

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Victor NAVARRO GOVEA,

Petitioner,

Case No. 0:26-cv-00119-ECT-
SGE

v.

Todd LYONS, in his capacity as Acting
Director, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; Pamela
BONDI, U.S. Attorney General; Daren K.
MARGOLIN, Executive Office for Immigration
Review; David EASTERWOOD, Field Office
Director of St. Paul Field Office for U.S.
Department of Homeland Security, United
States Immigration and Customs Enforcement,
Enforcement and Removal Operations

Respondents.

**REPLY TO RESPONDENTS'
RESPONSE TO PETITION
FOR WRIT OF HABEAS
CORPUS**

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CORPUS**

Petitioner submits this reply to the response to the petition for writ of habeas corpus filed January 11, 2026. (ECT No. 4 (“Response”). The Petitioner now replies to Respondents’ response to the petition. The Respondents have not established that the Petitioner is being lawfully held in ICE detention. Further, because of Petitioner’s grant of Deferred Action, Petitioner must be immediately released from detention. As such, the Petitioner respectfully requests to be immediately released from immigration detention.

I. Petitioner should be immediately released from custody subject to the Deferred Action condition of his *Bona Fide* I-918A Petition for a Qualifying Family Member of U-1 Recipient.

The Petitioner in the present matter benefits from Deferred Action following his Bona Fide Determination Notice for his I-918A Petition for a Qualifying Family Member of U-1 Recipient. Deferred action is “a form of enforcement discretion not to pursue the removal of certain aliens for a limited period in the interest of ordering enforcement priorities in light of limitations on available resources, taking into account humanitarian considerations.” 8 C.F.R. § 236.21 (c)(1).

The Petitioner received a Bona Fide Determination Notice for his I-918A Petition for a Qualifying Family Member of U-1 Recipient on November 29, 2025. *Ex. B.* The Petitioner has still not been placed in Removal Proceedings and has never been issued a Notice to Appear, even though he has been detained since January 7, 2026. Therefore, it follows that because the Petitioner has never been placed in immigration proceedings and received his Bona Fide Determination Notice before DHS took custody over the Petitioner, there are no “changed circumstances” in the Petitioner’s case that warrants DHS’ custody over the Petitioner. *Qorane*, No. 25-cv-4584 (JWB/DJF). A Bona Fide Determination Notice indicates that the Petitioner benefits from deferred action, which allows the government “not to pursue removal of certain aliens for a limited period in the interest of... taking into account humanitarian considerations.” 8 C.F.R. § 236.21 (c)(1). Therefore, The Department of Homeland Security (“DHS”) wrongfully exercised its authority to detain the Petitioner when the government provided protection through the process of Deferred Action for the Petitioner. Simply put, the Petitioner is an unlucky collateral arrest in ICE’s pursuit of detaining immigrants in the Twin Cities.

The Petitioner has never been entered into Removal Proceedings and has still not been issued a Notice to Appear. He has lived in the Twin Cities with his wife and three United States Citizen

children, received a bona fide determination for I-918A Petition for a Qualifying Family Member of U-1 Recipient, and has created a community in Minnesota. Petitioner continues to have Deferred Action for his I-918A Petition for a Qualifying Family Member of U-1 Recipient, despite ICE's unlawful detention.

II. Petitioner is a member of the Maldonado Class, and thus not subject to Mandatory Detention.

In the alternative, Petitioner requests that the court find that he is detained under § 1226(a) and order that he be given a bond hearing in front of the immigration court. This District has held that once DHS releases a noncitizen from immigration detention pursuant to 8 U.S.C. § 1226(a) and places them into removal proceedings, § 1226(a) governs their detention for the remainder of their proceedings. See *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025). The Maldonado class, certified by the federal court, includes: “All noncitizens of the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under INA § 236(c) or § 241 at the time the Department of Homeland Security makes an initial custody determination.” *Id.* This District has previously determined that noncitizens in the same position as the Petitioner are detained under § 1226 and are therefore entitled to a bond hearing.

CONCLUSION

As discussed above, the Petitioner respectfully requests that he be immediately released from immigration detention. In the alternative, as per the Petition, Petitioner requests that the court provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days, enjoin Respondents from denying Petitioner's bond under U.S.C. § 1225(b)(2), and should the Immigration Judge grant a bond, enjoin Respondents from invoking the auto-stay provision found at 8 C.F.R. § 1003.19(i)(2) during the pendency of any bond appeal, and grant any other and further relief that this Court deems just and proper.

DATED this 14 January 2026

/s/ Thomas R. Anderson III

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Minneapolis, MN 55411
Attorney for Petitioner

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

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned Counsel has discussed with Petitioner the events described in this Reply and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of his knowledge and belief.

Date: 14 January 2026 /s/ Thomas R. Anderson III