

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civ. No. 26-167 (JWB/JFD)**

Oscar O.T.,

Petitioner,

v.

RESPONSE TO

Pamela Bondi, *Attorney General*; Kristi Noem, *Secretary, U.S. Department of Homeland Security*; Todd M. Lyons, *Acting Director of Immigration and Customs Enforcement*; David Easterwood, *Acting Director, St. Paul Field Office Immigration and Customs Enforcement*,

ORDER (ECF 24)

Respondents.

Respondents hereby respectfully submit this Response to the Court's January 21, 2026 Order (ECF 24). The Court's Order directs that this response shall be limited to specific issues, and therefore, Respondents understand that this is not invited to be a broader response on Petitioner's Motion for Order to Show Cause. This response is based upon the declaration attached and the undersigned counsel's review of the correspondence record of this case within the United States' Attorney's Office.

1. The source of the information relied upon in making the representation that Petitioner was "scheduled for return to Minnesota on a flight from El Paso on Tuesday, January 20, 2026."

The undersigned received this information from Deputy Chief Counsel, Laura Trosen, with ICE's Office of the Principal Legal Advisor for Minneapolis/St. Paul via email twice on Monday January 19, 2026.

2. Petitioner's custodial status and physical location at the time the representation was made.

At the time the representation was made, Petitioner was in ICE custody at the El Paso Camp East, in Texas. ICE Counsel (Laura Trosen) reviewed agency records and informs the undersigned that Petitioner was in El Paso Camp East until approximately 2:40 p.m. on January 20th, after which time he was transferred to Albuquerque, New Mexico.

3. When the United States Attorney's Office first learned that Petitioner had not been transported to and released in Minnesota on January 20, 2026, and what steps, if any, were taken to correct or clarify the record.

The USAO learned of that Petitioner had not been transported back on the January 20, 2026 flight to Minnesota on Tuesday, January 20, 2026, at 7:03 P.M. ECF 19-2 at 2. The undersigned responded to that email at 8:28 p.m. and added the SAUSA working to the chain for follow-up on the issue. ECF 19-2 at 2-3.

At 9:57, SAUSA Le followed up with the agency on counsel's inquiry re Petitioner's whereabouts. Counsel for ICE informed SAUSA Le and the undersigned that Albuquerque was a stop on the route that Petitioner was designated to take for return to Minnesota. SAUSA Le communicated that information to Petitioner's Counsel immediately. ECF 19-2 at 4.

Starting at 4:10 a.m. on the morning of January 21, 2026, Petitioner filed a Motion for Contempt (ECF 14), a Motion for Order to Show Cause (ECF 16), and supporting memoranda and declarations (ECF 15, 17, 18, 19, 20). At 11:14 a.m. on January 21, 2026, this Court issued a Notice of Hearing on the Motions (ECF 14, 16) for January 22, 2026.

The undersigned counsel had a number of filings to complete Wednesday morning (January 21, 2026), including a status report due by 9:00 a.m. As soon as feasible that morning, the undersigned began reviewing the Petitioner's motion and working with agency counsel and USAO personnel to understand the entire timeline, plan for return, and start preparing a response to the motions and to ensure accurate information was in the record at the time of the hearing set for January 22, 2026.

On January 21, 2026, this Court issued an Order (ECF 24) continuing the hearing and ordering this written response. The undersigned again notified counsel and began preparing this document.

The undersigned fully admits that I did not immediately correct the inaccurate information contained in my January 19, 2026 status report (ECF 10). My intention was to do a complete investigation of the facts and respond in full with clarity for the record to the Petitioners' motions and through the hearing (now this written submission). I also tried to prioritize working to get Petitioner back to Minnesota as quickly as possible, with the hope that I could accomplish that before today. I have spent considerable time on this and other cases related to transfer and return issues over the past 3 days, and I sincerely regret that Petitioner was not moved as Respondents had represented.

I understand my duty of candor to the Court, and I assure the Court that I never intended to leave inaccurate information on the docket. I never intended to contest the accuracy of the facts relating to Petitioner's status in Albuquerque and as set forward in the email exchange that was filed in Petitioner's motion (ECF 19-2). I hereby apologize to the Court, chambers staff, Petitioner's Counsel, and Petitioner for the factual inaccuracy on

which they did rely. This Court should never have to doubt the accuracy of my statements, and I am deeply sorry for this error.

4. Whether the Government contends that the representation regarding Petitioner's return and expected release was accurate when made, and the factual basis for that contention. The response shall identify any agency officials or attorneys who provided release-status information concerning Petitioner.

The Government does contend that the representation was accurate at the time made to the Court. The undersigned was informed via email from counsel for the agency (see above) at 10:07 a.m. on January 19, 2026 that Petitioner was scheduled to be on a return flight from El Paso to Minnesota on January 20th. Agency counsel (Laura Trosen) reported to the undersigned that Petitioner's name appeared on a manifest for the flight to Minneapolis from El Paso, Texas on January 20, 2026, and that is the basis for the information she conveyed. The status update was filed at 12:35 p.m. on January 19th upon that information. Based on records reviewed by agency counsel and information provided to the undersigned for this filing, the Petitioner was in El Paso, Texas until January 20th at approximately 2:40 p.m. when he was transferred to Albuquerque, New Mexico. He remains in Mexico now, awaiting return on the 24th.

The Respondents were acting on the best information available to them at the time the representation was made to the Court and sincerely regret that Petitioner's return did not occur as we had represented.

Respectfully submitted,

Dated: January 22, 2026

DANIEL N. ROSEN
United States Attorney
S/ Ana H. Voss
BY: ANA H. VOSS
Assistant U.S. Attorney
Attorney ID No. 483656DC
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415
Phone: 612-664-5600
Email: Ana.Voss@usdoj.gov