

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

J.B.C.O., J.E.C.M., minor child J.S.C.M.,
A.J.H.G., A.D.B.A., and S.V.M.S., by and
through next friend E.K.M.P.,

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. 0:26-cv-424

MOTION FOR SANCTIONS

COMES NOW Petitioners J.B.C.O., J.E.C.M., minor child J.S.C.M., A.J.H.G., A.D.B.A., and S.V.M.S., by and through next friend E.K.M.P., and move this Court for sanctions against Respondents and/or Respondents' counsel for their willful disregard of their legal and ethical obligations, Petitioners' rights, and this Court's orders. In support of their motion, Petitioners state as follows:

On January 18, 2026, Petitioners submitted an emergency petition for writ of habeas corpus. ECF 1. Because this case involves a minor child, and involves matters

which have received significant media attention, Petitioners proceeded by use of their initials to protect the minor child's privacy, in accordance with Rule 5.02 of the Federal Rules of Civil Procedure. Petitioners also filed a sealed notice of their identities, which was sent to Assistant United States Attorney Ana Voss and several others in the United States Attorney's Office. Glenn Decl. Ex. 1.

On January 19, 2026, this Court issued an order restraining and enjoining the Respondents from moving the Petitioners out of the District of Minnesota and ordering Respondents to immediately return Petitioners to Minnesota if they had already been so moved. ECF 6. The Court's order also directed Petitioners to provide a reasoned memorandum explaining the reason why the five adult Petitioners' names were obscured by initials. ECF 6. Petitioners timely did so. ECF 7. To date, this Court has never directed Petitioners to publicly identify themselves or otherwise denied the six Petitioners' request to proceed by initials.

Later that same day, this Court granted the Petition for Writ of Habeas Corpus and directed Respondents to "release Petitioners from custody as soon as practicable, and no later than 72 hours within the filing of this order." ECF 9 at 2. The deadline by which Respondents were required to release Petitioners was approximately 6:34 P.M. on January 22, 2026. *See* ECF 14 at 3.

After issuance of this Court's release order, Assistant United States Attorney Fred Siekert emailed undersigned counsel and chambers indicating that had had "prepared an email" to chambers requesting an extension to the Court's prior scheduling order, and "still would like to have the deadline extended." Glenn Decl. Ex. 2. He provided a

heavily redacted document which he proffered was “a copy of the warrant pursuant to which entry was made,” without offering any accompanying declaration or other evidence of authentication. *Id.* AUSA Siekert claimed that “[t]his should satisfy your Order” and indicated that Respondents “plan to prepare and file our return to your Order to Show Cause on January 21, 2016 [sic],” indicating Respondents had no intention of complying with the Court’s release order. *Id.* Undersigned counsel responded that Petitioner maintained the release order had appropriately issued, and noted her “concern[] that Respondents’ email to chambers evinces an ongoing failure to endeavor to comply with this Court’s most recent order directing release of Petitioners ‘as soon as practicable.’” *Id.*

On January 21, 2026, Petitioners filed their first motion for an order to show cause, after it came to undersigned counsel’s attention that all six of the Petitioners had been transported to Texas and remained detained there in violation of this Court’s prior order. ECF 10. The Court scheduled a status hearing for the morning of January 22, 2026.

At the hearing, AUSA Siekert argued that, since the Court had granted the petition, he did not believe Respondents had any legal obligation to provide further information about the heavy redactions or reported suspicious circumstances of the alleged search warrant which he had previously provided to the Court.¹ He further represented to the

¹ AUSA Siekert indicated that he would nonetheless attempt to obtain additional information, as directed by the Court. To date, he has provided no further updates as to the status of these inquiries.

Court that “he had communicated the Court’s orders in this case to ICE officials and reassured the Court that ICE would comply with the deadlines the Court had set.” ECF 14 at 3. He assured the Court that he had made diligent efforts to ensure Respondents complied with the Court’s order to timely release Petitioners. Undermining the veracity of his representations, however, AUSA Siekert also claimed not to be aware of the identity of Petitioners. Glenn Decl. Undersigned counsel confirmed that she had emailed a copy of the sealed notice of personal identifying information to several attorneys in Mr. Siekert’s office prior to his assignment, including Assistant United States Attorney Ana Voss, and indicated her surprise that AUSA Siekert had neither obtained the document from AUSA Voss nor previously requested the document from undersigned counsel. *Id.* She assured AUSA Siekert that she would promptly forward the email to him, and she did so before leaving the courthouse that day. *Id.*; *see also* Glenn Decl. Ex. 1. It is unclear whether and how AUSA Siekert could have been making diligent efforts to ensure Petitioners were timely released before he had endeavored to learn of their identities.

After Petitioners were not timely released, undersigned counsel emailed AUSA Siekert on January 22, 2026, at 9:33 P.M., informing him that the ICE online detainee locator indicated that all Petitioners remained detained in Texas, and requesting additional information from him as to their status. Glenn Decl. Ex. 3. AUSA Siekert did not ever respond to this email. Glenn Decl.

