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June 2, 2026

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 pursuant to the Court's May 29, 2026 Order (Doc. 89).

On May 29, 2026, Federal Respondents filed the Supplemental Declaration of Assistant Field Office Director John H. Albert (Doc. 87-1). On June 1, 2026, Federal Respondents served the Declaration of Assistant Field Office Director Corey McMahon, which was filed today at Document No. 91.

Based on the statements contained within these declarations, Petitioner has adequate assurances that safeguards are in place to prevent a future violation of the Court's Habeas Order. Specifically, AFOD McMahon represents that "ICE systems, including ENFORCE Alien Removal Module (EARM) and Enhanced Leads Identification and Targeting for Enforcement (ELITE) . . . reflect[] that an Immigration Court Bond was granted in 2025, and that a habeas order resulted in Petitioner's release in 2025." (Doc. 91 ¶ 3.) In addition, AFOD McMahon states that he added to "ICE systems, including EARM and ELITE . . . a 'Do Note Remove' alert with a note to 'see Habeas order, contact OPLA'" and a comment that states, "DO NOT TAKE ENFORCEMENT ACTION SEE ALERTS." (*Id.* ¶ 4.)

Given these representations, Petitioner believes that there is no further need for the evidentiary hearing and that no additional remedy is currently required to prevent a future violation of the Habeas Order. Although the information provided by Federal Respondents may implicate other potential actions, Petitioner believes that it eliminates the need for further relief pursuant to his Motion for Order to Show Cause in this case. Counsel for Petitioner has conferred with counsel for the Federal Respondents on these issues, and the Federal Respondents do not oppose.

While Petitioner is not seeking an evidentiary hearing or further relief from the Court based on these assurances, Petitioner's counsel has an obligation to inform the Court of what

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appear to be inaccurate statements made to the Court in prior filings by the Federal Respondents.

On January 30, 2026, Federal Respondents filed the Declaration of Deportation Officer Sarwar Hussain (Doc. 51). Officer Hussain was part of the team that arrested Petitioner on January 15, 2026. Officer Hussain represented, in part, that the Habeas Order was not reflected in the computer system he checked prior to arresting Petitioner:

- “Through government system checks utilized to identify criminal aliens, my team identified Mohammed HOQUE . . . as an alien in the Mankato area who had been previously arrested for assault and was currently in removal proceedings.” (Doc. 51 ¶ 4.)
- “I and my team were not aware at the time we arrested and transported HOQUE to Fort Snelling, and only learned the next day, that HOQUE had previously been ordered released from ICE custody by a United States District Court. The court order had been noted in an ICE ERO system of records on May 6, 2025, but that was not one of the systems that my team and I checked on the day of HOQUE’s arrest.” (*Id.* ¶ 6.)

On May 27, 2026, Federal Respondents filed the Declaration of Assistant Field Office Director John H. Albert (Doc. 75). AFOD Albert was the supervisor of the team that arrested Petitioner on January 15, 2026. AFOD Albert also represented that the Habeas Order was not reflected in the computer system Officer Hussain checked prior to arresting Petitioner, which he specifically identified as the ELITE system:

- “Using an operational system known as ELITE (Enhanced Leads Identification and Targeting for Enforcement), the team leader, Officer Sarwar Hussain, identified Mohammed HOQUE . . . as an enforcement target, based on his prior arrest for assault.” (Doc. 75 ¶ 5.)
- “The ELITE system, checked by the operational team that arrested HOQUE, did not contain information about the bond or habeas orders.” (*Id.* ¶ 7.)
- “Officer Hussain told me that prior to that discussion [on January 16, 2026], he had been unaware of the bond and habeas orders. Based on my knowledge of the ELITE operational system checked prior to HOQUE’s arrest, the information provided to me by Officer Hussain, and information provided by other team members during my inquiry into the incident, I understand that no team member was aware of the court’s June 17, 2025, habeas order prior to initiating the encounter at HOQUE’s residence.” (*Id.* ¶ 8.)



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On May 29, 2026, Federal Respondents filed the Supplemental Declaration of AFOD Albert. That declaration states, in part, that the Habeas Order is currently visible in both computer systems at issue (ELITE and EARM):

- “From my personal review of both the ELITE and EARM systems on or about May 28, 2026, I observed both systems contain information indicating that a habeas order was granted in this case, resulting in Petitioner’s release.” (Doc. 87-1 ¶ 4.)

On June 1, 2026, Federal Respondents served the McMahon Declaration. That declaration states that information about the Habeas Order was entered into ICE systems, including the ELITE system that the arresting officers claimed to have checked prior to Petitioner’s January 15, 2026 arrest and the EARM system, in 2025—months before Officer Hussain arrested Petitioner:

- “On May 30, 2026, I reviewed ICE systems, including ENFORCE Alien Removal Module (EARM) and Enhanced Leads Identification and Targeting for Enforcement (ELITE) relating to Petitioner Mohammed HOQUE (Petitioner). **The systems reflected that an Immigration Court Bond was granted in 2025, and that a habeas order resulted in Petitioner’s release in 2025. The systems show that this information was entered into those systems in 2025 shortly after each of those orders was issued.**” (Doc. 91 ¶ 3 (emphasis added).)

Per AFOD McMahon’s Declaration, and contrary to Officer Hussain and AFOD Albert’s representations, the ELITE system would have reflected both the Habeas Order and the Bond Order when it was checked by Officer Hussain on the date of the January 15, 2026 arrest.

To be clear, Petitioner does not contend that counsel for Federal Respondents knowingly submitted false information to the Court. Nonetheless, counsel have an independent duty of candor to the Court that warrants this disclosure.

Sincerely,

A handwritten signature in black ink that reads "Amanda Mills".

Amanda M. Mills
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Email: amills@fredlaw.com
CC: All Counsel of Record (via ECF)