

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Oscar O.T.,

Petitioner,

v.

Pamela Bondi, Attorney General,
U.S. Department of Justice,

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. 26-cv-167 (JWB/JFD)

**PETITIONER'S MEMORANDUM OF
LAW IN SUPPORT OF MOTION TO
SHOW CAUSE WHY
RESPONDENTS SHOULD NOT BE
PROHIBITED FROM COMPLETING
INTER-STATE TRANSFERS OF
INDIVIDUALS DETAINED IN
MINNESOTA**

INTRODUCTION

In this case, and multiple others, Respondents are intentionally violating court orders to release habeas petitioners by intentionally moving individuals outside of Minnesota to proactively and reactively evade this Court's jurisdiction, and doing so even once this Court has already ordered the release of a habeas petitioner. Respondents are further seeking to frustrate counsel's and this Court's efforts to locate petitioners and

ensure their release by obscuring their data in the ICE detainee locator system.¹ Experiences from detainees and legal counsel demonstrate that Respondents' pattern of obfuscating this Court's orders must be addressed in a systemic and comprehensive manner pursuant to the Court's inherent authority. The only meaningful way to cure this blatant unlawful activity is by immediately prohibiting Respondents from any inter-state transfers of individuals detained in Minnesota.

FACTUAL BACKGROUND

Petitioner [REDACTED] is a citizen of Guatemala who has lived in the United States since 2021. He is not subject to a final removal order. He has a pending asylum application, a pending Special Immigrant Juvenile Status application, and a valid work permit. [REDACTED] [REDACTED] has strong ties to his community. Doc. No. 1, Petition ¶¶ 15-17. On January 10, 2026, Respondents unlawfully detained Petitioner while he was on his way to work. *Id.* ¶ 20. The next day, on January 11, 2026, Petitioner submitted a habeas petition seeking immediate release as a result of Respondents unlawfully arresting and detaining Petitioner, in violation of constitutional and statutory law.

On January 16, 2026, this Court granted Petitioner's habeas petition, ordered his immediate release, and required Respondents to confirm his release to the Court within 48 hours. Doc. 8. Sometime between January 11 and January 16, 2026, Respondents transferred Petitioner to Texas, Boche Aff. ¶ 8, despite the fact that this Court's order required the immediate release of Petitioner *in Minnesota*. As of January 20, 2026, ICE's

¹ See Online Detainee Locator System, U.S. Immigration and Customs Enforcement, available at <https://locator.ice.gov/odls/#/search>.

online detainee locator continued to return no results for Petitioner. On January 20, 2026, Julie T. Le, Assistant Chief Counsel of the Office of the Principal Legal Advisor, informed Petitioner's counsel that Respondents had moved Petitioner *not* to Minnesota, as directed in the Court's Order, but to Albuquerque, New Mexico – in direct contravention of this Court's order for immediate release. Boche Aff. ¶ 14, Ex. B.

Respondents are engaging in a pattern of intentionally obfuscating this Court's authority by moving individuals they unlawfully detain across state lines and effectively disappearing them from their families, their community, and this Court's jurisdiction. As one individual who was unlawfully detained explained, Respondents detained her and immediately placed her on a flight to Texas the same day she was detained. Chasi Chiluisa Aff. ¶ 4. While she was in Respondents' custody, Respondents did not provide her food for multiple days. *Id.* ¶¶ 4, 8.

On January 20, 2026, federal employees at the Bishop Henry Whipple building ("the Whipple") instructed Petitioner's counsel that attorneys are not permitted to visit detainees, even where an attorney's notice of representation is on file. Kelley Aff. ¶¶ 12-13, 15-17, 19. The employee stated that ICE has told her that attorneys are prohibited from visiting their clients because of "safety," because allowing "30-40 attorneys" to see their clients would be "chaos." Kelley Aff. ¶ 19. Multiple federal agents at the Whipple stated in separate conversations that ICE is not permitting visitation in the Whipple while detainees are being "processed," and then proceeded to state that processing may include transferring the detainee to a different state. Kelley Aff. ¶¶ 16(e), 19. Accordingly, Respondents have

admitted that they fully disregard the constitutional due process rights of residents in this state.

