

UNITED STATES DISTRICT COURT
District of Minnesota
No. 26-cv-283 (JMB/JFD)

Sandra C.,

Petitioner,

v.

RESPONSE

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,

Respondents.

INTRODUCTION

Respondents submit this response to Petitioner's Second Motion for Order to Show Cause. Petitioner asks that Respondents be held in contempt for transferring Petitioner out of the District of Minnesota. This request is made despite the fact that Petitioner is being returned to the District.

Petitioner was transferred out of the District of Minnesota before the agency was aware of the Court's order. Based on overall bed space limitations and other operational considerations, the agency determines where to house detainees, and sometimes that means they are transported outside the District. There is necessarily a temporal continuum when a habeas petition is filed, and it involves a short gap between the court's entry of an order, on ECF and notification to the agency that the individual should not be moved.

It should be noted that the order not to transfer was issued at 5:10 PM (17:10 PM) on 1/14/26, which is well after she was booked out of the Whipple facility, for a flight that agency records show left Minneapolis at 11:00 a.m. The agency could not have known that Petitioner was not to be transferred out of Minnesota. Thus, there was no purpose to evade the Court's order; rather there was simply a gap between its issuance and the agency's ability to operationally effectuate it. Petitioner is now being returned to the District in accordance with the Court's order. Respondents acknowledge that Petitioner is still in ICE custody, despite the Court's order. The government respectfully requests that Court deny the motion.¹

ANALYSIS

The federal habeas statutes provide that "the person who has custody over" the petitioner is the proper respondent to a habeas petition. 28 U.S.C. § 2242; *see also* 28 U.S.C. § 2242 ("The writ, or order to show cause shall be directed to the person having custody of the person detained."). As the Supreme Court explained, "The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies only in one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. at 426, 443, 447 (2004) ("Whenever a 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and file the petition in the district of confinement.").

¹ Counsel is waiting for declarations, but with the deadline to file, we are filing immediately, and we respectfully ask for more time.

If, after filing a habeas petition in their district of confinement (and properly naming their immediate custodian), a petitioner is transferred to another place of confinement, the original district of confinement retains jurisdiction. *Padilla*, 542 U.S. at 440 (citing *Ex parte Endo*, 323 U.S. 283, 305-306 (1944)).

In accordance with the above, Respondents do not argue that the Court lacks habeas jurisdiction over Petitioner because they were transferred. Petitioner is being returned to the District pursuant to the Court's order, and Respondents acknowledge that the Court retains jurisdiction over a properly filed habeas petition in this District where the Petitioner is transferred after the proper filing.² Rather, Respondents urge the Court to recognize that given the volume of immigration cases being filed in this District and the lag between the time cases are filed, an order to show cause is issued, and that order is relayed to the agency, some petitioners are moved to other facilities for operational reasons.

ICE utilizes bed space in various locations when it is limited in one area. *See, e.g.*, Declaration of Tauria Rich, *Yanshantipan M. v. Easterwood, et al.*, No. 26-cv-213 (JWB/JFD) (Jan. 18, 2026) (ECF 9). Given the high number of detentions in Minnesota in recent weeks, the agency's current practice is to transport the majority of detainees to other facilities such as Texas, where the detainee is currently held, where there is open bed space. This decision is made based on logistical factors. No detainee is transferred because the detainee has contacted or retained counsel, has filed a habeas petition, or is deemed likely to do so.

² The court would not have jurisdiction over a habeas petition filed in this District *after* the Petitioner has been transferred out of the District.

Under these circumstances, contempt sanctions are unjustified. Construing the federal contempt statute, 18 U.S.C. § 401, the Eighth Circuit explained, “There are two types of civil contempt: coercive and compensatory.” *Coleman v. Espy*, 986 F.2d 1184, 1190 (8th Cir. 1993), *reh’g and reh’g on banc denied* (8th Cir. April 5, 1993) (citing *Klett v. Pim*, 965 F.2d 587, 590 (8th Cir. 1992); *United Mine Workers of Am.*, 330 U.S. 258, 202-04 (1947)). The circuit court further explained:

With coercive contempt penalties, the court issues sanctions such as fines or incarceration to force the offending part to comply with the court’s order....
With compensatory contempt, the court attempts to compensate the plaintiff for the damage that the offending party has caused by its contempt.

Coleman, 986 F.2d at 1190.

The sanctions sought in Petitioner’s motion are coercive in nature to force the government to comply with the court’s order. But the government is already returning the detainee to Minnesota, and thus the government has already complied with the Court’s order – there is no reason to order contempt sanctions to achieve a result that has already occurred. The “paradigmatic ... civil contempt sanction” is a conditional penalty that may be “purge[d]” through compliance with the original order. *International Union, United Mine Workers of America v. Bagwell*, 512 U.S. 821, 828 (1994); *Shillitani v. U.S.*, 384 U.S. 264, 368 (1966).

Nor is there any indication in the record that the government disregarded the Court’s order. As such, there is no “disobedience” within the meaning of the contempt statute.

Dated: January 21, 2026

Respectfully submitted,

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