



Written by [R. Cort Kirkwood](#) on May 22, 2026

Far-left Obama Judge Dismisses Human-smuggling Case Against MS-13 Member Garcia

A far-left federal judge has dismissed the federal human-smuggling prosecution against Salvadoran illegal alien Kilmar Abrego Garcia, a wife-beating MS-13 gang member, because the prosecutor could not prove the case was not “vindictive.”

Appointed by President Barack Hussein Obama, U.S. District Judge [Waverly D. Crenshaw](#) of the Middle District of Tennessee said the timeline of Garcia’s entirely self-inflicted trouble with federal prosecutors shows that they prosecuted him because they were angry they had been stopped from deporting him.



AP Images
Kilmar Abrego Garcia (center)

Crenshaw apparently didn’t care that a videotape all but establishes Garcia’s guilt. And when the FBI had the chance to arrest and charge him at the time, it refused to do so.



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BREAKING: An Obama judge has **DISMISSED** the federal human trafficking case against illegal El Salvadoran Kilmar Abrego Garcia, calling it "malicious prosecution"

The MS-13 member was literally **CAUGHT ON BODYCAM** trafficking illegals through America

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT
NASHVILLE

Watch on X

UNITED STATES OF AMERICA,
Plaintiff,
v.
KILMAR ARMANDO ABREGO GARCIA,
Defendant.

No. 3:25-cr-00115

ORDER

For the reasons in the accompanying Memorandum Opinion, the motion to dismiss the indictment under Federal Rule of Criminal Procedure 12(b)(3)(A)(i)-(v) (Doc. No. 104) is **GRANTED**. Counts One and Two of the indictment (Doc. No. 3) are **DISMISSED**.

With dismissal of the indictment, the Order for release and setting conditions of release (Doc. No. 112) is **VACATED and TERMINATED**.

All pending motions (Doc. Nos. 151, 181, 231, 232, 233, 234, 235, 236, 237, 238, 252, 271 and 273) are **DEEMED AS MOOT**.

Upon further review and based upon the Memorandum Opinion, the Court determines that certain documents previously redacted at the Government's request should not be redacted. Accordingly, except for email addresses, the redactions in the following documents are removed: Government Evidence Hearing Exhibit 1 at 8 and 9.

IT IS SO ORDERED.


WAVERLY D. FRENSHAW, JR.
UNITED STATES DISTRICT JUDGE

12:16 PM · May 22, 2026



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Garcia's Story

The Garcia Saga began on March 15 last year, when immigration authorities deported him to El Salvador. The deportation began a political war between a far-left judge [and Democrats](#) and the Donald Trump administration. U.S. District Judge Paula Xinis of the U.S. District Court in Maryland [ordered the administration](#) to return Garcia 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 could not return him because he was not under federal jurisdiction. And in any event, the administration said, he would be deported again immediately because of membership in the MS-13 terror gang.

It turned out that Tennessee Highway Patrol (THP) officers [had stopped](#) Garcia in 2022 for speeding. His SUV was packed with illegal aliens.

Garcia was driving without a valid license, a not-uncommon crime among illegals. In Tennessee, the crime is a misdemeanor punishable by a fine and jail time.

"Something about the traffic stop caused concern in the mind of the THP officer that other law enforcement agencies should be alerted," [The Tennessee Star reported](#):

One source told *The Star* that THP ultimately discovered Abrego Garcia was on a terrorist watch list, but could not locate Abrego Garcia on a deportation list. Another source told *The Star* that THP did not discover Abrego Garcia on a terrorist watch list but that another one of the seven passengers in the vehicle may have been on a terrorist watch list.

When the highway patrol called the FBI, it told the cops to photograph the vehicle's occupants and record its contents, the [Star reported](#):

Once the photographs were captured, [the] source told *The Star* that the FBI requested THP release all eight individuals and that the THP officers complied with this request.

The Star learned that the circumstances of the stop made the THP officer responsible for the stop concerned that Abrego Garcia was engaged in human trafficking, but that Abrego Garcia and his passengers were nonetheless released at the request of the FBI.

As [Fox News reported](#), a state trooper noted that the SUV appeared to have been altered so it could be packed to the headliner with illegals:

"How many rows have you got in here? Four seats? Four rows of seats?" a state trooper can be heard saying. "Did y'all put an extra one in? Huh? Did y'all put another one in no? They come like this? I've never seen one with that many seats in it."

"He's hauling these people for money," [one state trooper said](#).

A source familiar with the situation told Fox News Digital that there was a conversation in the redacted portion of the video where state troopers discussed calling U.S. Immigration and Customs Enforcement (ICE). The troopers called ICE, which didn't come to pick up Abrego-Garcia.

The source added that when state troopers entered Abrego-Garcia's name into the National

Crime Information Center, a warning appeared that showed he was suspected of being a gang member or terrorist.

Aside from all that, [Garcia's wife complained](#) more than once that he was a violent maniac, and pleaded for a court's protection.

