

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

William Lema-Castro

Diana Lema-Castro

Jane Doe

Petitioner,

v.

Pamela Bondi, Attorney General,

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-293

**MOTION FOR ORDER
TO SHOW CAUSE**

Expedited Handling Requested

Petitioners William and Diana Lema-Castro and Jane Doe are three youth who were taken without a warrant by U.S. Immigration and Customs Enforcement (“ICE”) at approximately 9:15 a.m. on January 14, 2026 while driving in South Minneapolis, Minnesota. *See* Verified Petition for Writ of Habeas Corpus (“Habeas Pet.”), Dkt. No. 1.

Despite Jane Doe being a minor child born in the United States, a U.S. citizen, and despite Petitioners Lema-Castro being siblings with pending applications for Special

Immigrant Juvenile, ICE arrested the three individuals with no notice or opportunity to be heard and no identifiable lawful reason, in violation of law. ICE further has taken these individuals to the Whipple detention facility, but has not afforded them a phone call and upon information and belief is on the precipice of sending these individuals outside of the jurisdiction of Minnesota.

In this action, Petitioners accordingly challenge their detention as violative of the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act (“INA”) and its implementing regulations, and the Administrative Procedures Act. *See generally* Habeas Pet., Dkt. No. 1. In This petition, Petitioners respectfully request that this Court order Respondents to immediately release Them from custody. They further seek injunctive relief against removal outside of the District of Minnesota or the United States without the process required by the U.S. Constitution, the INA and implementing regulations, and the FARRA and its implementing regulations. *Id.*

In the instant motion, Petitioners now respectfully moves the Court for expeditious resolution of his habeas petition to ensure that Respondents do not continue violating their constitutional, statutory, and regulatory rights.

First, pursuant to 28 U.S.C. § 2243, Petitioners requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court’s order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioners an opportunity to file a reply within three days after Respondents file the return.

Expeditious resolution is consistent with the purpose of habeas petitions. Habeas “is a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute. The federal habeas corpus statute provides that “[a] court, justice or judge entertaining a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. It further provides that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* And the Court shall hold a hearing “not more than five days after the return unless for good cause additional time is allowed.” *Id.* Thereafter, the Court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.” *Id.*

Furthermore, expeditious consideration is particularly appropriate here because many federal opinions in this District have addressed the legality of Respondents’ similar actions in other cases, finding that Respondents had or likely violated due process, statute, and regulations. *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (January 6, 2026); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025). This case presents similar considerations and is thus one that the Court can address on an expedited basis.

Second, consistent with this Court’s past practice in prior cases, Petitioners respectfully request that this Court enter an immediate order preventing their removal or transfer from the United States and the District of Minnesota while the petition is considered, to preserve this Court’s jurisdiction over their habeas claims. *See, e.g., Carmona-Lorenzo v. Trump et al.*, 25-cv-03172-JFB-RCC, Dkt. 3 (D. Neb. Aug. 19, 2025); *Lorenzo Perez v. Kramer, et al.*, No. 25-cv-03179-JFB-RCC, Dkt. 13 (D. Neb. Aug. 27, 2025); *Duenas Arce v. Trump, et al.*, No. 25-cv-00520-SMB-RCC, Dkt. 3 (D. Neb. Aug. 27, 2025).

Respectfully submitted,

Date: January 14, 2025

/s/ Kira A Kelley
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CERTIFICATE OF COMPLIANCE

I certify that this motion contains 739 words in compliance with the Local Rules. I further certify that no generative artificial intelligence program was used in drafting this document.

Jan. 14, 2026

/s/ Kira A Kelley
KIRA A. KELLEY