

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

Oscar O.T.,

Petitioner,

v.

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

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.

**AFFIDAVIT OF  
KIRA KELLEY**

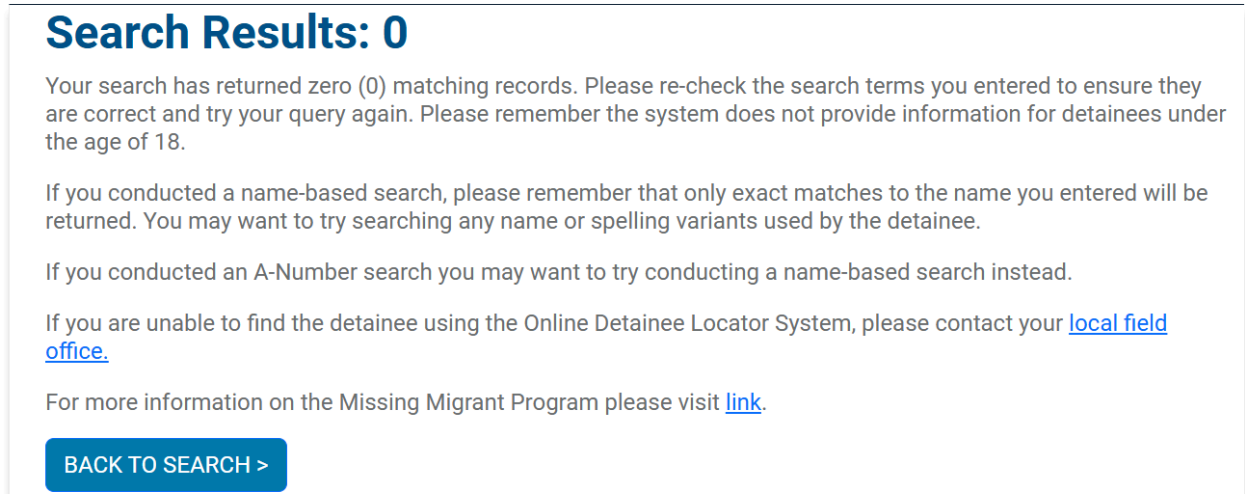
I, Kira Kelley, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney licensed to practice in Minnesota's state and federal courts, as well as in the nationwide executive immigration courts ("EOIR"), among other jurisdictions.
2. In my capacity as an attorney, I frequently visit the Bishop Henry Whipple Federal Building ("the Whipple") located at 1 Federal Drive, Fort Snelling, MN 55111, on behalf of clients. The Whipple is used as a federal detention facility by U.S. Immigration and Customs Enforcement ("ICE"). Of the approximately two dozen individuals who I have represented since the onset of "Operation Metro Surge," I

believe that every single one of these individuals is first brought to the Whipple and then sent to facilities in other parts of the State and country.

3. Initially, my noncitizen clients were booked at the Whipple and then sent to county jails in Minnesota for longer term detention. Since approximately January 11, 2026, however, *every single one of my noncitizen clients* who has been able to communicate their location to me has been sent outside of the state, typically to El Paso, Texas, within a day or sometimes even a few hours of being detained.
4. Getting information about or access to my clients is incredibly challenging. I was instructed to call (612) 843-0000 to reach the St. Paul ICE Enforcement and Removal Operations (“ERO”) field office to receive information about clients. *See Exhibit A.* I have spent many hours listening to this phone number ring, during the ostensible operating hours of 9:00 a.m. to 4:00 p.m.
5. Only once has anyone ever answered the phone at the St. Paul ERO field office when I have called.
6. In December and for the first two weeks of January, calling this number would lead me to a numerical menu where multiple options are presented to speak to different divisions of ERO/ICE. In the past four days whenever I call I have begun to hear the “busy signal,” even before the phone presents the numerical menu. This leads me to believe that the phone, when not in use, is typically left off the hook—and that no calls can go through.
7. I tried this phone number again at the time of initially drafting this affidavit, which was 3:24 p.m. January 20, 2026. I have given this number out to multiple colleagues, assistants, and people I know who are trying to reach ERO. I have never known ERO to answer this phone number when anyone else calls, either.
8. Locating an individual on the ICE Detainee Locator website is often impossible. The primary method to search for a detainee’s location on the online ICE detainee locator is through use of an assigned “A” number. When people are detained by ICE who have never before had contact with the immigration system, however, they do not have an A number until after they are booked and are often not permitted a phone call so as to provide that A number to family members or attorneys.
9. Even when I do have the A number of my client, I am often unable to find them. At around 11:30 a.m. on January 20, 2026, I looked for five of my clients whose

whereabouts were unknown by typing their A numbers into the ICE Detainee Locator. The following screen appeared following each of these five searches, as it did when I tried searching again for Oscar later that evening:



