

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-306 (MJD/ECW)

ANTONIO CANDIDO MENDOZA,

Petitioner,

v.

KRISTI NOEM, *et al.*,

**FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

Respondents.

Petitioner filed this petition for a writ of habeas corpus to secure release or a bond hearing in connection with Petitioner's detention by the U.S. Immigration and Customs Enforcement ("ICE"). He is currently detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A), as he falls under the statutory definition of an "applicant for admission," *see* 8 U.S.C. § 1225(b)(1), and an examining immigration officer has determined that he is "not clearly and without a doubt entitled to be admitted." 8 U.S.C. § 1225(b)(2)(A). Under that provision, he is ineligible for release or bond. *See id.*

This petition raises legal and factual issues similar to those in prior habeas petitions this Court has decided. Those issues are currently before the Eighth Circuit on expedited review in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025). Rather than belabor these proceedings by rearguing points the Court has considered and rejected, Federal Respondents assert all arguments raised by the government in *Avila* and respectfully request that the Court preserve those arguments for any appeal in this case. *Cf. Mauro Johnny P.P. v. Lyons*, Case No. 26-cv-204 (LMP/DJF), Order, ECF No. 5 at 2 n.1 (calling abbreviated response "a model example" in the circumstances, as it "preserves

the Government's arguments for appeal while avoiding the effort of filing the same recycled template that this Court has already rejected").

Federal Respondents write to briefly address two other issues.

First, Federal Respondents note that, though a minority view, dozens of courts across the country have adopted the government's reading of § 1225, including as recently as last week in this district. *See, e.g., Bidye M. v. Kandiyohi County Jail and United States of America*, No. 25-04791 (PAM-EMB), ECF No. 10 (D. Minn. Jan. 16, 2026); *Abdirahmaan G. v. Noem*, No. 26-34 (PAM/SGE), ECF No. 7 (D. Minn. Jan. 14, 2026) at 4-5 (finding a "growing minority of district courts to reject Petitioner's argument" correct).

Second, on January 15, 2026, the Court entered an order directing Federal Respondents not to move Petitioner out of the District of Minnesota until the Court issued a ruling on the Petition or, if already moved, to immediately bring Petitioner back. *See* ECF No. 3. Petitioner had already been transferred to an ICE facility in Texas for bed-space reasons on January 14, 2026—the day before the Court's Order was entered—but ICE is working to return him to Minnesota in compliance with the Order, and he is expected back tomorrow.

For all these reasons, and those articulated in *Avila*, Federal Respondents respectfully submit the Petition should be denied.

Signature page to follow

Dated: January 19, 2026

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