

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

Angel Arturo Soriano Ramos,

Petitioner,

v.

KRISTI NOEM, in her capacity as Secretary of the United States Department of Homeland Security;

TODD M. LYONS, in his official capacity as Acting Director of the United States Immigration and Customs Enforcement;

PAMELA BONDI, in their official capacity as Attorney General of the United States;

DAVID EASTERWOOD in his official capacity as Acting Director, St. Paul Field Office, U.S. Immigration and Customs Enforcement;

JOEL BROTT, in his official capacity as Sheriff of Sherburne County.

Respondents.

Case No. 26-CV-502

Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 with Request for Injunctive Relief Enjoining Respondents from Removing Petitioner from this Jurisdiction

INTRODUCTION

1. Petitioner Angel Arturo Soriano Ramos brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in physical custody of Respondents at Sherburne County Jail, Elk River, Minnesota. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) has instructions to refuse to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). Then, on December 18, 2025, the court granted in part and denied in part the Petitioners' *ex*

parte application for reconsideration or clarification. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, (C.D. Cal. Nov. 20, 2025, Docket Document 92)

3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

4. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

5. On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: *Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Immigration judges are instructed to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. The guidance from EOIR states that a "declaratory judgment" is not binding and does not have the authority to compel specific action.

6. Petitioner Angel Arturo Soriano Ramos is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained at Elk River, Minnesota. He was apprehended by immigration authorities on January 17, 2026;
- b. entered the United States without inspection over 26 years ago (November 1999) and was not apprehended upon arrival, *cf. id.*; and
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7. By a Notice to Appear dated January 17, 2026, the Petitioner was placed in removal proceedings charging him with INA Section 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, as an alien present in the United States without being admitted or paroled, and who arrived into the United States at any time or place rather than as designated by the Attorney General and INA Section 212(a)(7)(A)(i) of the Immigration and Nationality Act, as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulation issued by the Attorney General under section 211(a) of the Act.

8. An initial Master Calendar Hearing before the Executive Office for Immigration Review, Fort Snelling, is scheduled before Immigration Judge Mazzie on March 3, 2026.

9. The Court should expeditiously grant this petition.

10. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

11. Immigration judges have informed class members in bond hearings that they have been instructed by “leadership” that the clarified declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

12. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

13. Alternatively, the Court should order Petitioner’s release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

JURISDICTION

14. Petitioner is in the physical custody of Respondents. Petitioner is detained at Sherburne County Jail, Elk River, Minnesota.

15. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

16. Nothing in 8 U.S.C. § 1252 deprives this Court of jurisdiction

17. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court's inherent equitable powers.

VENUE

18. Venue lies in the U.S. District Court for the District of Minnesota because it is the judicial district in which Mr. Angel Arturo Soriano Ramos was and is currently believed to be detained.

19. Venue is also proper in this Court under 28 U.S.C. § 1391(e)(1) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

20. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista*.

21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

22. Petitioner Angel Arturo Soriano Ramos is a forty-five year old citizen of Mexico. He is married to a United States with whom he shares children (both biological and step).

23. He has been in immigration detention since January 17, 2026. After the Petitioner was arrested in the Twin Cities, ICE did not set bond. Petitioner has resided in the United States since November 1999.

24. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for ICE’s actions; specifically, she is responsible for the administration and enforcement of the immigration laws pursuant to Section 103(a)

of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for any effort to detain and as such is Petitioner's legal custodian.

25. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement. ICE is the agency within DHS specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States, and as such Acting Director Lyons is Petitioner's legal custodian.

26. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. Attorney General Bondi is responsible for continuing a custody case against a noncitizen and as such is Petitioner's legal custodian.

27. Respondent David Easterwood is named in his official capacity as the Acting Director for the ICE St. Paul Field Office. Director Easterwood is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. Acting Director Easterwood is responsible for continuing a custody case against a noncitizen and as such is Petitioner's legal custodian.

28. Respondent Joel Brott, is named in his official capacity as the Sheriff responsible for the Sherburne County Jail. Because Petitioner is detained in the

Sherburne County Jail, Respondent has immediate day-to-day control over Petitioner.

EXHAUSTION

29. ICE asserts authority to detain Petitioner pursuant to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(a). No statutory requirement of exhaustion applies to Petitioner's challenge to the lawfulness of his detention. *See, e.g., Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention."); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) ("this Court 'follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.'"); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992))).

30. Prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." *McCarthy*,

503 U.S. at 148, *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

31. Any bond request is futile. The Board of Immigration Appeals' published decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), binds the immigration court and erroneously denies Petitioner access to a bond hearing.

32. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy*, 503 U.S. at 147. Every day that Petitioner is unlawfully detained causes him and his family irreparable harm. *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 711 (D. Md. 2016) ("Here, continued loss of liberty without any individualized bail determination constitutes the kind of irreparable harm which forgives exhaustion."); *Matacua v. Frank*, 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) (explaining that "a loss of liberty" is "perhaps the best example of irreparable harm"); *Hamama v. Adducci*, 349 F. Supp. 3d 665, 701 (E.D. Mich. 2018) (holding that "detention has inflicted grave" and "irreparable harm" and describing the impact of prolonged detention on individuals and their families).

33. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute." *McCarthy*, 503 U.S. at 147–48.

34. Immigration agencies have no jurisdiction over constitutional challenges of the kind Petitioner raises here. *See, e.g., Matter of C-*, 20 I. & N. Dec. 529, 532 (BIA 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); *Matter of Akram*, 25 I. & N. Dec. 874, 880 (BIA 2012); *Matter of Valdovinos*, 18 I. & N. Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).

35. Because requiring Petitioner to exhaust administrative remedies would be futile, would cause him irreparable harm, and the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

36. Petitioner Angel Arturo Soriano Ramos is a native and citizen of Mexico.

37. Petitioner entered the United States without inspection in November 1999.

38. Petitioner has five children who were born in the United States, and an adult daughter born in Mexico.

39. Petitioner's step-son, Gotti S. Nolasco Olesen, is an enlisted member of the United States Marines and is currently serving as [REDACTED] at [REDACTED] [REDACTED], where he has been since [REDACTED] 2023.

40. His children are currently ages 26, 20, 14, ten, eight, and five years old.

41. On February 4, 2025, the United States Citizenship and Immigration Services issued a renewed prima facie determination regarding Petitioner's application for relief under the Violence Against Women's Act. Petitioner concurrently filed an Application for Adjustment of Status with the US Department of Homeland Security, Citizenship & Immigration Services. That application remains pending.

42. The Petitioner is the beneficiary of an approved I-130 Immigrant Petition for Alien Relative and has an I-601A Waiver of Inadmissibility pending since August 2022 seeking to waive his inadmissibility pursuant to INA § 212(a)(9)(B)(v) ("ten year bar").

43. On September 5, 2025, Respondents, through the Board of Immigration Appeals, issued a precedential decision, binding on lower immigration courts, finding that "Immigration Judges lack authority to hear bond requests or to grant bond to aliens who are present in the United States without admission." *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

44. On January 17, 2026, Respondents took Petitioner into custody.

45. The Petitioner reports that he was tackled and thrown to the ground by a bystander at the time of his apprehension and is experiencing physical pain to his ribs as a result of being tackled onto concrete.

46. Petitioner was taken into custody and transported to the Sherburne County Jail.

47. Respondents have held Petitioner in custody since January 17, 2026 at the Sherburne County Jail in Elk River, Minnesota.

48. Petitioner is scheduled to appear in immigration court at Fort Snelling Executive Office for Immigration Review on March 3, 2026—45 days after his arrest and detention.

LEGAL FRAMEWORK

49. Removal proceedings are governed under 8 U.S.C. § 1229a, which provides that “[a]n immigration judge shall conduct proceedings for deciding the inadmissibility or deportability of an alien,” 8 U.S.C. § 1229a(a)(1) and that “[u]nless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States.” 8 U.S.C. § 1229a(a)(3).

50. To initiate removal proceedings, “written notice (in this section referred to as a ‘notice to appear’) shall be given in person to the alien (or, if personal service

is not practicable, through service by mail to the alien or to the alien's counsel of record, if any)." 8 U.S.C. § 1229(a)(1).

51. The "[a]pprehension and detention of aliens" is governed under 8 U.S.C. § 1226, which provides that:

On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States. Except as provided in subsection (c) and pending such decision, **the Attorney General ... may release the alien on bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General.**

8 U.S.C. § 1226(a)(2)(A) (emphasis added).

52. The regulations provide that, to detain a person under 8 U.S.C. § 1226(a), the Department must issue an I-200 to take a person into custody; and that such a person is subject to release on bond. The regulation states:

(b) Warrant of arrest—

(1) In general. **At the time of issuance of the notice to appear, or at any time thereafter** and up to the time removal proceedings are completed, the respondent may be arrested and taken into custody under the authority of Form I-200, Warrant of Arrest. A warrant of arrest may be issued only by those immigration officers listed in § 287.5(e)(2) of this chapter and may be served only by those immigration officers listed in § 287.5(e)(3) of this chapter.

(2) If, after the issuance of a warrant of arrest, a determination is made not to serve it, any officer authorized to issue such warrant may authorize its cancellation.

(c) Custody issues and release procedures—

(1) In general.

(i) After the expiration of the Transition Period Custody Rules (TPCR) set forth in section 303(b)(3) of Div. C of Pub.L. 104–208, no alien described in section 236(c)(1) of the Act may be released from custody during removal proceedings except pursuant to section 236(c)(2) of the Act.

