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

Edison Vera Bermeo,

Petitioner,

Case No. 25-4601

v.

Pamela Bondi, Attorney General,

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

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

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

Ryan Shea, Sheriff of Freeborn County.

Respondents.

**VERIFIED PETITION FOR
WRIT OF HABEAS
CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, Mr. Edison Vera Bermeo, (“Mr. Vera Bermeo”), by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to prevent U.S. Immigration and Customs Enforcement (“ICE”) from subjecting him to Expedited Removal without statutory authority and to release him from ICE detention, for which there is also presently no statutory authority.

2. Petitioner is a resident of Minneapolis and a citizen of Ecuador, who has lived continuously in the United States since June of 2023.

3. Individuals believed to be agents of Respondent Immigration and Customs Enforcement (“ICE”) arrested Mr. Vera Bermeo as part of an operation in the Twin Cities called “Operation Metro Surge.” This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody regardless of the constitutionality of their actions.

4. Respondents are now detaining Petitioner in the Freeborn County Detention Center, and upon information and belief are planning to deport him in violation of his due process rights.

5. Respondents are not providing information to Petitioner's family or to counsel as to Mr. Vera Bermeo's whereabouts or wellbeing or where he will be taken next.

6. The only information that counsel has access to is that Petitioner is in ICE custody, but Petitioner does not have an open case in immigration court ("EOIR"). This indicates that he is being subjected to Expedited Removal proceedings, the process by which immigrants are deported without the involvement of an immigration judge or the creation of any EOIR records.

7. Because Petitioner has been present in the United States for longer than two years, it is unlawful for the government to order him to be subjected to Expedited Removal or to detention on the basis of Expedited Removal, or to deny him the opportunity to establish his continuous residency.

8. To remedy this unlawful detention, isolation from his family and his attorney, and this iteration of Respondents' current pattern of playing hide and seek with human beings and refusing to provide transparency and communication, Mr. Vera Bermeo seeks immediate declaratory relief and a writ of habeas corpus.

9. Pending the adjudication of his Petition, Mr. Vera Bermeo further seeks an order restraining the Respondents from transferring him to a location outside of the State of Minnesota, the jurisdiction of this Court, and the reach of legal counsel and family support.

10. Pending the adjudication of this Petition, Petitioners also respectfully request that Respondents be ordered to provide seventy-two (72) hour notice of any movement of Mr. Vera Bermeo away from his current place of confinement in Albert Lea, MN.

JURISDICTION AND VENUE

11. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); and 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).

12. Because Mr. Vera Bermeo seeks to challenge his custody and impending transfers as a violation of the Constitution and the laws of the United States, jurisdiction is proper in this Court.

13. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security

(“DHS.”) *Denmore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209-12 (11th Cir. 2016).

14. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because Mr. Vera Bermeo is detained within the District of Minnesota.

15. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) because Respondents are operating in this district.

PARTIES

16. Petitioner is a citizen of Ecuador and a resident of Minneapolis, Hennepin County, Minnesota, and is currently being held at the Freeborn County detention facility in Albert Lea, Minnesota.

17. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. Vera Bermeo.

18. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to

8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Mr. Vera Bermeo's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Vera Bermeo.

19. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

20. Respondent Samuel Olson is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Berg has supervisory authority over the ICE agents responsible for detaining Mr. Vera Bermeo. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

21. Respondent Sheriff Ryan Shea is being sued in his official capacity as the Sheriff responsible for the Freeborn County detention facility. Because Petitioner is detained in the Freeborn County facility, Respondent has immediate day-to-day control over Petitioner.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

22. Petitioner is a native and citizen of Ecuador, who entered the United States without inspection in June of 2023.

23. Petitioner had no contact with immigration authorities since his arrival here more than two years ago until December 10, 2025.

24. Petitioner has no criminal record and lives with family in Minneapolis.

25. Petitioner received a Minnesota state identity card issued November of 2023, and later a drivers license. Both of these documents could be offered as proof of continuous residence in the United States for over two years.

26. Petitioner also purchased a vehicle last February in Minnesota, and properly registered it under his name. This registration could be submitted as further proof of continuous residence in the United States.

27. Petitioner has ongoing health problems, and is a regular patient at Hennepin County Medical Center. Proof of at least three visits over the past two years could be provided to demonstrate continuous presence in the United States.

28. Additional proof, such as in the form of affidavits of friends and family, would be provided if Mr. Vera Bermeo was afforded the opportunity for due process to demonstrate his continuous presence.

29. However, Mr. Vera Bromeo has not been offered an opportunity to present such evidence. ICE agents surrounded Mr. Vera Bermeo on December 10, 2025 in a parking lot in Minneapolis and took him into custody.

30. Petitioner was able to make one brief phone call to a family member on December 10, 2025. Mr. Vera Bermeo informed this family member that he was in the Fort Snelling immigration building but would soon be transferred to another facility.

