



U.S. Department of Justice

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Via ECF:

January 26, 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 23, 2026, order finding Federal Respondents in violation of Your Honor's previous order. ECF No. 14. The order required Federal Respondents to Petitioner "to transport Petitioner to Minnesota by no later than January 24, 2026, and to release him from custody immediately upon his return to Minnesota." *Id.* Your Honor also ordered the parties to provide a status update no later than 5:00 p.m. today. I have met and conferred with Petitioner's counsel regarding the facts described in this letter.

Regrettably, Federal Respondents have not yet returned Petitioner to Minnesota or otherwise released him from custody. As I stated in my January 21 letter to the Court, ECF No. 12, ICE had scheduled Petitioner for a return flight from El Paso to St. Paul on Saturday, January 24. ICE informs me that Petitioner was detained at a detention facility in Torrance, New Mexico, and word had not reached the responsible officials at that facility to transport Petitioner from Torrance to El Paso in time for his scheduled return flight. ICE informs me that the Enforcement & Removal Operations office has already coordinated to have Petitioner returned to El Paso for the next available return flight, currently scheduled for Tuesday, January 27.

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Again, I want to supplement the timeline I provided in my January 21 letter to the Court show my efforts to secure ICE's compliance with the Court's latest order:

- The Court entered its January 23 text-only order at 11:41 a.m. ECF No. 14.
- At 12:25 p.m. that day, I forwarded the Court's order to ICE personnel.
- At 12:31 p.m., an ICE attorney conveyed the substance of the Court's order to additional ICE personnel by email, copying me.
- At 12:45 p.m., the Court modified the text of the original 11:41 a.m. order (I believe to correct a minor clerical error).
- At 1:21 p.m., I forwarded the modified order to ICE personnel.
- At 1:36 p.m., an ICE attorney again conveyed the substance of the Court's order to additional ICE personnel by email, copying me.
- At 5:27 p.m. on Sunday evening, January 25, Petitioner's counsel emailed me informing me that Petitioner remained in ICE detention in New Mexico despite the Court's order to return and release him on January 24.
- At 6:43 p.m. on Sunday, I emailed an ICE attorney to confirm what Petitioner's counsel had told me.
- At 6:48 p.m. on Sunday, the ICE attorney confirmed that Petitioner was still in ICE custody, and ICE is working to arrange a return flight.
- Throughout Sunday evening, I exchanged multiple emails with the ICE attorney and with Petitioner's counsel to understand how this happened and to learn how ICE plans to comply with the Court's order.
- At 9:16 p.m. on Sunday evening, ICE personnel informed me that the ERO office in Torrance was notified of the Saturday flight too late to

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coordinate Petitioner's transfer back to El Paso, as I explained above. I also learned that ICE had already coordinated for Petitioner to return to El Paso and will be placed on the next available flight to St. Paul on Tuesday.

- I spoke with Petitioner's counsel by phone this morning at around 10:47 a.m. to explain what I learned and meet and confer regarding next steps.

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 released.

Sincerely,

/s/ Lucas B. Draisey

Assistant U.S. Attorney

Cc: counsel of record, via ECF