Strangely, AUSA Siekert sent an *ex parte* email to chambers on or about January 23, 2026, confirming that each of the six Petitioners remained detained in Texas and identifying J.B.C.O. and J.S.C.M. as “[s]cheduled for a return flight to Minneapolis

today” and the other four Petitioners as “[s]cheduled for a return flight to Minneapolis tomorrow.” Glenn Decl. Ex. 4. The basis for these representations was and remains unclear. Chambers forwarded this email to undersigned counsel on January 23, 2026. *Id.*

The evening of January 23, 2026, Petitioners filed a second motion to show cause, representing that as of approximately 8:30 P.M. on January 23, 2026, the ICE online detainee locator indicated that all six Petitioners remained incarcerated in Texas. ECF 13. Petitioners specifically asked the Court to direct Respondents to produce affidavits or exhibits identifying with particularity when, how, and from and to whom this Court’s orders in this case have been communicated, and why Respondents have failed to comply with them to date. ECF 13.

On January 24, 2026, at 10:30 A.M., undersigned counsel emailed AUSA Siekert and chambers that the ICE online detainee locator indicated J.B.C.O. and J.S.C.M. remained detained in Dilley, A.J.H.G. and S.V.M.S. remained detained in El Paso, and J.E.C.M. and A.D.B.A. were no longer listed in the online detainee locator. Glenn Decl. Ex. 4. AUSA Siekert did not respond to this email. Glenn Decl.

On January 24, 2026, at 6:11 P.M., undersigned counsel emailed AUSA Siekert, and carbon copied several other attorneys in his office, that “Petitioners’ loved ones are at Whipple to pick them up, and ICE is telling them that they do not have any order for their release. Glenn Decl. Ex. 5. As a result, ICE has indicated that they will be moving Petitioners [from Whipple] to another in-state carceral facility.” *Id.* A copy of this Court’s release order was attached to that email. *Id.* AUSA Siekert did not ever respond to this email, nor did any other attorneys in his office. Glenn Decl.

That evening, immigration counsel Perry Keziah also brought a physical copy of this Court's release order to the Whipple building. *Id.* When her efforts were ignored by ICE, undersigned counsel again emailed the AUSA Siekert, several other attorneys in his office, and the StPaul.Outreach@ice.dhs.gov email address: "Please see below and attached, the court order directing my clients' release. They are currently being detained at Whipple, and it is unclear to me why ICE won't release them. We've brought them a physical copy of this order as well. I'm also attaching the notice of identify for this case, so that there is no confusion about what petitioners this relates to." Glenn Decl. Ex. 5. AUSA Siekert did not ever respond to this email, nor did any other attorneys in his office. Glenn Decl.

On January 25, 2026, at 8:35 A.M., undersigned counsel emailed chambers, with carbon copies to AUSA Siekert and AUSA Voss:

Five of the six petitioners have been moved to Minnesota. [S.V.M.S.], as of last night, remained in Texas. ICE continues to refuse to release them and says they have no notice of any order for release, and for [S.V.M.S.] indicated they had no notice of any order to transport her. I learned of this yesterday afternoon, when their next friend reported that the transported petitioners had called her and said they were back in Minnesota, but ICE was refusing to release them and threatening to transport them to different detention facilities around the state if an attorney did not immediately present an order for their release. Two of my colleagues immediately went to the Whipple building with a copy of this Court's order, and a third joined sometime after. Agents at Whipple refused to even allow them entry to the building and, bizarrely, referred them to call the ICE tipline. In the meantime, I emailed Mr. Siekert, as well as every contact I have in his office and OPLA's office, and have gotten no response. Nor have I received any status update from Mr. Siekert, although one was due yesterday.

...

My colleagues are back at Whipple this morning with a copy of this Court's order, and thus far remain unsuccessful at convincing Respondents to comply with this Court's January 19, 2026, order.

I respectfully ask this Court to take action. I have exhausted every avenue at my disposal to seek Respondents' compliance.

See Glenn Decl. Ex. 6. AUSA Siekert did not respond to this email. Glenn Decl.

On January 25, 2026, this Court issued an order noting that it had previously set clear deadlines, and yet "while some Petitioners may have been returned to Minnesota, none have been released from custody. Nor did Respondents file a status update in this case by the January 24, 2026, deadline—in fact, Respondents have ***not made a single filing*** on the Docket in this case, aside from Counsel's Notice of Appearance." ECF 14 at 2-3 (emphasis in original).

On January 25, 2026, AUSA Voss filed a status report indicating that A.J.H.G., A.D.B.A., and S.V.M.S. had been released that afternoon, and the other three Petitioners were "expected to be released in Minneapolis, Minnesota tonight." ECF 15. AUSA Voss further noted that she "regrets the manner in which information has been shared in this case up until now and apologizes to the Court, counsel, and Petitioners." *Id.* at 2. All Petitioners were eventually, finally, released that evening.

The Court subsequently directed judgment be entered, finding its orders had been satisfied. ECF 16; *see also* ECF 17.

