

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

Joaquin Quizhpi Loja,

Petitioner,

v.

26-cv-00233- LMP-DTS

Pamela Bondi, Attorney General,

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

Department of Homeland Security,

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

Immigration and Customs Enforcement,

and

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

Respondents.

**PETITIONER'S TRAVERSE
IN SUPPORT OF PETITION
FOR WRIT OF HABEAS
CORPUS**

SECTION 1225 DOES NOT APPLY TO PETITIONER

The Court asked Respondents to present “[a] good-faith argument as to whether—and if so, why—this matter is materially distinguishable, either factually or legally, from *Roberto M.F. and Victor Hugo D. P.*” ECF No. 4, at 3.

Respondents did no such thing. See ECF No. 5. As such, the Court’s analysis in

Roberto M.F. v. Olson, remains apt: Petitioner “has been living in the United States for 20 years, ... [so] he is not subject to mandatory detention.” No. 25-CV-4456 (LMP/ECW), 2025 WL 3524455, at *4 (D. Minn. Dec. 9, 2025). “Section 1226(a)—not Section 1225(b)(1)—applies to [Petitioner]’s case.” *Id.*

REMEDY

Immediate release is required. When given the opportunity to provide a warrant justifying detention under 8 U.S.C. § 1226(a), *see* ECF No. 4, Respondents failed to do so. *See* ECF No. 5. As such, release is the appropriate remedy. As illustrated in *Roberto M.F.*, 2025 WL 3524455, at *4, section 1225’s mandatory detention provisions cannot apply to Petitioner. If Respondents had issued an administrative warrant, they could certainly detain him under 8 U.S.C. § 1226(a). *See* 8 U.S.C. § 1226(a) (“On a warrant issued by the Attorney General ...”). In that case, a bond hearing under 8 U.S.C. § 1226(a) would be appropriate. However, no such warrant was produced, so detention under 8 U.S.C. § 1226(a) is also plainly unlawful, and immediate release is required.

“Section 1226 provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained.” *Ahmed M.*, 2026 WL 25627, at *1 (citing 8 U.S.C. § 1226(a)) (emphasis in original). Thus, “[i]ssuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a) [and i]t follows that absent a warrant a noncitizen may *not* be arrested and detained under

section 1226(a).” *Id.* (citing *Chogllo Chafila v. Scott*, No. 2:25-cv-00437-SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025)) (emphasis in original). As was the case in *Ahmed*, Petitioner “requested in his Petition that Respondents produce any warrant that might have authorized [his] arrest pursuant to § 1226[, but] Respondents have not produced any warrant.” *Id.*

Given that “the record shows Respondents have not identified a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.” *Id.* (citing *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025)). Thus, immediate release is required. Holding otherwise “would treat the absence of statutory power as a mere procedural irregularity rather than a substantive defect. Habeas relief requires more because it addresses the lawfulness of custody itself, not the adequacy of procedures that might attend some other, uninvoked challenge to detention.” *Vedat C.*, 0:25-cv-04642-JWB-DTS, at 6 (citing *Wajda v. United States*, 64 F.3d 385, 389 (8th Cir. 1995)). Release is the appropriate remedy. *See Sebrían Reyes v. Bondi et al.*, 26-cv-5 PJS/LIB (D. Minn. Jan. 23, 2026).

Finally, Respondents transferred Petitioner to El-Paso, Texas. If Respondent is released, Petitioner requests that he be released in Minnesota, near to his family and community, rather than in Texas where he would have to make his way home and risk potential re-detention as he transits airports to make the more than 1,000 journey back to this state.

CONCLUSION

Petitioner has demonstrated that her detention is illegal. A writ must issue, and he must be immediately released, preferably in Minnesota.

DATED: January 20, 2026

Respectfully submitted,

/s/ Cameron Giebink

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