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January 30, 2026

VIA CM/ECF
Honorable Elsa M. Bullard
United States Magistrate Judge
United States District Court
316 North Robert Street
St. Paul, MN 55101

Re: *Somvang Phrachansiry v. Noem et. al.*
Case No.: 26-cv-37 (PSJ/EMB)

Dear Judge Bullard,

The government has missed the deadline to file a response to Phrachansiry's amended habeas petition. Phrachansiry's amended petition sets forth at some length the several legal grounds he contends show that his continued detention is unlawful. Because he is continuing to be detained; because the government failed to oppose his habeas petition by failing to respond to it; and because the government's missing the response deadline appears to be a part of a larger pattern of failing to follow court orders in cases involving Immigration and Customs Enforcement (ICE);[1] he submits that the Court should grant his habeas petition and order ICE to release him from their custody.

Your Honor entered an order on January 8, 2026 that ordered, among other things, the following:

- that counsel for Phrachansiry be appointed;
- that appointed counsel file an amended petition within 7 days after entering an appearance; and
- that "Respondent *must file an answer no later than 7 days after the amended petition is filed.*"

(DE 6 at 2 (emphasis added).) Counsel for Phrachansiry entered an appearance on January 20, 2026 and filed an amended petition the next day. (DE 8 and 9.) During

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[1] More information on the government's pattern of following court orders in similar cases is set forth below.

the time span between when Phrachansiry's counsel appeared and filed the petition, counsel was able to speak with Phrachansiry to ensure that counsel understood the operative facts and that Phrachansiry understood what was happening with his case. Counsel acted quicky because time is of the essence: Phrachansiry has been detained since December 10, 2025, and it is this detention he challenges in his habeas petition and contends is unlawful.

Because counsel filed the amended petition on January 21, 2026, Respondent's response was due "no later than 7 days after" that date, which meant that Respondent's answer was due by January 28, 2026. This is clear from the court's order, which provides that Respondent *must file* an answer no later than 7 days later. Respondent did not file a response by January 28 and thus has failed to comply with the Court's order. It is now January 30, and Respondent still has not filed a response.

Failing to comply with the Court's order appears to be a part of a larger pattern of failing to follow court orders in cases involving Immigration and Customs Enforcement (ICE). In Docket Entry (DE) 10 in Juan T.R.'s habeas case, Chief Judge Schiltz identified 96 court orders that ICE has violated in 74 cases. *Jun T.R. v. Noem et. al*, 26-cv-107 (PJS/DLM), DE 10 and DE 10-1 (January 28, 2026). This counting included only orders issued since January 1, 2026, and Chief Judge Schiltz reasoned that 96 was likely an undercount, given that the list was "hurriedly compiled by extraordinarily busy judges."

Every day that Phrachansiry continues to be detained is significant: it's one more day that his liberty has been taken away from him. Because he persuasively set forth why his continued detention is unlawful in his amended petition, because Respondent has not opposed his petition, because he has been detained since December 10, and because Respondent has failed to follow the Court's Order, he urges the Court to promptly grant his petition and order that Respondent release him from custody.

Sincerely,

s/ Rob Meyers

Rob Meyers
Assistant Federal Defender

cc: Ana Voss, AUSA
David Fuller, AUSA