LEGAL STANDARD

The Supreme Court has made clear that a district court has inherent authority to sanction parties appearing before it for acting in bad faith, vexatiously, wantonly, or for oppressive reasons. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991). As the Supreme Court explained in *Chambers*, “[i]t has long been understood that ‘[c]ertain implied powers must necessarily result to our Courts of justice from the nature of their institution,’ powers ‘which cannot be dispensed with in a Court, because they are necessary to the exercise of all others.’” *Id.* (quoting *United States v. Hudson*, 7 Cranch 32, 34 (1812)); *see also Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764 (1980) (citing *Hudson*).

For this reason, “Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates.” *Anderson v. Dunn*, 6 Wheat. 204, 227 (1821) (emphasis added); *see also Ex parte Robinson*, 19 Wall. 505, 510, 22 L.Ed. 205 (1874). These powers are “governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31, (1962).

Under their inherent authority, Courts are specifically empowered to punish for contempt, by reaching conduct inside and outside the courtroom. This is because “[t]he underlying concern that gave rise to the contempt power was not . . . merely the disruption of court proceedings. Rather, it was disobedience to the orders of the Judiciary, regardless

of whether such disobedience interfered with the conduct of trial” *Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 798 (1987) (citations omitted).

The Supreme Court has emphasized, however, that a court’s inherent powers “must be exercised with restraint and discretion.” *Chambers*, 501 U.S. at 44. Indeed, “[w]ithout a finding of fraud or bad faith whereby the ‘very temple of justice has been defiled,’ a court enjoys no discretion to employ inherent powers to impose sanctions.” *Amsted Indus., Inc. v. Buckeye Steel Castings, Co.*, 23 F.3d 374, 378 (Fed. Cir. 1994) (citing *Chambers*, 501 U.S. at 50–51; *Alyeska Pipeline Serv. Co. v. Wilderness Soc’y*, 421 U.S. 240, 258–59 (1975)). “Bad faith is not simply bad judgment or negligence, but rather it implies the conscious doing of a wrong because of dishonest purpose or moral obliquity; . . . it contemplates a state of mind affirmatively operating with furtive design or ill will.” *United States v. Gilbert*, 198 F.3d 1293, 1299 (11th Cir. 1999) (quoting Black’s Law Dictionary 139 (6th ed. 1990)) (internal quotation marks omitted).

ANALYSIS

Respondents are consistently acting in bad faith by: continuing to detain people under an interpretation of 8 U.S.C. § 1225(b)(2) that this Court has resoundingly rejected, violating Court orders to release individuals who they have unlawfully detained, *and* transferring these individuals outside of Minnesota—sometimes in less than 12 hours from their unlawful arrest. For the reasons detailed below, the Court should exercise its inherent authority to prohibit Respondents from moving individuals detained in Minnesota out of the state. Federal courts have authority to protect their own proceedings and judgments from interference by any party, including federal agencies.

A. Respondents are acting in bad faith.

Here, Respondents are patently acting in bad faith—in a dishonest manner to subvert this Court’s inherent authority. First and foremost, Respondents have been unlawfully detaining hundreds of people, in blatant disregard of federal law. *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). The only difference between many individuals who sit for months in detention and those who are able to petition for release is often simply who has access to an attorney.

Moreover, as demonstrated by the attached affidavits and exhibits, Respondents have implemented a policy and practice (extending beyond this individual case) of moving individuals detained in Minnesota out of the state in order to evade the Court’s authority.

On several occasions, Respondents have transferred petitioners out of the state of Minnesota even after this Court has granted pending habeas petitions, ordered petitioners’ immediate release, or expressly directed the government to return a petitioner to Minnesota. Indeed, the undersigned have filed a motion for contempt before this Court for Respondents’ flagrant violation of its earlier order to release O.T. immediately. That Petitioner’s case is just one of multiple recent examples of such violations speaks to the breadth of the consequences of Respondents’ bad faith and flouting of federal judicial authority. *See, e.g., Estefany S. v. Bondi*, 26-cv-216 (JWB/DTS); *William L.C. v. Bondi*,

26-cv-317 (NEB/JFD); *Diana L.C. v. Bondi*, 26-cv-319 (NEB/JFD), *C.C. v. Bondi*, 26-cv-244 (JWB/DTS); Doc. 10 (noting Respondents' failure to comply with court order to confirm release of Petitioner from custody in Minnesota).

