

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

N.A.M.,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT
OF HOMELAND SECURITY; Pamela
BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Todd LYONS,
Acting Director of U.S. Immigration and
Customs Enforcement; IMMIGRATION
AND CUSTOMS ENFORCEMENT, David
EASTERWOOD, Field Office Acting
Director of Enforcement and Removal
Operations, St. Paul Field Office,
Immigration and Customs Enforcement; Joel
BROTT, Sheriff of SHERBURNE COUNTY
JAIL,

Respondents.

Case No. 0:25-cv-4737

**VERIFIED PETITION FOR
WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION


1. Petitioner N.A.M. brings this petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 to seek enforcement of his rights as a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents at the Sherburne County Jail in Elk River, Minnesota. Petitioner, a Salvadoran national who entered the country without inspection 20 years ago, now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista*.
2. On November 20, 2025, the district court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).
3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus, may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

4. Nonetheless, the Executive Office for Immigration Review and its subagency, the Immigration Court, and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond, stating he is mandatorily detained under 8 U.S.C. § 1225(b)(2).

5. Petitioner is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at the Sherburne Country Jail after immigration authorities apprehended him on November 3, 2025;
- b. entered the United States without inspection 20 years ago and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

6. After apprehending Petitioner on November 3, 2025, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS charged Petitioner as inadmissible under INA § 212(a)(6)(A)(i) and INA § 212(a)(7)(A)(i)(I), alleging he entered the United States without inspection.

7. The Court should expeditiously grant this petition, as Petitioner remains unjustly separated from his two US citizen children for over a month and 



8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to

unlawful detention, despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

9. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” in EOIR that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). An IJ denied Petitioner bond using this same reasoning at a hearing on December 16, 2025.

10. On December 18, 2025, the Court in *Maldonado Bautista* issued a clarifying order and final judgment under Federal Rule of Civil Procedure 54(b), making clear that all class members are entitled to benefit from the declaratory judgment confirming that they are subject to detention under 8 U.S.C. § 1226(a) and therefore, entitled to a bond hearing. No. 5:25-CV-01873-SSS-BFM --- F. Supp. 3d ----, Document 92 (C.D. Cal. December 18, 2025); No. 5:25-CV-01873-SSS-BFM --- F. Supp. 3d ----, Document 94 (C.D. Cal. December 18, 2025). These orders also vacated a July 8, 2025, ICE Memo declaring those who enter without inspection subject to mandatory detention under 8 U.S.C. § 1225(b)(2). No. 5:25-CV-01873-SSS-BFM --- F. Supp. 3d ----, Document 92 (C.D. Cal. December 18, 2025) at *6. While the Court declined to vacate *Yajure Hurtado* in this order because the decision was not specifically named in the amended complaint, the Court did clarify that “*Yajure Hurtado* is no longer controlling” and “the legal conclusion underlying the decision is no longer tenable.” *Id.*

11. Because Respondents are detaining Petitioner in violation of the final judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner from their custody in Sherburne County Jail.

12. Alternatively, the Court should order Petitioner's release, unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a), within seven days.

JURISDICTION

13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Sherburne County Jail in Elk River, Minnesota.

14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

16. This action arises under the Constitution and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

VENUE

17. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Minnesota, the judicial district in which Petitioner is currently detained.

18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a

substantial part of the events or omissions giving rise to the claims occurred in the District of Minnesota.

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

20. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

21. Petitioner N.A.M. is a citizen of El Salvador who has been in immigration detention since November 3, 2025. After Petitioner was arrested in Lake Elmo, Minnesota, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On December 16, 2025, Petitioner was denied bond by an IJ at the Fort Snelling Immigration Court because he was deemed an “applicant for admission.” Petitioner has resided in the United States since June 2005.

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official

capacity. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to § 103(a) of the INA, 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, and supervises the Fort Snelling ICE Field Office.

23. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

24. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is also a legal custodian of Petitioner.

25. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

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

27. Respondent Immigration and Customs Enforcement (ICE) is the sub agency within the Department of Homeland Security responsible for implementing and enforcing the INA, including the detention of noncitizens.

28. Respondent David Easterwood is the Acting Director of the St. Paul Field Office of ICE's Enforcement and Removal Operations division located at 1 Federal Drive, Fort Snelling, Minnesota 55111. As such, David Easterwood is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

29. Respondent Joel Brott is employed by the Sherburne County Sheriff's Office as Sheriff of the Sherburne County Jail where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

LEGAL FRAMEWORK

30. Removal proceedings are governed under 8 U.S.C. §1229a, which provides that “[a]n immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien, 8 U.S.C. §1229a(a)(1) and that “[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States.” 8 U.S.C. §1229a(a)(3).