**Figure 1: Screenshot from a search of Oscar O.T. 's A number and country of origin on January 20, 2026 at 11:48 p.m.**

10. On further occasions, if I have managed to find an individual in the ICE detainee locator, instead of providing a facility location where this person is detained the website says to “contact ICE for more information.” The instructions on the detainee locator website for contacting ICE lead me to the same phone number for the St. Paul field office that has only ever answered my call once.
11. Once a noncitizen is placed into ICE detention, they are moved frequently and without any advanced notice, and often with no way for myself or their loved ones to know where they are or how long they will remain in any location. My clients and their families and I experience this directly, the black hole of communication that happens once someone is taken into immigration custody. I have never once received notice from the federal government of the impending transfer of a client.
12. To do my due diligence as an attorney and to uphold my clients’ rights to counsel, now when I learn that a client has been detained I attempt to visit them in person immediately. On each of the three separate occasions in the past week where I attempted to visit a client for whom I had a G-28 on file and who was detained by ICE at 1 Federal Drive, I was denied a visit. I have used visitation rooms in the Whipple to visit over a dozen US Citizens who were arrested for protesting or

observing ICE officers during operation metro surge, but this process is not available to perceived<sup>1</sup> noncitizens detained at the Whipple.

13. First, on January 10, 2026 at approximately 7:00 p.m. I was inside the Whipple attempting to visit a noncitizen client for whom I had signed and submitted a G-28. Officer Williams, of the Federal Protective Service (“FPS”), informed me that I was not going to be allowed to visit a detained non-citizen client in the Whipple building. He communicated that this was not his decision, he was just relaying the information from the Joint Operations Center: ERO, HSI, and ICE. I asked him to call back to the Joint Operations Center and to ask the person who made this decision to provide me with their name and position. Officer Williams obliged my request, but the person refused to allow Officer Williams to provide me with his name.
14. On Monday, January 19th, I reviewed my files and compiled six court orders from cases where a federal judge had ordered that my noncitizen clients be released. The ICE detainee locator showed several of these individuals were in El Paso, Texas, one was in Kandiyohi County Jail, and others were not listed. Family members of Belizario, the individual who appeared to be in Kandiyohi County, told me that he originally had been flown to El Paso when he was first detained. I sent these emails to Attorney Voss for the United States at 5:11 a.m. on January 19th, 2026. Attorney Voss responded at 9:14 a.m. confirming that the orders had been forwarded to “ICE counsel.” Exhibit B. These clients included Oscar O.T. as well as Mayra C.-C.
15. After several hours with no updates from anyone, I was able to find a direct phone number to an on duty ICE/ERO agent, Officer Cooper. At 3:40 p.m. on January 19th I called to inform him of the court orders, which he said he had not yet been made aware of. I asked if I could email him directly to show him the court order, and I gave him the A numbers for each of my missing clients to whom the orders applied. He declined to provide me with an email to send the orders to and he would not tell me my clients’ whereabouts. He told me that the process on his end was for the US Attorneys office to send court orders to OPLA, who then would direct ICE/ERO officers to release people whose orders had been reviewed. He

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<sup>1</sup> The fact that an individual has been detained by immigration authorities is not dispositive of their citizenship status. Thus far into Operation Metro Surge I have been retained to represent two U.S. Citizens who were taken into immigration custody, one of which required litigation in order to ensure her release. *See Doe v. Bondi*, 0:26-cv-00293-NEB-JFD.

kept promising to “walk upstairs” to talk to OPLA attorneys, but appeared not to have done so when I called back repeatedly for updates.

16. I suspected that my client Mayra C.-C. was at the Whipple based on the fact that she had been previously, but was no longer, showing up on the ICE Detainee Locator in Texas. I drove to the Whipple at around 5:30 p.m. on Monday, January 19th and was able to enter through the visitor’s entrance after providing my bar card and ID. FPS stopped me at the security station at the front entrance. I had a witness with me who took an audio recording of the conversations that followed.
- a. FPS called ICE/ERO to let them know that I was there to pick up a client, Mayra C.-C., who had a court order for her immediate release. FPS said: “OK, so he just looked at the scheduled releases for today. That name is not on there. They might be getting released tomorrow, but they don’t have it scheduled for tonight.”
  - b. I clarified that my client had a court order for her release, and informed FPS that continuing to detain Mayra in this facility would be a direct violation of this court order.
  - c. FPS called ICE/ERO back to let them know about the court order. An ERO agent named “Chuck” came up to the front and said “OK, we did see the information that there’s a habeas, it’s being worked right now. She is still present here on site.” He said that OPLA still had to review the habeas, and that once it was cleared by OPLA they would do “the recommendation about release, at which point [ERO] would start the process” of booking her out.
  - d. I asked why the habeas process had taken so long, and asked if there was a more expedient or appropriate way I could be interacting with ICE/ERO when I received orders of release for clients. Chuck initially said that “it wouldn’t hurt” to email OPLA directly, but then refused to give me an email address that I could use to do so.
  - e. Chuck said that some detained noncitizens were put on a flight before they had finished being processed into the ICE/ERO system, and weren’t fully booked until they were in Texas, and that detainees can be on a plane to Texas within a matter of hours but that flying people back to Minnesota following court orders takes much longer.

