

**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 JRT/EMB

**PETITIONER'S REPLY TO
FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

INTRODUCTION

On January 24, 2026, the Federal Respondents filed their Response¹ to the Petitioner's Petition for Writ of Habeas Corpus. [DKT #5]. In this Court's January 20, 2026 ORDER, [DKT #3], the Court instructed the Federal Respondents to address their view on two very specific matters of law.

The Federal Respondents' response fails to provide this Court with sufficient justification to deny the Petition for Habeas Corpus or to delay an order for the immediate release of the Petitioner.

I. FEDERAL RESPONDENTS FAILED TO MATERIALLY DISTINGUISH THIS CASE, EITHER FACTUALLY OR LEGALLY, FROM AVILA V. BONDI, CIVIL No. 25-cv-3741 (JRT/SGE, 2025 WL 2976539 (D. Minn. Oct. 21, 2025)).

In their response to this Petition, the Federal Respondents “acknowledge this case presents similar legal and factual issues to prior habeas petitions,” including *Avila v. Bondi*. See [DKT #5, at page 3.] This Court has previously held that, because such people are not “seeking admission,” as set forth in § 1225(b)(2), that provision—which mandates detention—does not apply to them. *Avila v. Bondi*, CIVIL No. 25-cv-3741 (JRT/SGE, 2025 WL 2976539 (D. Minn. Oct. 21, 2025)). Here, the Federal Respondents ask the Court to consider arguments that

¹ While it may not be particularly relevant to the Federal Respondent's arguments, the Petitioner is a citizen of Mexico, not Ecuador. [See Dkt #5, at page 1.]

have been previously and thoughtfully rejected by your Honor and countless district courts around the country in similar cases. Petitioner respectfully requests that this Court decline to repudiate its analysis in *Avila* and instead continue to follow the analysis of most courts to have considered the matter.

Further, despite the Federal Respondents' assertions, almost every court that considered these questions, including this Court, has ruled contrary to the Respondents' interpretation of the law. *See, e.g., Belsai v. Bondi*, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *A.A. v. Olson*, 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *J.O.E. v. Bondi*, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Maldonado v. Olson*, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Ferrera Bejarano v. Bondi*, 25-cv-03236 (D. Minn. Aug 18, 2025); *Aguilar Vazquez v. Bondi*, 25-cv-03162 (D. Minn. Aug 19, 2025); *Tiburcio Garcia v. Bondi*, 25-CV-03219 (D. Minn. Aug. 29, 2025); *Herrera Avila v. Bondi*, 25-cv-03741 (D. Minn. Oct. 21, 2025); *Carmona-Lorenzo v. Trump*, 2025 WL 2531521 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Palma Perez v. Berg*, 2025 WL 2531566 (D. Neb. Sept 3, 2025); *Jacinto v. Trump*, 2025 WL 2402271 (D. Neb. Aug. 19, 2025); *Garcia Jimenez v. Kramer*, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Anicasio v. Kramer*, 2025 WL 2374224 (D. Neb. Aug. 14, 2025); *Arce v. Trump*, 2025 WL 2675934 (D. Neb. Sept. 18, 2025); *Giron Reyes v. Lyons*, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Hernandez Marcelo v. Trump*, 2025 WL

2741230 (S.D. Iowa Sept. 10, 2025); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Jimenez v. FCI Berlin*, No. 25-cv-326-LM-AJ (D.N.H. Sept. 8, 2025); *Doe v. Moniz*, 2025 WL 2576819 (D. Mass. Sept. 5, 2025); *Romero v. Hyde*, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Martinez v. Hyde*, 2025 WL 2084238 (D. Mass. July 24, 2025); *dos Santos v. Noem*, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Gomes v. Hyde*, 2025 WL 1869299 (D. Mass. July 7, 2025); *Chogllo Chafla v. Scott*, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2688160 (D. Me. Sept. 19, 2025); *Chang Barrios v. Shepley*, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Chanaguano Caiza v. Scott*, 2025 WL 2806416 (D. Me. Oct. 2, 2025); *Ayala Casun v. Hyde*, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Lopez Benitez v. Francis*, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Samb v. Joyce*, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Zumba v. Bondi*, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Padron Covarubias, v. Vergara*, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Hasan v. Crawford*, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Luna Quispe v. Crawford*, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Quispe-Ardiles v. Noem*, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *S.D.B.B. v. Johnson*, WL 2845170

