

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 26-cv-00319-NEB-JFD

DIANA LEMA-CASTRO,

Petitioner,

v.

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

KRISTI NOEM, *et al.*,

Respondents.

Petitioner<sup>1</sup> filed this petition for a writ of habeas corpus to secure release in connection with her detention by the U.S. Immigration and Customs Enforcement (“ICE”). *See* Dkt. No. 1 (“Petition” or “Pet.”). She is currently detained by ICE pursuant to 8 U.S.C. § 1225(b)(2)(A), as she 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 she is “not clearly and without a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A). Under that provision, she is ineligible for release or bond. *See id.*

As the Court’s order recognized, *see* Dkt. No. 3 (“Order”), this Petition raises legal and factual issues<sup>2</sup> similar to those confronted (and decided) by this Court in prior habeas petitions. *See, e.g., Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL

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<sup>1</sup> This response is submitted only with respect to Petitioner Diana Lema Castro (“Petitioner”), not any of the other petitioners from what was initially filed as joint habeas petition but which has now been divided into three separate cases.

<sup>2</sup> Federal Respondents agree that this matter is not materially factually or legally distinguishable from *Andres R.E.*, 2025 WL 3146312. Given this, Federal Respondents do not believe an evidentiary hearing is necessary.

3146312 (D. Minn. Nov. 4, 2025). 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 that the Court has considered and rejected, the 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.

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 yesterday 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 16, 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 Order*. Petitioner was transferred to an ICE facility in Texas on January 15, 2026—the day before the Court’s Order was entered—but ICE is working to return her to Minnesota in compliance with the Order.

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

*Signature Page to Follow*

Dated: January 17, 2026

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