- f. He said he did not know when Mayra would be released, perhaps not until the next morning. He left.
  - g. I asked the FPS agent at the desk if he would call Chuck to ask if I could be allowed to do an attorney visit with Mayra. I was told that Chuck said no. FPS said it was a “case by case basis,” whether a detained noncitizen could get an attorney visit.
  - h. I went outside to wait in the car, and Mayra was released about half an hour later. I suspect that if I had not come to the building, they may not have gotten around to releasing her until the next day.
  - i. The next morning, January 20, 2026, I received a message from a family member of my client Belizario, who had just been released that day—two days after the court ordered his release and after he had been transferred from the Whipple, to Texas, to the Whipple again, to Kandiyohi County, and back to the Whipple.
17. Finally, I attempted to visit two clients on January 20, 2026, also at the Whipple. I had a signed G-28 form for a client, Marina G.C., who I attempted to visit by going to the ICE/ERO office just after 11:00 a.m. While waiting in line in the ERO office, I observed a distraught person sitting alone. She saw me looking at her, and asked if I knew “what was going on in here.” I sat next to her, and learned that she and her husband were here for his routine ERO check-in, but that he had been gone for half an hour and she did not know what had happened to him. We both suspected that perhaps he had been arrested. I agreed to file a G-28 on his behalf, to see if I could do a legal consult with him.
18. With two G-28s filed for two individuals detained at the Whipple, I approached the ERO desk and spoke to a woman I have heard others call “Casey,” who has told me multiple times that she is a volunteer (by way of explaining why she will never provide me with her name) but who I see working at a computer behind a locked glass barrier every time I go to this office.
19. She told me that I could not do attorney visits at the Whipple for noncitizen detainees. The reasoning that she gave was because of “safety concerns,” and that if she gave one attorney a legal visit she would have to give everyone a legal visit, and that “30-40 attorneys” would amount to “chaos.” Like Chuck, she noted that noncitizens who were taken into custody in Minnesota were not fully processed before they were put on a plane to Texas. She said there would be no way for me

to do a legal visit even for the man who had been detained just—at most—half an hour earlier.

20. In addition to denial of access to legal visits, I am noticing an ongoing pattern of ICE/ERO officers ignoring court orders when dealing with my clients. One egregious instance was in the case of my client Estefany S., who was originally detained while waiting with her family at her youngest child's bus stop. She lost consciousness multiple times at the Whipple and was eventually taken to a nearby hospital where guards fought to intrude on her doctor patient privilege. Her E.R. physician, who I spoke to afterwards, told me in a panic that guards were likely bringing Estefany to Texas immediately after leaving the hospital. This doctor was afraid for Estefany's life given her medical condition and lack of available care in immigration detention facilities. I prepared a habeas in the middle of the night, filed it by approximately 4:30 a.m., and received notice from the judge at approximately 9:00 a.m. that an injunction had been granted against Estefany's transfer out of the state.
21. I spoke to Estefany's husband to gather more information, and filed a habeas corpus petition and a motion for a temporary restraining order in the early morning hours of January 13, 2026. Judge Blackwell issued an Order just before 11:00 a.m. on January 13, 2026, enjoining Estefany's transfer outside of the District of Minnesota. *Estefany v. Bondi*, 26-cv-216 (JWB/SGE), Doc. 8. Nonetheless, Estefany was sent to El Paso, Texas.
22. On January 15, 2026, Judge Blackwell granted Estefany's petition for habeas corpus, and ordered Estefany to be returned to Minnesota and released. I still had not been able to talk with her.
23. On Saturday, January 17th, I emailed a copy of the order of release in Estefany's case to the email address I was instructed to use for communicating with ICE/ERO about noncitizen clients in Minnesota. About the same time, I received a frantic phone call from one of Estefany's loved ones, who was holding two devices together so that I could hear Estefany talking on the other line. Estefany was back in Minnesota, at the Whipple, but was being told that she would be transferred to Sherburne County jail to be detained for the duration of her pending immigration proceedings unless she signed self deportation papers prior to the transfer going through. She was confused and terrified. I told Estefany to have the agent who was with her call me.

24. The agent, Elvira LaPierre, called my cell phone at around 4:25 p.m. on January 17th from the ICE/ERO office line that no one ever answers. I explained to her that a federal judge had ordered that Estefany be released immediately, two days ago. The agent told me that she had no idea about the court order. I told her I had just provided a copy by email to the address I had been instructed to use for communications with the St. Paul ERO field office for such matters. She laughed, and said something to the effect of “yeah we really need to get someone to check that email.” I sent the order to her personal email, and was almost prevented from picking Estefany up at the Whipple due to the presence of federal riot police and clouds of tear gas blockading the visitor entrance.

25. In the car with Estefany on January 17th, driving her home, she told me that on the plane back to Minnesota she was accompanied by only two other detainees, also handcuffed, and every other seat was taken by an ICE officer being newly deployed in Minnesota. Mayra, when I drove her home on January 19th, told me that her plane ride to Minnesota had only five other noncitizen detainees, all handcuffed, and the rest of the passengers on the plane were similarly ICE agents coming to Minnesota for further deployment.

Dated January 21, 2026



Kira Kelley