

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

Oscar O.T.,

Petitioner,

v.

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

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

KRISTI NOEM, In her official capacity as Secretary of Homeland Security;

U.S. DEPARTMENT OF HOMELAND SECURITY; and

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

Case No. 26-cv-167 (JWB/JFD)

**AFFIDAVIT OF
KIMBERLY BOCHE**

I, Kimberly Boche, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney licensed to practice law in the State of Minnesota. My Minnesota Supreme Court Attorney ID number is 0402340.
2. I am a Supervising Attorney at The Advocates for Human Rights, located in Minneapolis, Minnesota, where I have worked since October 2020.
3. In my role at The Advocates for Human Rights, I represent individuals, mostly unaccompanied children, in immigration proceedings, in applying for asylum and Special Immigrant Juvenile Status (“SIJS”), before the Immigration Court and United States Citizenship and Immigration Services (“USCIS”).

4. I represent the petitioner, Oscar O.T., in his immigration court proceedings and in benefits applications before USCIS. I have been working with Kira Kelley, counsel in the above-captioned habeas corpus proceeding, filed in the United States District Court for the District of Minnesota, Case No. 26-cv-167 (JWB/JFD).
5. On January 11, 2026, I was informed that Immigration and Customs Enforcement (“ICE”) arrested Mr. Tot-Choc while he was at work. At the time I received this information, the ICE Detainee Locator System indicated that Mr. Tot-Choc was in ICE custody but did not identify his detention location.
6. Shortly after learning of Mr. Tot-Choc’s arrest, advocates working with Mr. Tot-Choc’s community began gathering identity, school, and background information in anticipation of bond and release advocacy. I was also informed that advocates were attempting to contact Minnesota-based ICE detention centers to try to locate him.
7. On January 11, 2026, I worked with attorney Kelley to file a petition for a writ of habeas corpus on behalf of Mr. Tot-Choc in the United States District Court for the District of Minnesota, challenging his detention.
8. Prior to resolution of the habeas petition, ICE, through Enforcement and Removal Operations (“ERO”), placed Mr. Tot-Choc on a plane and transferred him to El Paso, Texas. This transfer occurred after his arrest and during the pendency of the habeas proceedings, and without notice to me as counsel.
9. On January 16, 2026, the District Court for the District of Minnesota granted Mr. Tot-Choc’s petition for writ of habeas corpus and ordered his immediate release. The Court’s Order expressly directed that Mr. Tot-Choc be released in Minnesota, subject to the conditions of his prior May 27, 2021 release, and further ordered Respondents to confirm the time, date, and location of release within forty-eight (48) hours.
10. Following issuance of the Court’s Order, advocates calling Mr. Tot Choc’s detention facility were advised by a Deportation Officer at the ERO El Paso Camp East Montana detention facility that the Government would not comply with the District of Minnesota’s January 16, 2026 Order granting the writ and directing Mr. Tot-Choc’s immediate release in Minnesota.

11. In addition to this communication, I made repeated attempts to contact ERO and detention facility officials to obtain information about Mr. Tot-Choc's location and to facilitate compliance with the Court's Order. These efforts included:
- I called an El Paso Detention Center phone at 915-637-0038 on Sunday, January 11, 2026, at approximately 6:30 p.m.; Thursday, January 15, 2026, at approximately 2:00 p.m.; and Friday, January 16, 2026, at approximately 9:00 a.m.
 - I called the ERO El Paso Camp East Montana at 915-208-0980 on Wednesday, January 14, 2026, at approximately 11:00 a.m.
 - I called the Friends and Family visits number of ERO El Paso Camp East Montana at 915-637-9270 on Sunday, January 11, 2026, at approximately 6:30 p.m.
 - I made an additional attempt to contact ERO by telephone and email on the evening of January 20th, 2026. This email is attached as Exhibit A.
12. Despite these attempts, I was unable to speak with a government official who could confirm Mr. Tot-Choc's status or ensure compliance with the District Court's Order.
13. Before seeking further relief from the District of Minnesota, we contacted the United States Attorney's Office to seek the Government's position and to provide an opportunity to clarify whether there was any misunderstanding regarding the scope or effect of the Court's January 15, 2026 Order. A copy of that correspondence is attached as Exhibit B to this declaration.
14. An attorney with the USAO noted that we could expect my client to be released on Tuesday January 20th, 2026, and that instead of returning to Minnesota Mr. Tot-Choc was sent to Albuquerque, New Mexico. Exhibit B.
15. Although another client in the same detention facility in El Paso was able to make it back to Minnesota on the afternoon of 1/20/2026, I was informed via email that Mr. Tot Choc would not arrive in Minnesota until Saturday January 24th, 2026. I have not received any additional information explaining the extended detention.

