

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

Luis Hector Perez Silva,

Case No.: 26-CV-454 (ECT/LIB)

Petitioner

v.

Pamela Bondi, Attorney General; Kristi Noem, Secretary of Homeland Security; Todd M. Lyons, Acting Director of U.S. Immigration & Customs Enforcement; Marcos Charles, Acting Executive Associate Director for Enforcement and Removal Operations; Peter Berg, Field Office Director for Enforcement and Removal Operations; U.S. Immigration & Customs Enforcement; U.S. Department of Homeland Security; John Doe, Local Detention Authority.

Respondents.

**PETITIONER'S EMERGENCY
MOTION FOR CONTEMPT OF
COURT AND ENFORCEMENT OF
THIS COURT'S ORDER OF
IMMEDIATE RELEASE**

**SEEKING EXPEDITED
PROCESSING UNDER 28 U.S.C. §
1657**

MOTION

1. Petitioner, Luis Hector Perez Silva, was illegally arrested by approximately 10 ICE agents who broke into his home without a warrant, kidnapped him in front of his child, and detained him in a county jail as if he were a convicted criminal despite the fact that Petitioner had done nothing wrong and was in the United States lawfully pursuant to a U-1 nonimmigrant visa that remains valid from February 14, 2024 until February 13, 2028. *See* ECF Nos. 1, 1-1.

2. Because Respondents actions were indefensible, with any substantive defense being likely to lead to further proceedings under Fed. R. Civ. P. 11, Respondents opted to settle the case rather than letting it go to a decision.
3. In this spirit, Respondents reached out to Petitioner's counsel and asked to stipulate to release. Petitioner did not have to accept this offer, but chose to because it appeared to be the fastest way to get him out of his illegal detention. Petitioner could have held Respondents' feet to the fire and forced them to explain themselves to the Court, and thereafter sought attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, because it is plain as can be that Respondents' position is not substantially justified. Instead, Petitioner made the mistake of trusting the federal government to honor a Court order, and entered into the stipulation that was filed as ECF No. 5.
4. On January 22, 2026, the Court issued an Order, based on the parties stipulation, stating: "**IT IS HEREBY ORDERED THAT** this habeas action is **DISMISSED** without prejudice and the matter is **REMANDED** to U.S. Immigration and Customs Enforcement for the immediate release of Petitioner from immigration detention with no conditions of supervision." ECF No. 7 (some emphasis added).
5. Black's Law Dictionary defines "immediate" as "Occurring without delay; instant." *See Immediate*, BLACK'S L. DICT. (12th ed. 2024).
6. Compliance with this Court's order for immediate release meant release on January 22, 2026; the Court's order issued at 3:05 PM and Respondents had the ability but not the inclination to release Petitioner on January 22, 2026.

7. Petitioner exercised patience, believing he did not need to call a foul because he believed that he would at least be released on the following day.
8. On January 23, 2026, Petitioner was awoken at 1:00 AM by correctional staff at the Kandiyohi County Jail where he was being housed. He was told he had a court date and needed to get up. Petitioner tried to gather his things, noting that he was supposed to be released, but staff told him he was coming back to the jail and only going to Fort Snelling for Court. Petitioner tried to explain they had it wrong, but ultimately followed instructions, leaving behind his things and property at the jail.
9. By 4:00 AM on January 23, 2026, Petitioner was at Fort Snelling, MN. He was placed into a cell from 4:00 AM until around 5:00 PM, being left alone for the most part, given no access to a phone, and being harassed by ICE officers every time he tried to lay down to sleep for a bit.
10. Throughout the day of January 23, 2026, Petitioner was repeatedly asking ICE officers when his court hearing was. They refused to answer the question substantively, telling him they would get around to him in due course. None of the ICE officers had visible name tags, choosing to hide their identity from detainees.
11. Petitioner was then transported back to Kandiyohi County Jail, arriving at around 8:00 PM. When Petitioner arrived at the jail, all of his stuff was gone and his tablet had been turned off. When Petitioner inquired, he was told he was not supposed to be back at the jail, which is why everything had been removed and turned off.
12. As of the time of this filing, Petitioner remains in Kandiyohi County Jail.

13. On January 23, 2026, when the undersigned counsel learned from Petitioner's wife that Petitioner was back at Kandiyohi County Jail, at around 9:00 PM Central Time, counsel emailed Respondents' counsel and demanded an answer as to when Petitioner would be released within 60 minutes of the email upon threat of this motion being filed.
14. 60 minutes later, no response was received, and the undersigned counsel sent a follow up email stating that if Petitioner was not released by 1:00 PM on January 24, 2026, this motion would follow.
15. On January 24, 2026, the undersigned spoke with Petitioner directly and learned the rest of the details that are included in this motion and in Petitioner's affidavit. Upon learning those details, the undersigned no longer felt it prudent to wait until 1:00 PM to file the motion. Nonetheless, at the time this motion is filed, the undersigned has received no response to or acknowledgment of the undersigned's two emails from Respondents' counsel.
16. The undersigned also notes, for the purpose of establishing a recent pattern or practice of unlawful and apparently intentional defiance of court orders by these exact Respondents, in another case in this district ordering release by 5:00 PM on a date certain, the individual was not released until a little after 7:00 PM on the date release was ordered, despite the individual having been at Fort Snelling for hours prior to 5:00 PM and despite Respondents ready ability to have released him on time. *See Juan Eduardo G.G. v. Bondi*, No. 26-CV-121-LMP-SGE, ECF No. 6 (Order) (D. Minn. Jan. 20, 2026). The undersigned is also aware of possible

contempt or sanctions proceedings that are currently pending before Judge Tunheim in this district involving these same Respondents in an immigration habeas case filed by attorney Maria Miller, though the undersigned counsel lacks the exact citation at time of filing.

17. Petitioner requests that the Court issue whatever Order is necessary to enforce its prior order of immediate release.
18. Petitioner further requests that the Court hold Respondents in contempt of court, or at least issue an Order to Show Cause as to why they should not be held in contempt of court and then hold an evidentiary hearing at which the relevant ICE officers and supervisors are required to answer questions relating to their conduct in this case under oath. *See* 18 U.S.C. § 401.
19. Petitioner alleges that Respondents' actions have obstructed the administration of justice, constitute misbehavior in official transactions, and further constitute disobedience or resistance to this Court's lawful writ, process, order, rule, decree, or command. *See id.*
20. If the Court grants this motion and holds Respondents in contempt, Petitioner suggests a term of imprisonment for each official directly involved in violating this Court's Order in Kandiyohi County Jail that is at least equal to the number of days that Petitioner was wrongly detained. Petitioner further suggests that the Court impose upon ICE (paid by the agency directly) a fine, payable to the Court, equal to the signing bonuses of each ICE officer that was directly involved in violating this Court's Order.

21. Petitioner incorporates by reference and realleges here as if fully set forth herein all of the factual allegations and claims made in his verified habeas corpus petition. *See* ECF No. 1.

DATED: January 24, 2026

Respectfully submitted,

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