31. To initiate removal proceedings, “written notice (in this section referred to as a ‘notice to appear’) shall be given in person to the alien (or, if personal service is not practicable, through service by mail to the alien or to the alien’s counsel of record, if any).” 8 U.S.C. §1229(a)(a).

32. The “[a]pprehension and detention of aliens” is governed under 8 U.S.C. § 1226, which provides that:

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is removed from the United States. Except as provided in subsection (c) and pending such decision, **the Attorney General...may release the alien on bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General.**

8 U.S.C. § 1226(a)(2)(A) (emphasis added).

33. The regulations provide that, to detain a person under 8 U.S.C. § 1226(a), the Department must issue an I-200 to take a person into custody; and that such a person is subject to release on bond. The regulation states:

(b) Warrant of arrest—

(1) In general. At the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter.

(2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation.

(c) Custody issues and release procedures—

(1) In general.

(i) After the expiration of the Transition Period Custody Rules (TPCR) set forth in section 303(b)(3) of Div. C of Pub.L. 104-208, no alien described in section 236(c)(1) of the Act may be released from custody during removal proceedings except pursuant to section 236(c)(2) of the Act.

8 C.F.R. § 236.1(b)

34. 8 U.S.C. § 1226(a) is the default detention authority, and it applies to anyone who is detained “pending a decision on whether the [noncitizen] is to be removed from the United States.” 8 U.S.C. § 1226(a).

35. 8 U.S.C. § 1226(a) applies to those who are “already in the country” and are detained “pending the outcome of removal proceedings.” *Jennings v. Rodriguez*, 5683 U.S. 281, 289 (2018).

36. 8 U.S.C. § 1225(b)(2)(A) mandates detention during proceedings under § 1229a if a noncitizen is “an applicant for admission” and the immigration officers determines the noncitizen **seeking** admission is not clearly and beyond a doubt entitle to be admitted. (emphasis added).

37. Based on a plain reading of the statute, 8 U.S.C. § 1225(b)’s mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Therefore, those who are apprehended many years after entry into the United States should not be subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) because they are not actively seeking admission at a border or port of entry.

38. Federal courts across the country have rejected the application of 8 U.S.C. § 1225(b)(2)(A) to noncitizens apprehended in the interior of the United States. *See Demirel v. Fed. Detention Ctr. Phila.*, Civ. No. 25-5488, 2025 WL 32182543, at *4 (E.D. P.A. Nov. 18, 2025) (citing an appendix identifying 282 district court decisions rejecting the Government’s interpretation of the relevant statutory provisions as of November 18). Judges in the District Court of Minnesota have likewise rejected this reading of the statute. *See Santos M.C.*, 2025 WL 3281787, at *3 (Schiltz, C.J.); *Andres R.E.*, 2025 WL 3146312, at *2–3 (Brasel, J.); *Belsari D.S.*, 2025 WL 2802947, at *5–6 (Menendez, J.); *Eliseo A.A.*,