8 C.F.R. § 236.1(b) (emphasis added).

CLAIMS FOR RELIEF

Count One

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

53. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

54. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

55. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

56. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

57. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

58. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

Count Two
Violation of the Fifth Amendment of the U.S. Constitution
Substantive Due Process

59. Petitioner realleges all paragraphs above as if fully set forth here.

60. Petitioner is the beneficiary of a pending Application for Adjustment of Status to a legal permanent resident based on a concurrently filed and prima facie determined I-360 battered spouse petition.

61. When Respondents arrested the Petitioner, he was working and maintaining his status as a law-abiding community member with a valid work authorization document and viable forms of relief from removal.

62. Petitioner's detention therefore does not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal. Because Respondents had no legitimate, non-

punitive objective in arresting the Petitioner, his detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

Count Three
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

63. Petitioner realleges all paragraphs above as if fully set forth here.

64. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

65. The first factor, the private interest at issue, favors Petitioner. "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 [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690.

66. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of liberty, the statute does not require mandatory detention of noncitizens similarly situated to Petitioner. Regulations specify who may be subject to mandatory detention, including giving notice and an opportunity to be heard.

Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but certain. Requiring Respondents to give notice and an opportunity to respond prior to arrest and detention is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither dangerous nor a flight risk.

67. The third factor, the government's interest, also favors Petitioner. When the government ignores the law that does not mandate detention and provides an opportunity to be heard on bond, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond to allegations in a Notice to Appear reduces fiscal and administrative burdens on the government.

68. For these reasons, arresting Petitioner without providing notice to issue a Notice to Appear and placing him in removal proceedings without a meaningful opportunity to prepare or respond violated procedural due process under the Fifth Amendment to the U.S. Constitution.

Count Four

**Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)
Contrary to Law and Constitutional Right**

69. Petitioner realleges all paragraphs above as if fully set forth here.

70. Under the APA, a court shall “hold unlawful and set aside agency action . . . found to be . . . not in accordance with law” or “contrary to constitutional right, power, privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

71. The APA’s reference to “law” in the phrase “not in accordance with law,” “means, of course, *any law*, and not merely those laws that the agency itself is charged with administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

72. Respondents’ arrest and detention without an opportunity to be heard is contrary to the agency’s constitutional power under the Fifth Amendment’s Due Process Clause, as explained above.

73. The revocation was also not in accordance with the INA and implementing regulations governing who is subject to mandatory detention and under what circumstances, as cited and discussed in the Statutory Framework section above.

74. Before detaining without bond, the Respondents did not make findings that Petitioner is dangerous or unlikely to comply with a removal proceedings and attend hearings, as required.

75. Even assuming that regulations purporting to offer additional justifications for detention without bond are not ultra vires, respondents did not comply with them. Respondents could not make findings that Petitioner's conduct indicated release would not be appropriate.

76. Nor did the Respondents give Petitioner notice of the reasons for detention without bond.

77. The Petitioner's detention should be held unlawful and set aside because it is contrary to the agency's constitutional power and not in accordance with the INA and implementing regulations.

Count Five

**Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious**

78. Petitioner realleges all paragraphs above as if fully set forth here.

79. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

80. Respondents' detention of Petitioner is arbitrary and capricious because it violates court orders, statute, regulation, and the Constitution, as described above.

81. An agency decision that “runs counter to the evidence before the agency” is also arbitrary and capricious. *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

82. Respondents’ decision to detain Petitioner runs counter to the evidence before the agency that Petitioner would comply with a demand to appear for removal proceedings without detention.

83. The detention without bond also “failed to consider important aspects of the problem” before Respondents, making it arbitrary and capricious for multiple other reasons. *Dep’t of Homeland Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

84. First, Respondents failed to consider the serious constitutional concerns raised by detaining Petitioner and ignoring his *Maldonado-Bautista* class membership.

85. Second, Respondents failed to consider the increased administrative burden to the agency caused by detaining Petitioner, who is neither a flight risk nor a danger to the community, including financial and administrative costs incurred by the agency due to unnecessary detention.

86. Third, Respondents failed to consider reasonable alternatives to detaining Petitioner that were before the agency, like an intensive supervision program participation. This alternative would vindicate the government’s interests

in ensuring appearances in removal proceedings and save it the expense of detention not needed to guarantee the Petitioner's appearances.

87. For these and other reasons, Respondents' detention of Petitioner was arbitrary and capricious and should be held unlawful and set aside.

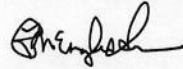
PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

- a. Exercise jurisdiction over this matter;
- b. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;
- c. If Petitioner has been transferred from this jurisdiction to order his return to this court's jurisdiction;
- d. Declare that Petitioner's detention without a bond hearing violates the Due Process Clause of the Fifth Amendment, the INA, and the APA;
- e. Order Petitioner's immediate release;
- f. Enjoin Petitioner's removal from the United States during the pendency of this action:
- g. Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- h. Grant any other and further relief that this Court deems just and proper.

DATE: January 21, 2026

Respectfully submitted,



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