

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:25-cv-03197-KMM-SGE

MARTIN BERCHIE,

Petitioner,

**FEDERAL RESPONDENTS'
RESPONSE TO COURT ORDER**

v.

PAMELA BONDI et al.,

Respondents.

On September 18, 2025, Petitioner Martin Berchie moved to seal one of the exhibits filed in connection with Respondents' partial objections to the Report & Recommendation ("R&R") entered in this case. Dkt. 24. His only argument in support of permanent sealing was that "[t]he document relates to a different noncitizen and has nothing to do with this case." *Id.* at 1. That was wrong. The notes in the document are from *Berchie's* informal interview, conducted in connection with *Berchie's* detention, when ICE personnel gave *Berchie* an opportunity to respond to the fact that the agency had obtained a travel document and scheduled his removal to Ghana. Unrebutted testimony from a federal law enforcement officer confirmed as much. Dkt. 21, ¶ 10. And Berchie himself admitted he was interviewed by ICE on September 11, 2025. Dkt. 23, ¶ 2.

Respondents were planning to file a response to Berchie's motion in accordance with Local Rule 7.1(b). In particular, Respondents were going to explain that there is a typo in the document; the typed-in name at the top was not updated before ICE personnel printed the form to use during Berchie's interview. Respondents were also going to explain that the typo does not change the pertinent facts: (1) ICE conducted an informal interview

with Berchie on September 11; (2) Berchie had no response to the changed circumstances justifying his re-detention; and (3) ICE properly determined that there was a significant likelihood of Berchie's removal in the foreseeable future. *See* Dkt. 21, ¶ 10. The note-taking form is one that ICE officers use regularly, and the name mismatch was an understandable oversight. Respondents would have told Berchie all this if he had complied with Local Rule 7.1's meet-and-confer requirement before filing his motion to seal. Regardless, the document at issue has since been updated in ICE's records to list Berchie's name at the top. Respondents can file the updated version if necessary.

Because the Court already ruled on Berchie's motion, Respondents understand that his request to seal has been resolved. But to the extent Berchie's motion was also trying to remove the document from the Court's consideration of his habeas petition—and to the extent the Court's recent order indicates a willingness to do so—Respondents respectfully object that no such exclusion is appropriate.

Dated: September 23, 2025

JOSEPH H. THOMPSON
Acting United States Attorney

s/ Trevor Brown

BY: TREVOR C. BROWN
Assistant United States Attorney
Attorney ID Number 396820
600 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415
(612) 664-5600
trevor.brown@usdoj.gov