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Via ECF

The Honorable Judge Jerry W. Blackwell
U.S. District Court for the District of MN

Re: *Mohammed Hoque v. Donald J. Trump, et. al.*, Case No. 25-cv-1576 (JWB/DTS)

Dear Judge Blackwell,

Petitioner Mohammed H., by and through undersigned counsel, respectfully submits this letter to provide the Court with a status update. The parties exchanged their disclosures on May 19 pursuant to the Court's April 20, 2026 Order (Doc. 60). The government's disclosures were deficient and do not comply with the Court's Order in numerous respects.

As a threshold matter, the Court's Order imposed specific, affirmative production obligations on the government because "the information necessary to address these issues lies largely within Respondents' possession." The government's disclosure, however, consists of a narrative email that describes expected testimony regarding certain facts. The government did not produce a single document and identified only one witness who appears to lack personal knowledge of the matters to be addressed at the hearing.

First, the Order required the government to produce "records sufficient to identify the officers involved in the January 15, 2026 arrest[.]" Not only were such records not produced, but the government failed to provide the identities of the officers at issue. The government stated that it would provide the names of the officers involved "under seal," however, the documents were to be provided to Petitioner—not filed—and, in any event, no "sealed" production has been made.

Second, the Order required the government to produce records sufficient to identify "the systems or databases consulted prior to the arrest [and] any records reflecting Petitioner's custody status at that time[.]" Such records were not produced. Rather, the government stated, "Respondents have determined that screenshots or other data from the agency systems at issue would not be helpful in illuminating the issues of concern to the Court, and would be largely or entirely privileged." These records have already been ordered produced and, based on our understanding, there is no basis to assert that such records contain attorney-client communications. Even if such records were privileged, the government has an obligation to prepare a privilege log or redact such privileged information from the remainder of the document. There is no basis to simply withhold the

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information. In addition, any privilege that could possibly apply in this situation has been waived by the government's citation to and reliance on the information in those "systems" to justify its unlawful arrest and violation of the Court's Habeas Order.

Third, the Order required the government to produce "documentation authorizing the arrest[.]" No documentation was produced and the government did not indicate that responsive materials do not exist.

Fourth, the Order required the government to produce documents "reflecting steps taken after the incident to prevent recurrence." The government produced no such documents and did not indicate that no responsive materials exist.

Fifth, the Order required the government to provide a proposed witness list relevant to the three issues outlined in the Order. The government indicated it would call one witness at the evidentiary hearing, Assistant Field Office Director John H. Albert. Based on the government's disclosure, Mr. Albert does not have admissible information regarding the matters at issue at the hearing. He is not alleged to have personal knowledge of whether the arresting officers were aware of the Court's order, any statements made to or by Petitioner regarding the habeas order, or the reasons for the officers' lack of awareness. Rather, any such information appears to be based on discussions with others and would therefore constitute hearsay. In addition, the government did not disclose Deportation Officer Sarwar Hassain as a witness, despite the government's reliance on his declaration in its opposition to Petitioner's motion. Accordingly, the government has not complied with the Order's requirement to identify appropriate witnesses for the evidentiary hearing.

In sum, the government's disclosure fails to comply with the material requirements of the Court's Order and impedes both the Court's and Petitioner's ability to obtain relevant, admissible evidence on the issues to be addressed at the evidentiary hearing. Petitioner intends to proceed with the hearing on June 2, 2026, and respectfully requests that the Court permit the parties to submit briefing regarding the appropriate remedy following the hearing and with the benefit of the full record. We are also happy to provide a copy of the government's disclosure upon the Court's request.

Sincerely,



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CC: All Counsel of Record (via ECF)