In addition, Respondents are intentionally transferring individuals outside of Minnesota within mere hours of being unlawfully detained, with the clear understanding that by transferring them out of the District of Minnesota, the Court's authority to grant their release is frustrated. As detailed above, Respondents have willfully admitted that they are obfuscating the court's authority and reach by denying individuals who are detained their due process rights. Just yesterday, a federal employee at the Whipple instructed Petitioner's counsel that attorneys are not permitted to visit detainees, even where an attorney's notice of representation is on file. Kelley Aff. ¶ 19. ICE claims that allowing attorneys to visit their clients is a safety risk. *Id.* Of course, this is ludicrous. Allowing an individual to speak with their attorney is a constitutional right. The risk that exists by allowing counsel to speak to their clients is that there will be more witnesses to ICE's unlawful conduct, and that attorneys will be able to more promptly file meritorious habeas petitions with this Court.

Significantly, ICE is refusing attorneys to visit with their clients while individuals are being "processed," and ICE includes transferring a detainee to a different state as part of processing. Kelley Aff. ¶¶ 16(e), 19. This practice effectively negates the ability of counsel to visit individuals who have been detained and guts their ability to provide counsel.

Respondents are well aware that transferring detained individuals out of Minnesota severely frustrates, if not completely undermines, the ability to be able to seek habeas relief for individuals who have been unlawfully detained. *See* 28 U.S.C. § 2241. Moreover, Respondents should be well aware that there exist multiple court orders from judges in the District of Minnesota requiring the immediate release and return of petitioners. *See, e.g., Jorge B.C. v. Bondi*, 26-cv-260 (KMM/DLM); *Estefany S. v. Bondi*, 26-cv-216 (JWB/SGE); *William L.C. v. Bondi*, 26-cv-317 (NEB/JFD); *Diana L.C. v. Bondi*, 26-cv-319 (NEB/JFD); *Belizario V.Z. v. Bondi*, 26-cv-343 (KMM/ECW). Nonetheless, even as of yesterday afternoon, Respondents are continuing their process of transferring as many individuals as possible outside of Minnesota.

Respondents are even transferring, or threatening to transfer, individuals with *court orders for release* from El Paso to the Whipple and *back* to other facilities, and are holding these individuals in the Whipple with no food and no bed to sleep on. Chasi-Chiluisa Aff. 8 (describing spending three days without being fed, in the Whipple—a temporary detention facility that does not have beds—notwithstanding the existence of a court order for release); *Belizario V.Z. v. Bondi*, 26-cv-343 (KMM/ECW) and Kelley Aff. ¶ 14 (Belizario was flown to Texas after his initial detention, then ordered by this Court to be released on January 18, 2026, but was instead sent to Kandiyohi County and only released on January 20, 2026); Kelley Aff. ¶ 23 (Estefany S., who at that time was subject to a court order requiring her release, was detained in the Whipple and told she would be transferred to Sherburne County and once there that she would be held without bail and with no opportunity to sign self-deportation papers, unless she signed them prior to the transfer).

Respondents are also completing inter-state transfers of individuals who they unlawfully detain during the pendency of their habeas petitions. Respondents' bad faith conduct is further demonstrated by the fact that Respondents are chartering plane space not to bring back Minnesotans who this Court has ordered to be released and returned to the state (*i.e.*, Oscar O.T., Mayra C.C., William L.C., Diana L.C.) but instead to fly additional federal agents to Minnesota to continue detaining people under a reading of § 1225(b)(2) that Respondents know to be unsupported. Kelley Aff. ¶ 25. In sum, Respondents have admitted that they are intentionally moving Minnesotans out of the state in bad faith.

Respondents' counsel's January 19, 2026 letter is insufficient to abate the clear bad faith of the party. Doc. 10. Counsel's letter stated that the U.S. Attorney's Office is attempting to create an email address so that multiple individuals can access the Court's Orders. However, it is clear based on the experiences of recent detainees, *see, e.g.*, Chasi Chiluisa Aff., and the most recent statements from ICE representatives at the Whipple building that Respondents are moving detainees across state lines before the Court even has the opportunity to assess whether a habeas petition should be granted. ICE's Enforcement and Removal Operations officers already use a centralized email address for a similar purpose, but this system does not address the problem when agents laugh openly at the fact that no one checks the email. Kelley Aff. ¶ 24.

