

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-00196 (NEB/DTS)


Rene PALMA,)
)
Petitioner,)
)
v.)
)
Kristi Noem, Secretary of the U.S. Department)
of Homeland Security; Todd M. Lyons, Acting)
Director, U.S. Immigration and Customs)
Enforcement; David Easterwood, Deputy Field)
Office Director, St. Paul Field Office, U.S.)
Immigration and Customs Enforcement, and)
Eric Tollefson, Sheriff, Kandiyohi County)
)
)
Respondents.)
)

**DECLARATION OF
DEPORTATION OFFICER
CHRISTOPHER A.
CAMPBELL**

I, Christopher A. Campbell, Deportation Officer, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), for his declaration under 28 U.S.C. § 1746, hereby states as follows:

1. I am and have been employed with ICE since May 11, 2008. I began my career as an Immigration Enforcement Agent. On September 20, 2015, I was promoted to Deportation Officer.
2. As a Deportation Officer, my assigned duties are to identify, locate, and arrest aliens who are illegally present in the United States. Additionally, I am charged with the responsibility of overseeing the cases of aliens in removal proceedings. These duties include the review of noncitizen files for sufficiency, the detention and release of

aliens in ICE custody, monitoring the progress of cases through the hearing process, and enforcement of the immigration court's decisions, including the execution of removal orders. I am also responsible for presenting criminal immigration cases to the United States Attorney's Office for possible criminal prosecution.

3. I submit this Declaration in connection with a Petition for writ of habeas corpus by Petitioner Rene PALMA (PALMA),  This Declaration is based on my personal and professional knowledge, information obtained from other individuals employed by ICE, and information obtained from records and systems maintained by DHS, as well as records of the immigration courts.
4. The documents attached to this declaration are true and accurate copies of documents from the immigration records on PALMA kept in the ordinary course of business by immigration officials at ICE.
5. On January 11, 2026, ICE transferred PALMA to El Paso Camp East Montana detention facility in El Paso, TX due to a local detention bed space shortage. The aircraft departed St. Paul at approximately 4pm Central Time.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 14, 2026

CHRISTOPHER A CAMPBELL  Digitally signed by CHRISTOPHER A CAMPBELL
Date: 2026.01.14 16:17:42 -06'00'

Christopher Campbell, Deportation Officer
U.S. Immigration and Customs Enforcement

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

RENE PALMA,

Petitioner,

Case No. 26-cv-196

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.

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION

1. Petitioner, RENE PALMA, by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement (“ICE”) to release him from ICE detention, or in the alternative to enjoin their transfer to a facility outside of Minnesota and to provide him with a bond hearing pending the completion of his immigration proceedings.

**GOVERNMENT
EXHIBIT**

A

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 1361 (federal employee mandamus action); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 2241 (habeas corpus); Art. I, § 9, c. 2 of the U.S. Constitution (“Suspension Clause”); 5 U.S.C. § 702 (waiver of sovereign immunity); and 28 U.S.C. § 2201 (Declaratory Judgment Act).


3. Federal question jurisdiction exists because Mr. PALMA seeks to challenge his custody as a violation of the Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq.

4. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security (“DHS”). *Denmore v. Kim*, 538 U.S. 510-517 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) because he believed to be detained within the District of Minnesota.

6. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A), because Respondents are operating in this district.

PARTIES

7. Petitioner’s legal name is RENE PALMA, and he was born  1988, in Mexico. Petitioner is a citizen of Mexico and a resident of Minneapolis, Hennepin County, Minnesota, whose whereabouts are currently unknown, despite

attempts to locate him by calling the Minnesota ICE Field Office and looking him up on <https://locator.ice.gov/odls/#/search>. See Exhibit A, Affidavit of Karmen McQuitty. Petitioner is under the direct control of the respondents and has no scheduled release date.

8. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. PALMA.

9. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Mr. PALMA's detention and removal. As such, Respondent Noem is a legal custodian of Mr. PALMA.

10. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

11. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE

agents responsible for detaining Mr. PALMA. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

12. Petitioner is a resident of Minneapolis, Minnesota, and a citizen of Mexico.

13. Mr. PALMA lives in Minneapolis, Minnesota. He has family and friends in Minnesota, concentrated around Hennepin County. He has lived in Minneapolis for over four years.