(M.D.N.C. Oct. 7, 2025); *Beltran Barrera v. Tindall*, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Singh v. Lewis*, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Sanchez Ballestros v. Noem*, 2025 WL 2880831 (W.D. Ky. Oct. 9, 2025); *Mejia v. Woosley*, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); *Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Contreras-Cervantes, v. Raycraft*, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Morales Chavez v. Director of Detroit Field Office*, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025); *Sanchez Alvarez v. Noem*, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Alejandro v. Olson*, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *B.D.V.S. v. Forestal*, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Ochoa Ochoa v. Noem*, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Cuevas Guzman v. Andrews*, 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Caicedo Hinestroza v. Kaiser*, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Zaragoza Mosqueda v. Noem*, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Hernandez Nieves v. Kaiser*, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Arrazola-Gonzalez v. Noem*, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Lepe v. Andrews*, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Jabara Oliveros v. Kaiser*, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Castellanos v. Kaiser*, 2025 WL 2689853 (N.D. Cal. Sept. 18,

2025); *Leon Espinoza v. Kaiser*, 2025 WL 2675785 (E.D. Cal. Sept. 18, 2025); *Cordero Pelico v. Kaiser*, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Ortiz Donis v. Chestnut*, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Sabi Polo v. Chestnut*, 2025 WL 2959346 (E.D. Cal. Oct. 17, 2025); *Alvarez Chavez v. Kaiser*, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025); *Cerritos Echevarria v. Bondi*, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Cardin Alvarez v. Rivas*, 2025 WL 2898389 (D. Ariz. Oct. 7, 2025); *Rosado v. Figueroa*, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Mendoza Guitierrez v. Baltasar*, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Aguilar Merino v. Ripa*, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025).

Most importantly, this Court has ruled against the Respondents' interpretation of the law.

II. FEDERAL RESPONDENTS' FAILURE TO OBTAIN A WARRANT PRECEDING THE PETITIONER'S ARREST NECESSITATES THE PETITIONER'S IMMEDIATE RELEASE

Immediate release is the appropriate remedy. Here, there is no evidence that Petitioner was the subject of a judicial or administrative warrant or that he has been provided a bond hearing. *See* Declaration of Rachel Engebretson at Exhibit 2. Petitioner's initial master calendar hearing is not scheduled until March 3, 2026. Federal Respondents' position is that Petitioner is subject to mandatory detention

pursuant to 8 U.S.C. § 1225(b)(2), and they point to no other statutory or legal basis for his detention. [DKT #5.]

Section 1226 provides that “[o]n a warrant issued by the Attorney General, an alien may be arrested and detained.” *Ahmed M. v. Bondi et al.*, 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *3 (D. Minn. Jan. 5, 2026) (concluding that the issuance of a warrant is a necessary prerequisite to even discretionary detention under § 1226(a) and determining the appropriate remedy was immediate release rather than a detention hearing.) *See also Juan S.R. v. Bondi*, 26-cv-05 (PJS/LIB) (Order (Dkt. 8) Jan. 12, 2026) (same).

On this issue, the Federal Respondents ask this court to “summarily reject Petitioner’s argument that Respondents’ failure to produce a warrant should result in outright release. Petitioner is *prima facie* not entitled to remain in the country and he has been charged with removability”. See [DKT #5, at page 11.] Federal Respondents do not dispute that the Petitioner presents with employment authorization as an ancillary benefit of a pending Application for Adjustment of Status to Legal Permanent Resident and multiple *prima facie* determinations regarding an I-360 petition filed in December 2022. *See* Declaration of Rachel M. Engebretson at Exhibit 1.

The Federal Respondents argue that Petitioner’s theory would render fruitless the arrest authority of the Immigration & Customs Enforcement officers. This is

nonsense; as noted in the Federal Respondent's own recognition of legal authority, providing that, "ICE agents are federal law enforcement officials, authorized to make arrests, and specifically authorized to make arrests **with warrants**. See 8 U.S.C. § 1357." See [DKT #5, at page 12 (emphasis added)]. The Federal Respondents had an opportunity to follow the rules and regulations relating to the arrest and detention of non-citizens. During "Operation Metro Surge", they have chosen to abandon the concept of order—this abandonment has stirred chaos, caused personal injuries, and death of United States citizens.