On February 9, 2026, after immigration counsel's multiple attempts to contact ICE and secure return of property which had not been returned to Petitioners upon their release, Petitioners filed a motion to reopen the judgment in this case and third motion for

an order to show cause. *See* ECF 18. The motion expressly stated that Respondents had “refused to return J.B.C.O.’s driver’s license and work permit and J.S.C.M.’s work permit” and also “imposed conditions of release on all of the Petitioners except J.S.C.M.” *Id.* at 2.

On February 17, 2026, undersigned counsel emailed AUSA Siekert, following up on the motion to show cause, indicating that Ms. Keziah had “made multiple inquiries to ICE about these issues, with no success,” and asking if he had any updates. Glenn Decl. Ex. 7. AUSA Siekert asked counsel to “remind me what the issues are so I can attempt to resolve them.” *Id.* Undersigned counsel promptly responded, identifying the missing property and Petitioners who were put on conditions of release. *Id.* AUSA Siekert requested copies of the conditional release orders, and undersigned counsel promptly provided all five conditional release orders. *Id.*

On February 21, 2026, this Court granted the motion to reopen the case and directed Respondents to either file a reasoned memorandum demonstrating the lawful basis of the conditions of release imposed or confirming that all conditions of release have been removed within 72 hours. ECF 19 at 3. The Court further directed Respondents to return Petitioners’ documents to Petitioners or Petitioners’ counsel within 72 hours. *Id.*

On February 22, 2026, AUSA Siekert emailed to undersigned counsel a rescission order for J.B.C.O. only. Glenn Decl. Ex. 8. Bizarrely, he then asked “what else need[s] to be done to wrap this case up,” *id.*, although Petitioners’ motion, undersigned counsel’s

multiple prior emails, and this Court's prior order all contained this information with crystal clarity.

On February 24, 2026, at 11:27 A.M., undersigned counsel asked about the remaining conditions for the other four petitioners, as well as the outstanding property. *Id.* AUSA Siekert responded at 12:02 P.M., "I am working on getting the 4 other rescission [sic] notices and hope to have them today. I am also working on the property issue." *Id.*

On February 24, 2026, at 12:46 P.M., and after the 72-deadline set by this Court, AUSA Siekert submitted a declaration which included a copy of J.B.C.O.'s rescission order, identifying him by his full name and including his A-number. ECF 20. He claimed that the agency "is preparing similar rescission [sic] notices for the other four similar situated individual petitioners," and that he would "file them once we have them in hand." *Id.* He also claimed that "the agency was making all efforts to locate the missing documents," but that he did not have information "on the current status or results of that search." *Id.*

On February 25, 2026, undersigned counsel emailed AUSA Siekert to alert him that he had failed to redact J.B.C.O.'s full name and A-number from his declaration as well as the exhibit to his declaration. Glenn Decl. Ex. 9. In response, AUSA Siekert asserted that he was "not required to do so," but that his paralegal would work with the clerk to file redacted copies. *Id.* Bizarrely, AUSA Siekert *once again* asked undersigned counsel to "please advise me immediately as to what is at issue now and what i[sic]/we

can do about the open items. . . . Specifically, please give me the complete list of property that you claim was retained and not yet returned.” *Id.*

AUSA Siekert then filed another declaration and exhibit, which again failed to fully redact J.B.C.O.’s full name and A-number. ECF 23. Undersigned counsel promptly emailed AUSA Siekert alerting him to this fact, and asking that he fully redact J.B.C.O.’s name and A number in both documents. Glenn Decl. Ex. 9. Once again, undersigned counsel also identified for AUSA Siekert the missing property and Petitioners who still had conditions which must be rescinded. *Id.*

A week later, Respondents still have failed to provide rescission orders for any other Petitioners besides J.B.C.O. and have failed to return Petitioners’ missing property, and AUSA Siekert has failed to provide any further updates to Petitioners or this Court.

Reviewing the record in this case, it is clear that Respondents and/or their counsel have failed to make diligent attempts to ensure compliance with this Court’s orders—again and again—at the expense of Petitioners’ liberty and property rights. AUSA Siekert’s conduct in this case has alternated between extreme unresponsiveness, belated filings without explanation or excuse, and bizarre repeated requests for information from undersigned counsel that bely his claims that he and/or his clients have been working diligently to comply with this Court’s orders. Respondents and/or their counsel have evinced an utter disregard for Petitioners’ rights in this case—from their extensive delays in releasing Petitioners, returning property, and rescinding conditions for which Respondents do not even claim to have legal justification, to refusing to carefully redact personal identifying information in publicly accessible filings—not to mention the

authority of this Court. Furthermore, multiple representations that have been made to this Court appear to have been untrue or, at best, misleading, and it seems these misrepresentations have been proffered as a means of improperly excusing, extending, and obfuscating Respondents' repeated failures to comply (or make reasonably diligent efforts to comply) with this Court's orders.

Sanctions are not only appropriate, but apparently necessary, to ensure compliance with this Court's orders. Accordingly, Petitioners move for sanctions—including civil fines and attorneys' fees—and any other relief this Court may deem appropriate.

Respectfully submitted,

Date: March 3, 2026

//s//Claire Nicole Glenn
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