



Written by [R. Cort Kirkwood](#) on December 11, 2025

Judge Orders Release of Kilmar Abrego Garcia

Once again, Paula Xinis, the far-left Democratic federal judge appointed by President Barack Obama, has endangered the public. For once again, Xinis, of the U.S District court in Maryland, has ruled in favor of Salvadoran illegal alien Kilmar Abrego Garcia. This time, Xinis ordered the wife-beating member of MS-13 released.

The reason: The Trump administration didn't deport him quickly enough, and in any event, the administration did not have a final order of deportation.



AP Images
Kilmar Abrego Garcia

This is naked judicial activism by an Obama appointed judge. This order lacks any valid legal basis and we will continue to fight this tooth and nail in the courts.

<https://t.co/HofO0X8S7o>

— Tricia McLaughlin
(@TriciaOhio) [December 11, 2025](#)

“Tortured History”

[Xinis complained](#) in her order to that Garcia's case is one with a “tortured history,” although that history is “tortured” partly because of Xinis, who has taken Garcia's side from the beginning and blocked his deportation [in August](#).

As well, that history includes Garcia's plea to stay in the United States, which an immigration judge rejected on October 1, after which Garcia had another 30 days to appeal that ruling.

But Garcia's story begins in March last year, when he was deported to El Salvador. Far-left Democrats [took up](#) his cause, [traveling to](#) El Salvador to spring him from confinement.

What they didn't disclose, or didn't know, was Garcia's criminal history. His wife twice [accused him](#) of beating her, and [cops validated him](#) as a member of the MS-13 terror gang.

In 2020, Garcia's wife, Jennifer Sura, divulged the Salvadoran illegal's violence to the circuit court in Prince George's County, Maryland:

[He's] kicked me, pushed me, slapped me in the face. Threaten me, I also have ... recorded that [he] told my ex-mother-in-law that even [if] he kills me no one can do anything to him.

As for the gang membership, the [police report is](#) clear:



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Abrego-Garcia was validated as a member of the Mara Salvatrucha (MS13) Gang. Subject was identified as a member of the Mara Salvatrucha MS-13.

Garcia's street name was Chele.

NEW: [@FoxNews](#) has obtained a second protective order filed against "Maryland Man" Kilmar Abrego Garcia by his wife in 2020, in which she accuses him of physical abuse, threatening her, & says she has a recording where he says even if he kills her, "nobody can do anything to him"....

— Bill Melugin (@BillMelugin_) [April 30, 2025](#)

□Maryland Sheriff Jeffrey Gahler CONFIRMS Kilmar Abrego Garcia is 1000% A MS-13 Terrorist, SLAMS Democrats For Protecting Him:

"He is certainly tied to the MS-13 gang. Known for severe violence, murders drugs. Officials taking vacations to El Salvador.... Terrible." [pic.twitter.com/vlyVB6fhID](#)

— Benny Johnson (@bennyjohnson) [April 21, 2025](#)

More Crimes

Then yet another of his crimes surfaced, the one for which a grand jury indicted him.

In 2022, Tennessee Highway Patrol officers [stopped him](#) with a carload of illegals and suspected him of smuggling them. In June, he landed back in the United States [to answer allegations](#) of human smuggling.

"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," a [federal grand jury's indictment alleged](#).

The jury alleged that Garcia "used his status in MS-13 to further his criminal activity." He and his conspirators "transported thousands" of illegal aliens, "many of whom were MS-13 members and associates."

The jury also alleged that Garcia trafficked illegal guns and narcotics.

Police bodycam footage of the stop was clear, and as [Fox News reported](#), Immigration and Customs Enforcement never picked him up. Instead, the Biden administration ordered him to be released.

As is typical for illegals, Garcia was driving on a suspended license.

The two-count indictment alleges violations of [8 U.S. Code 1324](#), bringing in and harboring illegals. One of his co-conspirators, U.S. Attorney General Pam Bondi said when he was indicted, alleged that Garcia solicited nude photos of a minor and participated in the murder of a rival gang member's mother. If true, he's a pervert and killer in addition to being a wife-beater and terror gang member.

The administration has threatened to deport him to several countries.



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Xinis Order

Between the grand jury indictment and the rejection of his order not to be deported, Garcia has been in federal custody. Xinis apparently thinks Garcia's criminal record is unimportant.

"Despite this tortured history, Abrego Garcia's arguments in favor of release are quite simple," [she wrote today](#):

He contends that his detention is without lawful authority because [the administration has] no final order of removal authorizing as much under the third-country removal statute, 8 U.S.C. § 1231. Thus, says Abrego Garcia, his release is compelled.... Alternatively, Abrego Garcia maintains that [the administration's] steadfast refusal to remove him to Costa Rica amidst constant threats of removal to a series of African countries that expressed no or limited desire to take him can only be construed as punitive and contrary to the purposes of ICE detention.

Xinis also complained that "no such [final] order of removal exists for Abrego Garcia," and concluded that the government has "no lawful authority to hold" the wife-beating Salvadoran in custody. Xinis also found that the administration did not deport Garcia to Costa Rica despite the country's willingness to accept him.

Thus, "because Abrego Garcia has been held in ICE detention to effectuate third-country removal absent a lawful removal order, his requested relief" for released is proper, [Xinis ruled](#):

Separately, [the administration's] conduct over the past months belie that his detention has been for the basic purpose of effectuating removal, lending further support that Abrego Garcia should be held no longer.

So now, thanks to the Obama-appointed judge, Garcia is free.

If Garcia beats the daylights out of his wife again, or solicits more kiddie porn, or smuggles an illegal alien into the county who murders an American, Xinis will not be held responsible.

Instead, she will [continue earning](#) \$247,400 annually — four times the [average salary](#) of Maryland residents — far away and safe from the criminal illegal alien she loosed upon the public.



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