



**U.S. Department of Justice**

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District of Minnesota

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**Via ECF:**

January 21, 2026

The Honorable John R. Tunheim  
U.S. District Judge, District of Minnesota  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

**RE: *Escalon Ortega v. Olson, et al.*, 0:26-cv-00080-JRT-DJF**

Dear Judge Tunheim:

I write regarding the Court's January 15, 2026, order requiring Federal Respondents to provide Petitioner with a bond hearing in Minnesota on or before January 22, 2026. In particular, Your Honor ordered Federal Respondents to return Petitioner to the District in advance of the bond hearing and thereafter update the Court on the status of the matter. I have met and conferred with Petitioner's counsel regarding the facts described in this letter.

The bond hearing was scheduled to occur today, January 21, 2026, at 1:30 p.m. However, ICE has not yet returned Petitioner to the District and does not expect to be able to return Petitioner to Minnesota in advance of any bond hearing to occur on or before Thursday, January 22, 2026. ICE maintains that it is doing its best to return detainees to Minnesota when ordered to do so by a court, but due to limited capacity on return flights, the agency has been unable to assure timely return transfers back to Minnesota in all cases.

For the Court's information—and being careful to avoid disclosing the substance of any attorney-client communications—I can provide the timeline below of my efforts to secure ICE's compliance with the Court's order:

- The Court entered its Sealed Memorandum Opinion and Order on January 15, 2026 at 3:04 p.m. ECF No. 11.

January 21, 2026  
Page 2

- Six minutes later, at 3:10 p.m., I forwarded the Notice of Electronic Filing to ICE informing the agency of the order.
- At 3:42 p.m., I received the secure message from Court staff providing access to the sealed Order. At the time, I was in St. Paul attending a court-sponsored settlement conference in another matter before Magistrate Judge Cowan Wright (20-cv-01729-DWF-ECW). Because I was away from my desk and working by cellphone, I was unable to immediately download and access the Order.
- At 4:55 p.m., my paralegal alerted ICE personnel by email that the bond hearing was ordered to occur within seven days, which she learned after calling Your Honor's chambers.
- I returned to my desk first thing the next morning and immediately downloaded the sealed filing.
- At 8:43 a.m. on January 16, 2026, I forwarded the Order to ICE personnel and instructed them again about its substance, including the seven-day deadline for holding a bond hearing in Minnesota and the ten-day deadline for a status report.
- At 11:50 a.m. on January 16, 2026, I again instructed ICE that the Order required Petitioner to be transferred to Minnesota in advance of the bond hearing, and that the bond hearing must occur by January 22, 2026.
- Today, at 9:54 a.m., Petitioner's counsel informed me by email that Petitioner's bond hearing had been scheduled for this afternoon, but that Petitioner had not yet been returned to the District.
- At 10:05 a.m., I emailed ICE personnel to determine whether Petitioner had been returned to the District for his bond hearing. I learned a few minutes later that he had not been returned and is not scheduled to return until Saturday, January 24, 2026.

January 21, 2026  
Page 3

- At 10:36 a.m., I emailed ICE personnel suggesting and requesting additional options or solutions to avoid noncompliance with the Court's Order.
- At 1:48 p.m., I learned that ICE expects it will be unable to return Petitioner to the District in advance of a bond hearing within the time provided by Your Honor's Order.
- At 2:28 p.m., I emailed Petitioner's counsel and informed her of that fact, and we had a phone call to discuss next steps. I learned from Petitioner's counsel that the bond hearing was rescheduled for 8:30 a.m. tomorrow, January 22, 2026, with the hope that ICE could complete Petitioner's return to the District.
- As of the time of this filing, I have not received any additional information regarding these issues – the best estimate ICE has provided me is that Petitioner will be flown to Minnesota on January 24, 2026.

I will promptly communicate any additional information I receive about this issue to Petitioner's counsel and to the Court. I will also file an additional notice if I receive confirmation that Petitioner has been returned to Minnesota and been released – with or without a bond hearing.

Sincerely,

/s/ Lucas B. Draisey  
Assistant U.S. Attorney

Cc: counsel of record, via ECF