T. KENT WETHERELL, II**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> The TRO did not address this circumstance because the Court assumed that DHS was immediately releasing aliens after “paroling” them under the Parole with Conditions policy, since the whole point of the policy was to relieve overcrowding at border patrol facilities. Moreover, while the Court can understand why DHS might not want to release aliens after some point during the day, the fact that it chose to detain 2,752 “paroled” aliens for an extended period of time (from at least 11:45 p.m. on May 11 when it stopped processing under the Parole with Conditions policy until the next morning when the aliens were released) makes it harder to take seriously DHS’s complaints about the danger to aliens and staff of its facilities being overcrowded. It also begs the question as to why DHS could not issue NTAs for the aliens during the extended period of time that they were being detained.