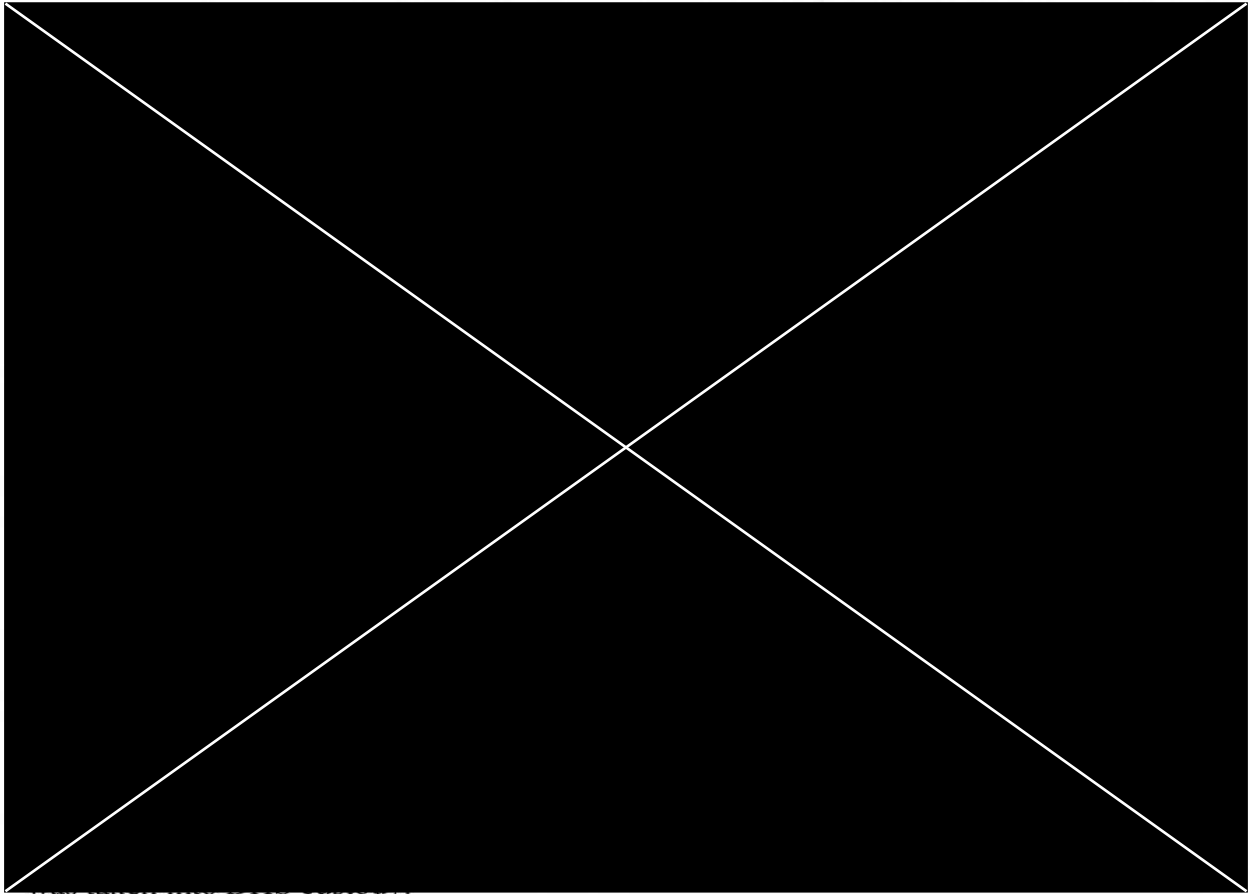
2025 WL 2886729, at *3–4 (Blackwell, J.); *Francisisco T. v. Bondi*, No. 25-cv-3219 (JMB/DTS), 2025 WL 3236513, at *2–3 (D. Minn. Nov. 19, 2025) (Bryan, J.); *Avila*, 2025 WL 2976539, at *5–6 (Tunheim, J.); *E.M.*, 2025 WL 3157839, at *3–8 (Nelson, J.).

39. The Court in *Maldonado Bautista* certified a class of bond eligible individuals and issued a final judgment declaring Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), are not subject to mandatory detention under § 1225(b)(2), and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge. *Maldonado Bautista*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025); No. 5:25-CV-01873-SSS-BFM --- F. Supp. 3d ----, Document 94 (C.D. Cal. December 18, 2025).

STATEMENT OF FACTS AND PROCEDURAL HISTORY

40. Petitioner entered the United States in June 2005, with the dream of giving his family and his parents a better life. Growing up in El Salvador with few resources and only a second-grade level education, he hoped that he could earn enough money in the United States to one day help his parents, who were pastors, build their own home. Petitioner's sole intention was to lift up his family and provide them with a better future.


41. 

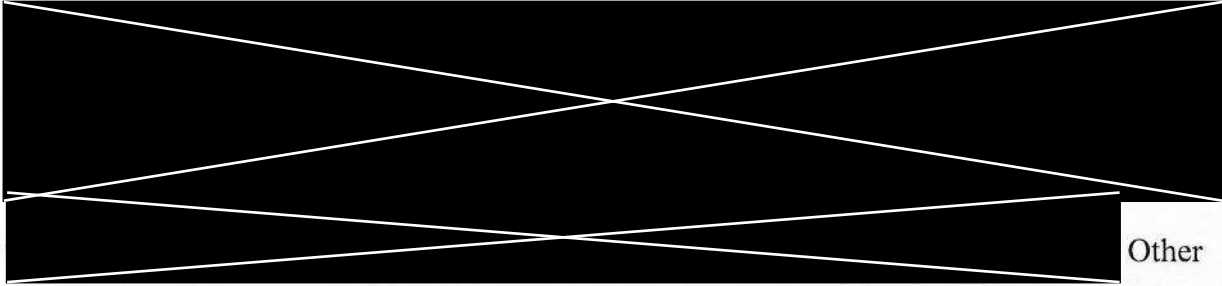



42. [REDACTED]

[REDACTED] Furthermore, Petitioner has no criminal history, beyond minor traffic tickets.

43. Petitioner is the father of two U.S. citizen daughters. Both of Petitioner's daughters are under the age of 18, and rely on him emotionally, psychologically, and financially. Petitioner's main priority in life is to ensure that his daughters never go without anything. Petitioner's greatest wish is that his daughters have a better life than he had, and that they receive a good education that allows them to achieve anything they want in life. He hopes that they become life-long learners and hard workers, and that they are able to support themselves long after he is gone.