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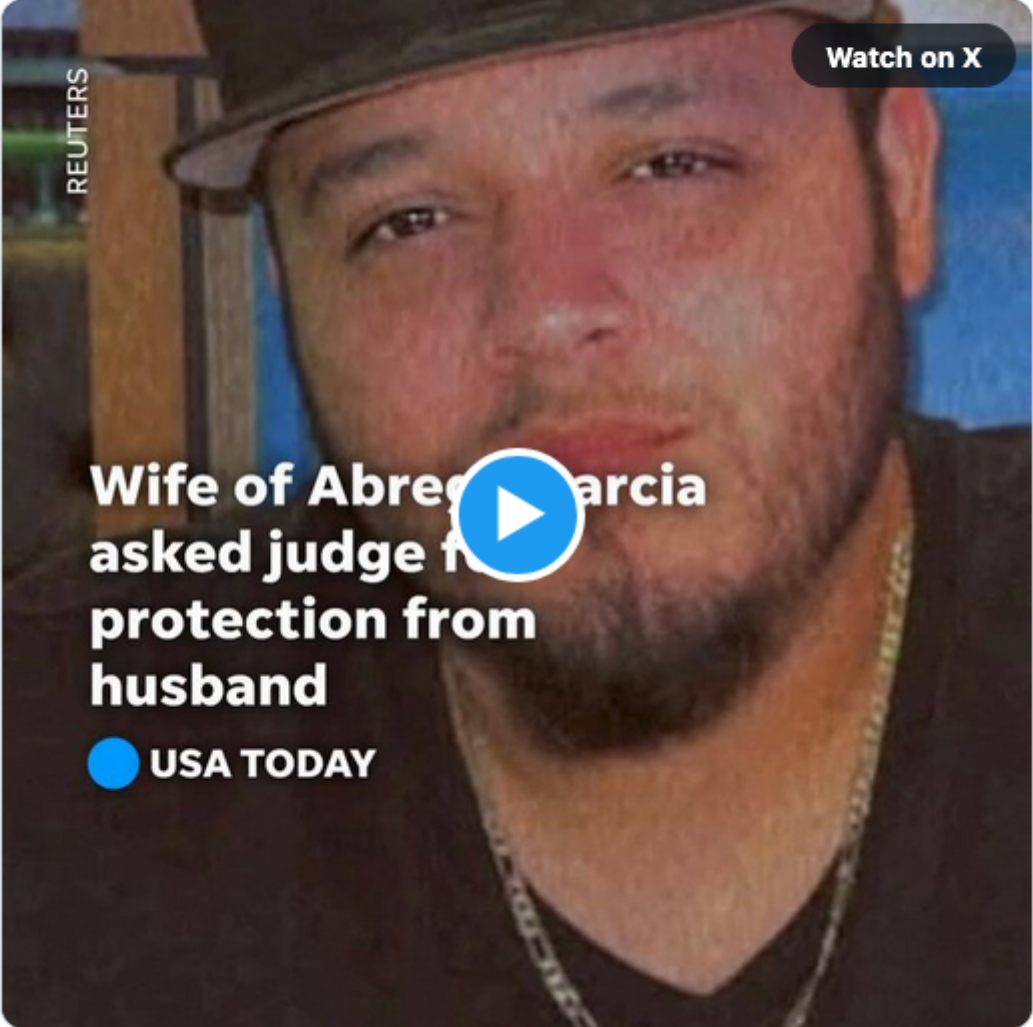
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Audio depicts Jennifer Vasquez Sura, wife of Kilmar Abrego Garcia, pleading with a judge for temporary protection from her husband in 2020.

REUTERS



Wife of Abrego Garcia asked judge for protection from husband


USA TODAY

7:08 PM · May 1, 2025




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In June, [federal prosecutors indicted](#) Garcia for human smuggling and returned him to the United States.

Xinis [blocked his deportation](#) to Uganda, [then ordered](#) his release from custody.



Another Judge Strikes

Now, a second, left-wing Obama jurist has sided with the illegal-alien goon. Crenshaw's 32-page ruling features the long timeline of Garcia's travails, which were, again, self-inflicted.

That timeline includes [a link](#) to an interview with Fox News talker Laura Ingraham in which Deputy Attorney General Todd Blanche "reveal[s] that the government started 'investigating' Abrego after 'a judge in Maryland ... questioned that decision.'"

"The timing of [the FBI's] decision to reopen the closed [Homeland Security Investigations] investigation of the November 2022 traffic stop and Blanche's now unrebutted public statements tying the reopened investigation to Abrego's successful lawsuit taints the investigation with a vindictive motive," [Crenshaw observed](#). Other factors show vindictiveness as well, he wrote.

"While the Court finds insufficient evidence of actual vindictiveness, the Court concludes that the Government has failed to rebut the presumption of vindictiveness," Crenshaw continued:

The evidence [from the Tennessee traffic stop] it labels as newly-discovered was available to be obtained with due diligence long before April 2025. Even more, it does not explain the Government's change in position to remove Abrego and not prosecute him to then prosecute and not remove him. ...

The evidence before this Court sadly reflects an abuse of prosecuting power.

The objective evidence here shows that, absent Abrego's successful lawsuit challenging his removal to El Salvador, the Government would not have brought this prosecution. The Executive Branch closed its investigation on the November 2022 traffic stop. Only after Abrego succeeded in vindicating his rights did the Executive Branch reopen that investigation. What the Government labels as "new evidence" was not new as a matter of law. The prosecutor's subjective good faith does not cure the retaliatory taint. Absent Blanche's tainted investigation ... [prosecutors] would not have sought an indictment against Abrego. The indictment then provided the Executive Branch cover to comply with Judge Xinis' order to facilitate Abrego's return to the United States as soon as possible.

Upshot: A far-left federal judge has sided with an illegal-alien gang member and wife beater. But if Garcia beats his wife to death, or smuggles another illegal alien into the country who then murders an innocent American, Crenshaw — like the pro-criminal judges who free rapists and murderers to rape and murder again — will pay no price.



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