

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Wuilmer Omar Ferrera Bejarano,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of  
Homeland Security,

0:25-cv-03236 (NEB/JFD)

Department of Homeland Security,

Todd M. Lyons, Acting Director of  
Immigration and Customs Enforcement,

**PETITIONER'S REPLY TO  
RESPONDENTS'  
RESPONSE TO AMENDED  
PETITION**

Immigration and Customs Enforcement,

Sirce Owen, Acting Director for Executive  
Office for Immigration Review,

Executive Office for Immigration Review,

Samuel Olson, Director, St. Paul Field Office  
Immigration and Customs Enforcement,

and,

Eric Tollefson, Sheriff of Kandiyohi County.

Respondents.

## REPLY ARGUMENT

Petitioner's claims are not moot and are ripe. Petitioner would still be detained were it not for this Court's order granting a preliminary injunction.<sup>1</sup> If the Court vacates the PI without reducing that interim remedy to a final order, the government would be free to re-detain Petitioner under § 1225(b)(2) and the BIA's recent decision in *In re Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Petitioner's request for habeas relief therefore continues to present a live dispute.

The cases Respondents cite in their response are inapposite. *Kargbo v. Brott*, No. 15-cv-2713 (PJS/LIB), 2016 WL 3676162 (D. Minn. July 6, 2016); *Ali v. Cangemi*, 419 F.3d 722 (8th Cir. 2005). In *Kargbo* and *Ali*, there was no dispute as to which statute governed the petitioners' detention. Those cases dealt with an entirely different statute – 8 U.S.C. § 1231, which governs the detention of noncitizens who have final orders of removal. Petitioner, by contrast, does not have a final order of removal.

Although Petitioner has been released from custody pursuant to the Court's order granting a preliminary injunction, whether he was appropriately subjected to

---

<sup>1</sup> Respondent ICE's appeal of the IJ's order granting bond remains pending with the Board of Immigration Appeals. On October 17, 2025, Respondent ICE filed a motion with the Board to withdraw the appeal. *See* Exhibit T. However, the Board has yet to acknowledge the withdrawal of Respondent ICE's appeal. The appeal remains pending at this time.

mandatory detention under § 1225(b)(2) remains a live controversy capable of affecting the parties' legal relationship. Petitioner asks for a declaratory action asserting that 8 U.S.C. § 1226 governs his detention and that Respondents' actions here are illegal.

**CONCLUSION**

Petitioner asks that the Court grant this petition accordingly and enter judgment declaring that 8 U.S.C. § 1226 controls Petitioner's custody.

Respectfully submitted,

/s/ David L. Wilson

David L. Wilson, Esq.  
Minnesota Attorney #0280239  
Wilson Law Group  
3019 Minnehaha Avenue  
Minneapolis, Minnesota 55406  
Phone: 612.436.7100  
Email: [dwilson@wilsonlg.com](mailto:dwilson@wilsonlg.com)

October 22, 2025

Date

/s/ Gabriela Anderson

Gabriela Anderson #0504395  
Wilson Law Group  
3019 Minnehaha Avenue  
Minneapolis, MN 55406  
Phone: (612) 436-7100  
Email: [ganderson@wilsonlg.com](mailto:ganderson@wilsonlg.com)

/s/ Cameron Giebink

Cameron Giebink #0402670  
Wilson Law Group  
3019 Minnehaha Avenue  
Minneapolis, MN 55406  
Phone: (612) 436-7100  
Email: [cgiebink@wilsonlg.com](mailto:cgiebink@wilsonlg.com)

**CERTIFICATE OF SERVICE**

I, **Gabriela Anderson**, hereby certify that on October 22, 2025, I electronically filed the foregoing with the Federal Court for the District of Minnesota by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

**/s/ Gabriela Anderson**

**October 22, 2025**

---

Gabriela Anderson #0504395  
Wilson Law Group  
3019 Minnehaha Avenue  
Minneapolis, MN 55406  
Phone: (612) 436-7100  
Email: [ganderson@wilsonlg.com](mailto:ganderson@wilsonlg.com)