Launched in December 2025, Operation Metro Surge is the US Department of Homeland Security's (DHS) major interior immigration enforcement operation in Minnesota, it involves agents from US Immigration and Customs Enforcement (ICE) and US Customs and Border Protection (CBP). KSTP questioned Marcos Charles, ICE's executive assistant director of enforcement and removal operations, about "who" is being detained during the surge. Charles said:

"We operate through intelligence and targeted enforcement. We are looking for certain individuals. As we are looking for these individuals, if there is somebody that is illegally in the country and amenable to removal from this country, we will arrest them."

This does not comport with agency law and regulation. Frankly, this position slaps the Constitution's due process protections across the face. Federal Respondent

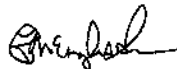
Secretary Noem, in a Senate hearing on Tuesday, May 20, 2025, when questioned by Senator Hassan, defined habeas corpus as “a right that the president has to be able to remove people from this country....and suspend their right to...”. May 20, 2025, Congressional Hearing Testimony of Kristi Noem.

This is followed by “[t]he aggressive and often unlawful actions of DHS agents have caused fear and terror throughout the Twin Cities. Schools have been forced to go into lockdown to protect students. Business owners have closed their doors due to fear of DHS violence.” *See Minneapolis, City of Lakes, “State of Minnesota, Minneapolis, and Saint Paul sue to halt ICE surge into Minnesota,”* January 12, 2026.

Despite the Court’s request for a specific response on this issue in its January 21, 2026, ORDER [DKT. 3, ¶ 3e], Respondents failed to produce a warrant supporting the need for a bond hearing. So, immediate release is warranted, particularly for a Petitioner who reports being thrown to the ground at the time of his warrantless arrest and who has been unable to secure proper medical treatment at Sherburne County Jail.

This Court may issue a writ of habeas corpus and grant immediate release, if a person “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). That is the case here.

Respectfully submitted,



DATE: January 26, 2026

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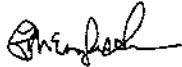
**Declaration of Rachel M.
Engebretson**

**DECLARATION OF RACHEL M. ENGBRETSON IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

I, Rachel M. Engebretson, declare as follows:

1. **Counsel Information.** I am an attorney licensed to practice law in the State of Minnesota, Bar number 00389460, and am counsel for Petitioner Angel Arutro Soriano Ramos in this matter. I am authorized to submit this declaration on their behalf.
2. **Purpose.** I make this declaration in support of the Petition for Writ of Habeas Corpus filed with this Court, which seeks immediate release from custody, or an order requiring the Federal Respondents to conduct a bond redetermination hearing.
3. Attached as **Exhibit 1** is a true and correct copy of the Petitioner's Prima Facie Determinations issued by the US Department of Homeland Security Citizenship & Immigration Services relative to his I-360 petition filed on December 21, 2022.
4. Attached as **Exhibit 2** is a true and correct copy of the Petitioner's docket entries in the Executive Office for Immigration Review, Electronic Case Access System as of January 26, 2026.

Executed in Blaine, Anoka County, Minnesota.



January 26, 2026

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Attorney for Petitioner

ENGEBRETSON DECLARATION 01/26/2026

Exhibit 1

ENGEBRETSON DECLARATION 01/26/2026

Exhibit 2

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A-Number:  SORIANO RAMOS, ANGEL ARTURO

Click on a case to view details and file documents.

Renewal Charging Doc. Date: 01/17/2026

Case Pending

End of list. Press the eBuckin.com or eBuckin.com using "eBuckin.com" link to the header to view additional cases.

Court Information

Case Type: Renewal
 Charging Doc. Date: 01/17/2026
 Alien Name: SORIANO RAMOS, ANGEL ARTURO
 Hearing Location: 1 FEDERAL DRIVE, SUITE 1850
 FORT SNELLING, MN 55111
 Immigration Courts: 1 FEDERAL DRIVE, SUITE 1850
 FORT SNELLING, MN 55111
 Next Case Hearing: 01/09/2026 09:30 AM - 11:30 AM
 MASTER HEARING
 Maric, Shash B.
 U Decision Date: -- NA --
 U Decision: This case is pending.
 Hearing Medium: In-Person

Court Actions

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Actions	Document Type	Filed Date	Filed At	Filed By	Document Status
	EOIR-26, Notice of Entry of Appearance as an Attorney or Representative before the Immigration Court	01/21/2026	Court	Respondent Rep	Accepted
	I-810, Notice to EOIR: Alien Address	01/19/2026	Court	CRS	Accepted
	I-862, Notice to Appear	01/19/2026	Court	CRS	Accepted
					Total Count: 3