14. Mr. PALMA appears to have no criminal record. A public search of Minnesota Court Records Online on January 10, 2026, returned no results.

15. On January 10, 2026, two pickup trucks drove up to Mr. PALMA as he was getting into a vehicle in the parking lot at his home.

16. Many individuals got out of the two trucks and swarmed Mr. PALMA. These men are believed to be agents of Respondent ICE.

17. Mr. PALMA complied with requests of ICE agents. Without ever displaying a warrant or providing justification, ICE agents arrested him and placed him in a vehicle.

18. Mr. PALMA complied, and was taken into custody. Upon information and belief, he was taken to the Bishop Henry Whipple Federal Building, 1 Federal Drive, Suite 1850, Fort Snelling, MN 55111 where detained noncitizens are brought after their arrest in Minnesota. His departure from that location may be imminent.

19. This arrest is part of an operation in Hennepin and Ramsey counties called “Operation Metro Surge.” This operation has involved hundreds of masked,

unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody regardless of the constitutionality of their actions. *See, e.g., Compl., Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

20. Since the operation began on December 1, 2025, the number of immigration officials in the twin city metro area has increased fourfold, and with them these new agents have brought a similarly massive increase in unconstitutional, unlawful, and downright violent behavior towards citizens and non-citizens alike. The people of Minnesota—of all races, nationalities, and citizenship status—are united in their shock and fear at the events of the past six weeks, and are begging for the attacks on their community to stop.

21. Given the massive volume of perceived non-citizens being taken off the streets, Respondents are running out of physical space to continue detaining people. Detainees are being held in cramped quarters at the federal building, before being quickly sent to remote locations across Minnesota or to facilities as far away as El Paso, Texas. Mr. PALMA's location in detention is currently unknown.

22. Attempts to find Mr. PALMA's location have been unsuccessful. Family members, the undersigned attorney, and their supervisees have searched the ICE Locator website and called the ICE field office in Minnesota. As of the date of this

filing, Mr. PALMA is not listed on the ICE locator tool and attempts to speak with anyone at the Field Office have been unsuccessful– no one has answered the phone. *See* Exhibit A. The undersigned attorney went to the Whipple on January 10, 2026, in an attempt to perform in-custody jail visits, but was denied access to the facility without being permitted to speak to anyone who was detained there.

23. Mr. PALMA poses no risk to society and has strong connections to his community in Hennepin County, including family, close friends, and former roommates. As stated above, Mr. PALMA has no known criminal history.

24. Detaining Mr. PALMA is an expensive and pointless endeavor. Mr. PALMA respectfully seeks the opportunity to return to his home in Minneapolis, Minnesota and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

25. Pending the adjudication of his Petition, Mr. PALMA further seeks an order restraining the Respondents from transferring him to a location outside of the State of Minnesota, so that he may remain within the jurisdiction of this Court and accessible to any legal counsel and family support networks.

STANDARD OF LAW

26. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The “Great Writ” has been referred to by US Courts as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). A

petitioner may seek a writ of habeas corpus when their custody violates the US Constitution or a federal law. 28 U.S.C. § 22441(c)(3), which should be granted if the petitioner meets their burden of proof—a preponderance of evidence. *Aditya W. H. v. Trump*, 782 F. Supp. 3d 691, 703 (D. Minn. 2025).

27. The Court must grant a petition for writ of habeas corpus or issue an order to show cause to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

28. Detained immigrants petitioning under 28 U.S.C. § 2241 face no statutory exhaustion requirements. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 965 (D. Minn. 2025). Nor is a judicially imposed prudential exhaustion requirement appropriate where, as here: time is of the essence, facts are largely undisputed, and the parties’ disagreement is based on a legal conclusion. *Id.* at 967-68.

29. Other courts in the Eighth Circuit have similarly declined to require prudential exhaustion when evaluating a detained immigrant’s habeas corpus petition under similar circumstances—to address a question of statutory interpretation that does not require developing a factual record, and where the agency is demonstrably unlikely to reverse its course. *Giron Reyes v. Lyons*, 2025 WL 2712427 at *3 (N.D. Iowa Sept. 23, 2025).

30. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [immigrants], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

31. In July of 2025, Respondent DHS began ignoring the decades-long consensus of how 8 U.S.C. § 1225(b)(2) should be interpreted, which the Board of Immigration Appeals (“BIA”) articulated in a subsequent ruling. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025). Respondents suddenly claim that individuals who have been residing within the United States for more than two years are somehow “seeking admission,” simply because they may have pending claims for asylum or other forms of status.

32. However, this Court and the majority around the country have made clear that 8 U.S.C. § 1225(b)(2) only authorizes detention for noncitizens who are at the border seeking physical entry at the time of detention, not those who have lived within the United States for more than two years, and whose detention is discretionary and governed by 8 U.S.C. § 1226(a). *Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

33. Only under certain circumstances are immigrants subject to ongoing detention without a bond hearing. *See, e.g.*, 8 U.S.C. § 1226(c) (individuals with certain criminal convictions may be detained without a bond hearing for the pendency of removal proceedings¹) and 8 U.S.C. § 1225(b)(1)(B)(iii)(IV) (authorizing mandatory detention of immigrants in expedited removal proceedings).

34. Otherwise, the “default rule” is that detention of immigrants already present in the United States and subject to pending removal proceedings is governed by 8 U.S.C. § 1226(a) and its implementing regulations. *Jennings v. Rodriguez*, 583 U.S. 281, 303 (2018).

35. Under this default rule, detained immigrants are constitutionally entitled to a bond hearing. *R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312 (D. Minn. Nov. 4, 2025). *See also Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), 2025 U.S. Dist. LEXIS 260661 (D. Minn. Oct. 20, 2025) (holding that an immigrant detained after entry while in asylum proceedings should be held pursuant to 8 U.S.C. § 1226(a), and that the recent DHS policy attempting to reclassify interior arrests under 8 U.S.C. § 1225(b)(2) so as to hold asylum seekers without a bond hearing is unlawful and unconstitutional).

36. Here, Petitioner has no identifiable criminal record, has been in the United States for well over two years, and was apprehended internally—not at a border while

¹ Even when detained under 1226(c), immigrants retain due process rights and are entitled to a hearing if the period of detention becomes unreasonable. *See, e.g., Pedro O v. Garland*, 543 F.Supp.3d 733 (D. Minn. 2021) (finding a year-long mandatory detention pursuant to 8 U.S.C. § 1226(c) without an individualized hearing to violate an immigrant’s due process rights).

“seeking entry.” Respondents wrongly assert 8 U.S.C. § 1225(b) as a basis for detaining Petitioner without a hearing, when instead his detention could only be pursuant to 8 U.S.C. § 1226(a).

CLAIMS FOR RELIEF

COUNT ONE

Fifth Amendment Due Process

Petitioner is being deprived of an adequate and meaningful process to challenge his ongoing confinement.

37. Petitioner realleges and incorporates by reference the allegations contained above.

38. Mr. PALMA has due process rights as a resident of the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

39. Federal courts use the three-part test in *Mathews v. Eldridge* to determine whether civil detention violates a detainee's due process rights. 424 U.S. 319 (1976). The elements of this test are: (1) the private interest that the official action affects; (2) the risk that the procedures used will result in an erroneous deprivation of the private interest, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest in following the existing procedures, both in achieving their objectives and in the potential burdens of an alternate procedure. *Id.* at 335.

40. Here, all three factors favor the petitioner.

41. First, he has a significant private interest at stake. A person's interest in freedom from physical detention is “the most elemental of liberty interests.” *Hamdi v.*

Rumsfeld, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 (“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”). Mr. PALMA currently experiences the gambit of deprivations that come with physical detention, including separation from his family and his community, and inhibitions to participate fully in his pending immigration proceedings.

42. Second, Mr. PALMA will continue to be deprived of this interest if the current procedure (detaining Mr. PALMA without a legal basis) is followed. With his lack of apparent criminal record, there is no rational basis for detaining him, and even if Mr. PALMA were properly detained pursuant to 1226(a), he has a strong likelihood of meeting the criteria for being released on bond. 8 CFR §§236.1(c)(8), 1236.1(c)(8) (2020); *In re Adeniji*, 22 I. & N. Dec. 1102, 1113 (BIA 1999). Even if he is not subsequently released, Mr. PALMA still has a legal and constitutional interest in the hearing itself, in being heard.

