

Maryland Migrant's Lawyers Seek Dismissal of Smuggling Charges

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Lawyers for Kilmar Abrego Garcia, a Maryland resident facing federal human smuggling charges, have filed a motion to dismiss the case, alleging that the government is pursuing charges against him in retaliation for his legal challenges to deportation proceedings. The defense contends that the prosecution constitutes “vindictive prosecution,” a claim that is seldom successful in U.S. courts.

The motion, filed Tuesday, asserts that high-ranking officials, including members of the Justice Department and President Donald Trump, targeted Abrego Garcia after he contested efforts to deport him to El Salvador. His legal team argues that the government's handling of the case was influenced by political pressure and an intent to depict him as a criminal figure.

Abrego Garcia first gained national attention in March 2019, when he was detained by U.S. authorities despite a U.S. immigration judge's ruling shielding him from removal. The judge determined that Abrego Garcia likely faced threats from gangs in his home country. Despite the order, the administration removed him, citing alleged ties to the MS-13 gang. He has not been charged with gang-related crimes and has consistently denied the allegations.

Following court intervention and public scrutiny, Abrego Garcia was returned to the United States in June 2019. Soon afterward, federal prosecutors charged him in connection with a 2022 incident in Tennessee. Authorities said he was stopped for speeding while transporting nine passengers in his vehicle, raising suspicions of human smuggling. He was not detained at the time of the traffic stop, but federal charges followed later.

In Tuesday's filing, defense attorneys argued that the government is pursuing charges not based on criminal evidence but on political retribution. They wrote that "vindictiveness is clear from the record," claiming officials sought to change public opinion about his deportation while avoiding accountability for what the defense calls "unlawful conduct" during his removal.

The motion requests that the court either dismiss the case outright or at least hold a hearing to determine whether the prosecution's motives were improper. Legal experts note that claims of selective or vindictive prosecution are rarely successful, as courts generally give prosecutors broad discretion.

Acting U.S. Attorney Robert E. McGuire in Tennessee declined to comment on the defense motion, stating only that prosecutors would respond in court filings. As of late Tuesday, no formal government response had been submitted.

The case has become entangled with ongoing immigration proceedings. A federal judge in Maryland recently barred authorities from immediately placing Abrego Garcia in immigration custody if he is released from jail. The order requires Immigration and Customs

Enforcement (ICE) to give at least three days' notice before initiating new deportation actions against him.

Supporters of stricter immigration enforcement argue that cases like Abrego Garcia's highlight the risks of weak border security and the strain placed on the justice system by repeated legal challenges. His defense team, however, maintains that the charges are baseless and politically driven.

For now, the court must decide whether the unusual claim of "vindictive prosecution" warrants a hearing or dismissal, an outcome that could set an uncommon precedent in federal immigration-related cases.