

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Luis Marcelo Lopez Pantocin,
Petitioner,

CASE NO. _____

vs.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Joel Brott, Sheriff, Sherburne
County, MN, Samuel Olson,
Director of St. Paul Field
Office, U.S. Immigration and
Customs Enforcement, Kristi
Noem, Secretary of the U.S.
Department of Homeland
Security, and Pamela Bondi,
Attorney General of the United
States, in their official
capacities,

Respondents.

Comes now Petitioner, Luis Marcelo Lopez Pantocin (“Lopez Pantocin”) and petitions this Court for a writ of habeas corpus. Petitioner is currently detained at the Sherburne County Jail in this District.

INTRODUCTION

1. Petitioner Lopez Pantocin brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial 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. He now faces unlawful detention because the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), and the Office of Principal Legal Advisor (OPLA) have

refused to provide any information regarding petitioner other than where is is being detained.

2. On November 20, 2025, the district court 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 v. Santacruz*, 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 of Immigration Review and its sub-agency the Immigration Court as well as the Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO), and Office of the Principal Legal Advisor (OPLA) have refused to abide by the declaratory relief and have unlawfully prevented Petitioner from requesting bond pursuant to 8 U.S.C. 1226(a).
5. Petitioner Lopez Pantocin is a member of the Bond Eligible Class, as he:

1. does not have lawful status in the United States and is currently detained at the Sherburne County Jail. He was apprehended by immigration authorities on December 5, 2025;
2. entered the United States without inspection more than three years ago and was paroled on December 13, 2022; and
3. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
6. Petitioner has no knowledge of any proceedings against him. Upon inquiry from counsel, Chief Counsel Jim Stolley of OPLA stated “I have no information about [this case]”.
Exhibit 1.
7. The Court should expeditiously grant this petition.
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” 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).
10. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,

Respondent DHS must release Petitioner. 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

11. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Sherburne County Jail in Elk River, Minnesota.
12. 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).
13. 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.

VENUE


14. 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 currently is detained.
15. 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

16. 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*.

17. 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

18. Petitioner is a citizen of Ecuador who has been in immigration detention since December 5, 2025. Petitioner entered the United States with his three children on December 9, 2022, and was paroled. Petitioner applied for asylum represented by attorney John Barham pursuant to 8 U.S.C. § 1158 on December 4, 2023, which was less than one year after entering the United States. While Petitioner does have an A Number  he has been unable to apply for a bond pursuant to 8 U.S.C. § 1226(a) because his case is not currently before the Immigration Court.

19. Respondent Joel Brott is the Sheriff of Sherburne County and is the warden of the Sherburne County Jail, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

20. Respondent Samuel Olson is the Director of the Saint Paul Field Office of ICE’s Enforcement and Removal Operations division. As such, Samuel Olson is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

21. 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.
22. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.
23. 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.
24. 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.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

25. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
26. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
27. 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.

28. 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.”

29. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

30. 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 and the Court’s judgment in *Maldonado Bautista*.

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: 22 October 2025



Steven T. Appelget
MN Atty. ID No. 236998
1102 Grand Ave.
Saint Paul, MN 55105
(651) 504-4193
appelget@appelgetlaw.com

Outlook

RE: Attempting to get information on two detained clients, [REDACTED]

From Stolley, Jim <jim.s.stolley@ice.dhs.gov>

Date Wed 12/10/2025 3:40 PM

To John Barham <crustyrooster77@hotmail.com>

I have no information about these cases, Mr. Barham.

Jim Stolley
Chief Counsel
Office of the Principal Legal Advisor, Minneapolis
U.S. Immigration and Customs Enforcement
(612) 843-8938

*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***

This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

Absent clear and express consent contained in the body of the email, there is no consent to disclose this email.

From: John Barham <crustyrooster77@hotmail.com>

Sent: Wednesday, December 10, 2025 3:10 PM

To: Stolley, Jim <jim.s.stolley@ice.dhs.gov>

Subject: Attempting to get information on two detained clients, [REDACTED]

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click [here](#) and follow instructions.

Hello Mr. Stolley,

I am writing you in an attempt to get information on two clients of mine who were recently detained by ICE.

1. Luis Lopez Pantocin, [REDACTED] The client currently has an asylum case pending before USCIS. We are not aware of any allegations of criminal activity on the client's part.