43. Lastly, the Government has no legitimate interest in refusing to follow its own rules. Mr. PALMA poses no safety threats to the community. Releasing him, or holding a hearing to release him on bond, would in fact *save* the government the resources and expense of continuing to imprison him.

COUNT TWO

Immigration and Nationality Act, 8 U.S.C. § 1226

Petitioner’s Ongoing Detention, without the Opportunity for a Bond Hearing, Violates his Statutory Right to a Hearing as Guaranteed by 8 U.S.C. § 1226

44. Petitioner realleges and incorporates by reference each and every allegation contained above.

45. Respondents violate the Immigration and Nationality Act by attempting to apply mandatory detention through 8 U.S.C. § 1225(b)(2), to Petitioner.

46. Mr. PALMA is detained, notwithstanding his continuous presence in the United States for more than the last two years without being afforded an opportunity to advocate for his release back into his community as the law requires.

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

47. Mr. PALMA re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

48. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

49. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

50. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and

placed in removal proceedings by Respondents. Such noncitizens could properly be detained under § 1226(a), but would then be eligible for release on bond unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

51. Nonetheless, the Board has adopted a policy and practice of applying § 1225(b)(2) to Petitioner and others in the same position.

52. Respondents through its recent administrative decision failed to articulate any reasoned explanations for new interpretation of the Act. The Board’s decision represents a change in the agencies’ policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

53. The application of § 1225(b)(2) to Mr. PALMA is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

REMEDY

54. The remedy for Respondents’ unlawful conduct as outlined in this complaint is for Petitioner to be released.

55. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

56. A noncitizen seeking only to challenge the legality of their detention, not the substance of their removal proceedings in immigration court, may properly ask a federal court to find jurisdiction over such a request pursuant to 28 U.S.C. § 2241. *See, e.g., Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1154–55 (D. Minn. 2025).

57. When a habeas petitioner’s detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive detention”). Respondents will no doubt argue, as they have in similar cases before this Court, that if the Court rules that Petitioner should have been detained pursuant to § 1226, instead of 1225, then the remedy is a bond hearing as opposed to outright release. *See, e.g., Ahmed A.* Civ. No. 25-4776, Doc. No. 9. at 9-10. However,

58. Since Section 1225 does not apply to noncitizens who are in Petitioner’s situation—who have been detained while residing within the United States for more than two years, as opposed to those who are detained while in the process of physically entering the United States, the law that Respondents are using to detain Petitioner simply does not apply so as to authorize detention. *See Eliseo A.A. v. Olson*, Civ. No. 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025); *Khalid B.Q. v. Bondi*, Civ. No. 25-4584 (JWB/DJF), Doc. No. 10 (D. Minn. Dec. 18, 2025); *Xuseen A. v. Bondi*, Civ. No. 25-4514 (JWB/DJF), Doc. No. 16 (D. Minn. Dec. 19, 2025); *Vedat C. v. Bondi*, Civ. No. 25-4642 (JWB/DJF), Doc. No. 9 (D. Minn. Dec. 19, 2025).

REQUEST FOR ORDER TO SHOW CAUSE

59. Within three days, unless good cause for a delay is shown, “[a] court, justice or judge entering 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.

PRAYER FOR RELIEF

WHEREFORE, Mr. PALMA prays that this Court grant the following relief;

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order enjoining Respondents from transferring Petitioner out of the jurisdiction of the District of Minnesota;
- (3) Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately, or in the alternative afforded a bond hearing;
- (4) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and
- (5) Grant any other and further relief that this Court may deem just and proper.

Date: Jan. 12, 2025

/s/ Kira A. Kelley

Kira A. Kelley, Esq.
P.O. Box 7040
Minneapolis, MN 55407
MN Bar ID: 402932
kira@climatedefenseproject.org
(802) 683-4086

**Verification by Someone Acting on
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. My colleague Karmen McQuitty under my direct supervision has discussed the factual assertions in this petition with Petitioner's family and friends, as well as done her own research as outlined in her affidavit. She and Petitioner's consulted loved ones are also acting on Petitioner's behalf and I understand them to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: Jan. 12, 2025

/s/ Kira A. Kelley

Kira A. Kelley, Esq.