44. Petitioner's daughters have been severely negatively impacted by his detention and the criminal case. Since his detention, his youngest daughter 

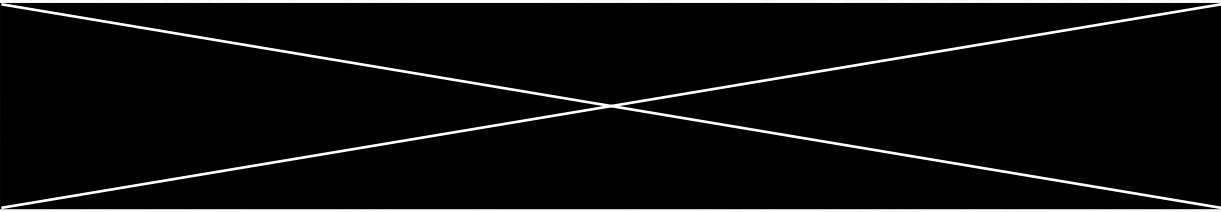


Other family members are working to get the children involved in counseling, but both will need extensive emotional and psychological support from their father, who has protected and provided for them throughout their lives. Without Petitioner, his children feel as though they have no protection from dangerous people who may harm them in the future. Petitioner's children need his support, as well as stability in their lives to begin to heal from the trauma they have suffered from, the effects of which will only worsen with Petitioner's continued detention.

45. Petitioner is a business owner and has consistently filed taxes in the United States for over 10 years. Petitioner is the owner of Kae Carpet Installation LLC, which he has operated since 2019.

46. Petitioner is a member of a local church and greatly contributes to the congregation. Petitioner is an honest, hardworking, and compassionate individual who is deeply committed to and respected by his community. Petitioner's contribution to his community is insurmountable, especially for his daughters, who depend on him in every aspect of their lives. Petitioner is a law-abiding individual. The only negative factor in Petitioner's case is his unlawful was entry to the United States, which he did with the hope of providing a

better life for his family. 



47. Since his initial arrest on November 3, 2025, DHS continues to detain Petitioner. On November 3, 2025, DHS served Petitioner with a Notice to Appear in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS charged Petitioner as inadmissible under INA § 212(a)(6)(A)(i) and INA § 212(a)(7)(A)(i)(I), alleging he entered the United States without inspection. Petitioner had initial master calendar hearings with IJs on November 25, 2025, December 9, 2025, and December 16, 2025. At the hearing on December 16, 2025, an IJ denied Petitioner bond and issued a denial order stating, “[Petitioner] is properly categorized as an applicant for admission, and the Court does not have authority to release [Petitioner] under INA Section 235(b)(2).” The IJ further stated despite the *Maldonado Bautista* summary judgement order and class certification, *Matter of Yajure Hurtado* “is still binding on this Court and the Court has no jurisdiction over the bond request” because the *Maldonado Bautista* decision is not a final decision.

CLAIM FOR RELIEF

Count I – Violation of the INA and DHS Regulations:
Request for Relief Pursuant to *Maldonado Bautista*

48. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

49. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

50. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

51. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

52. Respondents are parties to *Maldonado Bautista* and bound by the Court’s final judgment declaring Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2).

53. The final judgment in *Maldonado Bautista* also declares that, pursuant to DHS regulations, *see* 8 C.F.R. §§ 236.1, 1236.1, and 1003.19, the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), are not subject to mandatory detention under § 1225(b)(2), and are entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge.

54. The *Maldonado Bautista* Court further vacated the DHS policy described in the July 8, 2025, “Interim Guidance Regarding Detention Authority for Applicants for Admission” under the Administrative Procedure Act as not in accordance with law. 5 U.S.C. § 706(2)(A).

55. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA, federal regulations, and the Court’s judgment in *Maldonado Bautista*.

56. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as is set forth fully herein.

Count 2 – Violation of the Fifth Amendment

57. The Fifth Amendment Due Process Clause protects against arbitrary detention and requires that detention be reasonably related to its purpose and accompanied by adequate procedures to ensure that detention is serving its goals.

58. Petitioner is not subject to mandatory custody under the INA and is therefore entitled to a bond hearing in which a neutral arbiter may determine the justification for his continued detention under 8 U.S.C. § 1226(a)(2)(A), the denial of which constitutes a violation of the Fifth Amendment's guarantee of due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED: December 22, 2025.

Respectfully submitted,

s/Mrynna Rutan

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Verification by Petitioner Pursuant to 28 U.S.C. §2242

I am submitting this verification on behalf of Petitioner because I am his attorney. I have represented him since December 11, 2025. Since that date, I have discussed the events described in this Petition extensively with Petitioner, and was present for, or have reviewed documents directly corroborating, the facts and statements in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the dates and nature of the administrative proceedings, are true and correct to the best of my knowledge.

s/Mrynna Rutan
Mrynna Rutan

12/22/2025
Date