31. His family member made contact with the undersigned attorney, who has called the St. Paul Field Office during business hours approximately half a dozen times on December 10th and 11th, and has not once has been able to either speak to a human being, leave a voicemail, or receive any response whatsoever. During these calls, the undersigned attorney follows the instructions on the numerical menu to request information about a detainee held in Minnesota, and then waits on this line for upwards of forty minutes at a time before hanging up and dialing again.

32. The undersigned attorney also emailed the St. Paul Field Office at 2:25 p.m. on December 11, 2025, and received an automatic reply but no other response.

33. The undersigned attorney also created an account on ICE's "ERO Efile" portal, filed a G-28 on Mr. Vera Bermeo's behalf, and attempted to schedule a legal visit with him only to be told by a pop-up window: "Your client is not currently in a detention facility where they are accepting ERO eFile Legal Visitation scheduling."

34. The undersigned attorney attempted to call the number listed on ICE's website as the manner by which to contact detainees at Freeborn County Jail for urgent matters, but upon dialing that number was told by an automatic voice that the number was no longer in service.

STANDARD OF LAW

35. The Court must grant a petition for writ of habeas corpus or issue an order to show cause to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

36. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The "Great Writ" has been referred to by US Courts as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

37. Ordinarily, persons arrested by ICE are served a Notice to Appear ("NTA") and placed into removal proceedings in the Immigration Court. Removal proceedings come within certain procedural protections required by the applicable statutes and regulations. The person attends hearings before an

Immigration Judge and, if they are found removable, they may apply for various forms of relief from removal. The decision of the Immigration Court is subject to appellate review by the Board of Immigration Appeals (the “BIA”) and then via a petition for review to the U.S. Court of Appeals. 8 U.S.C. § 1252(a)(1).

38. While the removal proceeding is pending, absent a certain criminal record or involvement in terrorism, persons are constitutionally entitled to a bond hearing with adequate procedural protections, which may result in their release for the pendency of the proceeding. *See* 8 U.S.C. § 1226; *Pedro O v. Garland*, 543 F.Supp.3d 733 (D. Minn. 2021) (finding an immigrant’s prolonged detention without a hearing during the pendency of removal hearings to violate his due process rights).

39. In certain narrow circumstances, there is an alternative process called Expedited Removal. *See* 8 U.S.C. § 1225(b). Expedited Removal orders are issued by an immigration enforcement official, not by an Immigration Judge. The INA provides that persons in expedited removal proceedings are not eligible for a bond hearing but are mandatorily detained. *See* 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

40. One important limitation on the use of Expedited Removal is that the statute cannot be applied to persons who have been present in the United States

for two years or more. *See* 8 U.S.C. § 1225(b)(1)(A)(iii)(II) (expedited removal limited to noncitizens who, among other things, have “not affirmatively shown, to the satisfaction of an immigration officer, that the [noncitizen] has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility under this subparagraph”).

41. The detention authority for individuals placed in Expedited Removal derives from 8 U.S.C. §1225(b)(1)(B)(ii), which mandates detention pending a credible fear interview. For non-citizens physically present in the U.S. (aside from the exception not applicable here described at 8 U.S.C. §1225(b)(1)(F)), this detention authority only applies to individuals who cannot meet the 2-year residency period. §1225(b)(1)(B)(iii)(II).

42. For non-citizens who have been continuously present in the United States during the two years prior to an inadmissibility determination, removal proceedings are governed by 8 U.S.C. §§ 1229 and 1229(a). Unlike Expedited Removal, the general removal process provides for the opportunity to obtain legal counsel, prepare evidence, and present a case before an immigration judge.

43. Upon information and belief, based on the fact that Petitioner is in ICE custody but has no open case in EOIR, Petitioner is being subjected to

mandatory detention pending expedited removal and will summarily be ejected from this country without due process. Because Petitioner has been present in the United States for longer than two years, it is unlawful for the government to subject him to Expedited Removal or detain him on that basis.

44. Because Petitioner was unlawfully placed in expedited proceedings, he was never issued an NTA and he has been unlawfully denied all required process in the Immigration Court, all potential appeals from that process, and access to certain forms of relief from removal that would be potentially available in the Immigration Court, and further there is no legal authority for his detention.

CLAIMS FOR RELIEF

COUNT ONE

Immigration & Nationality Act, 8 U.S.C §§ 1225(b)(1)(A)(iii)(II), 1252(e)(2)(B)

Petitioner's Expedited Removal Order Lacks a Factual Basis as Required by 8 U.S.C. § 1225(b)(1)(A)(iii)(II)

45. Petitioner realleges and incorporates by reference each and every allegation contained above.

46. Expedited Removal Orders may only be issued to an individual who is encountered within the interior of the United States if certain requirements are met, including, as relevant here, the requirement that the individual has been

physically present in the United States for less than two years. 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

47. Expedited Removal Orders which at the time of issuance lack a factual basis for the determination that an individual has been physically present in the United States for less than two years are invalid.

