

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Oscar O.T.,

Petitioner,

v.

Pamela Bondi, Attorney General, U.S.
Department of Justice,

Kristi Noem, Secretary, U.S.
Department of Homeland Security,

Todd M. Lyons, Acting Director of
Immigration and Customs
Enforcement, and

David Easterwood, Acting Director,
St. Paul Field Office Immigration and
Customs Enforcement.

Respondents.

Case No. 26-cv-167 (JWB/JFD)

**MOTION TO SHOW CAUSE WHY
RESPONDENTS SHOULD NOT BE
PROHIBITED FROM COMPLETING
INTER-STATE TRANSFERS OF
INDIVIDUALS DETAINED IN
MINNESOTA**

INTRODUCTION

1. Petitioner Oscar T.C. is a citizen of Guatemala who has lived in the United States since 2021. He is not subject to a final removal order. Petitioner has a TVPRA Asylum application pending whose sole jurisdiction lies with USCIS, as well as a pending Special Immigrant Juvenile Status application with USCIS. On January 10, 2026, Respondents unlawfully detained Petitioner.

2. On January 11, 2026, Petitioner submitted a habeas petition seeking immediate release as a result of Respondents unlawfully arresting and detaining Petitioner, in violation of constitutional and statutory law.

3. Sometime between January 11 and January 16, 2026, Respondents transferred Petitioner to Texas.

4. On January 16, 2026, this Court granted Petitioner's habeas petition, and ordered the immediate release of Petitioner in Minnesota.

5. On January 20, 2026, Petitioner was not appearing in ICE's online detainee locator system and still had not been returned to Minnesota. In the evening of January 20, 2026, Julie T. Le, Assistant Chief Counsel of the Office of the Principal Legal Advisor, informed Petitioner's counsel that Respondents had moved Petitioner *not* to Minnesota, as directed in the Court's Order, but to Albuquerque, New Mexico.

6. As detailed in the memoranda attached supporting this Motion, Respondents are consistently violating Court orders to release individuals who have been unlawfully detained, *and* transferring these individuals outside of Minnesota, sometimes in less than 12 hours from their unlawful arrest.

7. Respondents are acting in bad faith. In fact, Respondents are intentionally transferring individuals they unlawfully detain outside of Minnesota sometimes within mere hours of detention, sometimes during the pendency of their habeas petitions, *and* even after a Court has granted habeas petitions, ordering the individuals' immediate release.

8. The party in this case – DHS and ICE – are intentionally obfuscating court orders, and acting in evident bad faith as demonstrated by the memorandum in support of this motion and the attached declarations and exhibits.

9. The only way to cure this conduct is for the Court to use its inherent power to order Respondents to immediately stop inter-state transfer of individuals who are detained in Minnesota. Respondents’ counsel have admitted that they are not appropriately tracking court orders from the U.S. District Court, District of Minnesota, *see* Voss Letter [Doc. 10], and as a result are violating court orders. In addition, Respondents have admitted to immediately transferring individuals they detain in Minnesota across state lines, in an effort to evade this Court’s authority.

10. Accordingly, Petitioner requests that this Court immediately hold a hearing on an order to show cause, under its inherent power.

11. Petitioner respectfully requests that the Court grant Petitioner’s motion and order the requested relief immediately.

Dated: January 21, 2026

Respectfully submitted,

/s/Kira Kelley
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