ICE is transferring detainees mere hours after detaining someone. Respondents are aware that under 28 U.S.C. § 2241, habeas petitions must generally be filed in the jurisdiction where the individual is detained or confined. While there is an exception that allows federal courts to retain jurisdiction of a case during the pendency of a habeas

proceeding if a petitioner is moved, Respondents' behavior is intentionally pushing the bounds of petitioners' ability to seek redress from the federal district court in their home state, where they have local counsel and/or the ability to find local counsel.

B. The Court has inherent power to sanction Respondents by prohibiting inter-state transfers of Minnesotans detained by ICE.

In this case, the Court's inherent power to sanction Respondents extends to prohibiting Respondents from completing inter-state transfers of individuals they detain in Minnesota. This Court has the enforcement mechanism to prevent government entities from nullifying judicial decisions through non-compliance. "A primary aspect of [the Court's inherent] discretion [to sanction parties and order relief] is the ability to fashion an appropriate sanction for conduct which abuses the judicial process." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44–45 (1991). The appropriate sanction in this context is immediately prohibiting Respondents from completing inter-state transfers of individuals they detain in Minnesota. "[T]he remedy [must] fit the wrong," and Respondents should be prohibited from transferring detained Minnesotans out of the state. *See City of Alexandria*, 2014 WL 4072073, at *4.

Insofar as Respondents may argue that they intend to ultimately follow the Court's order in this case and other cases where this Court has ordered the release of the petitioner and/or the return of the petitioner to Minnesota, this argument is insufficient. The problem here is not simply the government's lack of attorney operational systems for informing their clients of court orders. A shared email inbox that multiple government attorneys can check after a court order has issued will not stop Respondents from actively moving

detainees outside of Minnesota within hours of the individual being detained. Similarly, an email inbox will not stop Respondents from prohibiting detainees from seeing their attorneys before they are shipped across state lines. And an email inbox certainly won't stop Respondents from denying food to detainees for days at a time. Chasi-Chiluisa Aff. ¶ 8. Respondents' cruelty and inhumanity knows no bounds. This type of unlawful behavior must be stopped, particularly, because Respondents' actions are in active violation of multiple orders from this Court.

C. Additional legal authority supports the Court ordering this relief.

The Court also has the power to order the relief requested under the All Writs Act. The All Writs Act provides statutory authorization to issue writs necessary to aid court jurisdiction and prevent interference with ongoing proceedings. 28 U.S.C. § 1651. The All Writs Act grants federal courts power to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” *Id.* Courts have interpreted this broadly to include authority to protect ongoing proceedings and prevent interference with judicial decrees, even when the respondent is a federal agency or official.

Here, the government is detaining people in violation of constitutional and statutory law, not allowing detainees to contact loved ones or lawyers, not allowing lawyers entry to assist detainees, and quickly moving detainees outside the jurisdiction of this Court in order to avoid the Court's jurisdiction and authority *and* in direct contradiction to the Court's explicit orders. The All Writs Act provides the flexibility that is necessary to address this horrific set of facts.

CONCLUSION

The only way to cure the intentionally bad-faith conduct by Respondents is for the Court to use its inherent power to order Respondents to immediately stop inter-state transfer of individuals who are detained in Minnesota. This Court could implement a standing order to uniformly and efficiently direct Respondents in this manner. Accordingly, Petitioner requests that this Court use its inherent power to hold a hearing on this matter and immediately grant the essential relief requested by Petitioner.

Dated: January 21, 2026

Respectfully submitted,

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FOR THE DISTRICT OF MINNESOTA

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Pamela Bondi, Attorney General,

**LR 7.1 WORD COUNT
CERTIFICATION**

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.

I, Kira Kelley, certify that Petitioner's Memorandum of Law in Support of its Motion to Hold Respondents in Contempt complies with Local Rules 7.1(f) and (h). I further certify that, in preparation of this memorandum, I used Microsoft Word, and that this word processing program has been applied specifically to include all text, including headings, footnotes, and quotations, in the following word count. I further certify that the above referenced memorandum contains 2,952 words.

Dated: January 21, 2026

Respectfully submitted,

/s/ Kira Kelley

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