48. Mr. Vera Bermeo has been physically present in the United States for well over two years and can provide proof of this continuous residency from a variety of sources. As such, ICE's determination that he has been physically present for less than two years lacks any factual basis required to issue the Expedited Removal Order.

COUNT TWO

Fifth Amendment Due Process

Petitioner is being deprived of an adequate and meaningful process to challenge the use of expedited removal, to defend himself, and to offer evidence regarding the length of his continuous physical presence in the United States before being subjected to an expedited removal order.

49. Petitioner realleges and incorporates by reference each and every allegation contained above.

50. Individuals present within the interior of the United States, especially those with substantial connections therein, are unquestionably protected by the Fifth Amendment to the U.S. Constitution's Due Process Clause. "[T]he Due Process Clause applies to all 'persons' within the United States, including

[non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

51. Due process protections apply to individuals present within the interior of the United States in connection with Expedited Removal, even if due process protections may not apply to individuals encountered at an international border or those who have been present for less than two years.

52. Petitioner has resided in the United States for well over two years. As such, he may only be removed pursuant to an order of removal issued by an immigration judge after a hearing. *See* 8 U.S.C. § 1225(b)(1)(A)(iii)(II); *see also El Gamal v. Noem et al.*, Order, ECF No. 29, at 3, Case No. SA-25-CV-00665-OLG (W.D. Tex. July 2, 2025 (“[T]he INA does not permit the use of expedited removal proceedings in Petitioners’ case[because] Petitioners have been physically present in the United States continuously [for more than two years].”).

53. The placement of Mr. Vera Bermeo in expedited removal proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

COUNT III

Ultra Vires Policy

Respondent's De Facto Policy to Subject Individuals to Expedited Removal Regardless of Length of Physical Presence in the United States is Beyond their Authority

54. Petitioner realleges and incorporates by reference each and every allegation contained above.

55. This Court has authority to set aside executive actions and policies that are ultra vires. *See City of Arlington, Tex. v. FCC*, 569 U.S. 290, 297 (2013) (where agencies “act improperly, no less than when they act beyond their jurisdiction, what they do is ultra vires”).

56. Mr. Vera Bermeo has been subjected to expedited removal proceedings despite having resided in the United States for more than two years, which is outside the bounds of Respondents’ statutory authority.

57. This practice of deporting immigrants who have resided in the US for more than two years without due process, and systemically depriving them of access to legal support, is an action in this instance and a de facto policy if it is shown to be a pattern. Such actions are shielded from judicial review in part due to the speed at which Respondents transfer detained individuals to remote locations away from their support and access to counsel.

58. The systems that ICE and DHS have set up purportedly to allow loved ones and legal counsel to identify and contact detained immigrants are

ineffective—as evidenced by the undersigned counsel’s continued inability after two days of repeated phone calls and emails to make contact with Petitioner, or to even obtain any sort of response at all from those detaining him.

59. The barriers that the undersigned attorney faced in locating Mr. Vera Bermeo are not unique to Mr. Vera Bermeo’s situation, presumably any attorney in a similar situation would run into the same problems of unanswered phone lines, email auto-replies, and disconnected systems of communication.

60. The failure of Respondents to provide functional systems of communication both compound and enable their ongoing *ultra vires* activities.

61. Petitioner prays for injunctive relief so that these egregious constitutional issues may be properly addressed by a judge.

PRAYER FOR RELIEF

WHEREFORE, Mr. Vera Bermeo prays that this Court grant the following relief;

(1) Assume jurisdiction over this matter;

(2) Issue an Order vacating the Expedited Removal Order and requiring

Respondents to provide Petitioner with a hearing pursuant to 8 U.S.C. §

1229a. See 8 U.S.C. § 1252(e)(4);

(3) Issue a Writ of Habeas Corpus and order the release of Petitioner because his

detention and the process by which the Expedited Order was issued violated

the Fifth Amendment to the United States Constitution;

- (4) In the alternative, issue injunctive relief ordering Respondents to release Petitioner on the ground that his continued detention and the process by which the Expedited Order was issued violated the Fifth Amendments;
- (5) Declare that Respondents' application of expedited removal to Mr. Vera Bermeo is ultra vires and violates the INA and Fifth Amendments;
- (6) Award Petitioner his costs and reasonable attorneys' fees in this action under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified by law; and
- (7) Grant any other and further relief that this Court may deem just and proper.

Date: Dec. 11, 2025

/s/ Kira A. Kelley

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**Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I have discussed the factual assertions in this petition with Petitioner's family and friends, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: Dec. 11, 2025

/s/ Kira A. Kelley