Respectfully Submitted,

Dated: January 20, 2026

/s/ *Kimberly Boche*

KIMBERLY BOCHE

MN Attorney ID No.: 0402340

The Advocates for Human Rights

330 Second Ave. S, Suite 800

Minneapolis, MN 55401

612-746-4673

kboche@advrights.org



Kira Kelley <kira@climatedefenseproject.org>

Searching for clients

1 message

Kim Boche <kboche@advrights.org>

Tue, Jan 20, 2026 at 4:57 PM

To: "elpaso.outreach@ice.dhs.gov" <elpaso.outreach@ice.dhs.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>

Good evening,

I am searching for my clients Oscar Tot Choc ([REDACTED]) and Jorge Boada Cando ([REDACTED]). Per judicial order they were to be released to Minnesota, however we have not been connected to them. We believe they were moved to Albuquerque. Please provide an update as to their whereabouts, or where they were released.

Thank you,
Kim Boche



Kira Kelley <kira@climatedefenseproject.org>

Request for USAO Position Regarding Violation with D. Minn. Release Order

7 messages

Kim Boche <kboche@advrights.org>

Sun, Jan 18, 2026 at 7:28 PM

To: "ana.voss@usdoj.gov" <ana.voss@usdoj.gov>, "justin.simmons@usdoj.gov" <justin.simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>

Dear Counsel:

We were advised by a Deportation Office at the ERO EL PASO CAMP EAST MONTANA detention center that the Government would not comply with the District of Minnesota's January 15, 2026 Order granting the writ and directing my client, Mr. Oscar Tot-Choc's immediate release in Minnesota.

Before taking any further steps with the District of Minnesota, we are writing to seek the USAO's position and to provide an opportunity to clarify whether there may be any misunderstanding regarding the scope or effect of the Court's Order. See attached.

Please let us know the Government's position at your earliest convenience.



Kimberly Boche (they/them/theirs)

Supervising Attorney - Hablo Español

Direct: 612-746-4673 | Whatsapp: 612-666-0852

Email: kboche@advrights.org | Fax: (612) 341-2971

330 Second Avenue South, #800
Minneapolis, MN 55401 USA

TheAdvocatesForHumanRights.org

Client Intake: 612-341-9845

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 **8 - Tot-Choc - Order Granting Release.pdf**
207K

Voss, Ana (USAMN) <Ana.Voss@usdoj.gov>

Mon, Jan 19, 2026 at 9:33 AM

To: Kim Boche <kboche@advrights.org>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>

We will comply.

Ana H. Voss

Civil Chief

United States Attorney's Office

District of Minnesota

(612) 664-5671 (direct)

[Quoted text hidden]

Kim Boche <kboche@advrights.org>

Tue, Jan 20, 2026 at 7:03 PM

To: "Voss, Ana (USAMN)" <Ana.Voss@usdoj.gov>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>

Attorney Voss:

It was my understanding that my clients were to be released to Minnesota today. However, I have been unable to locate them or speak to them.

A family member of one of the youth called both El Paso and Minneapolis ERO, And they informed the individual that my client was in Albuquerque? Please provide the current location of Oscar Tot Choc () and Jorge Boada Cando () or the date, location, and time they were released in Minnesota.

Thank you,
Kim Boche

From: Voss, Ana (USAMN) <Ana.Voss@usdoj.gov>

Sent: Monday, January 19, 2026 9:33:58 AM

To: Kim Boche <kboche@advrights.org>; Simmons, Justin (USATXW) <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>

Subject: RE: Request for USAO Position Regarding Violation with D. Minn. Release Order

CAUTION: EXTERNAL

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Voss, Ana (USAMN) <Ana.Voss@usdoj.gov>

Tue, Jan 20, 2026 at 8:28 PM

To: Kim Boche <kboche@advrights.org>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>, "julie.t.le@ice.dhs.gov" <julie.t.le@ice.dhs.gov>, "Page, Justin (USAMN)" <Justin.Page2@usdoj.gov>, "sarah.m.hogfoss@ice.dhs.gov" <sarah.m.hogfoss@ice.dhs.gov>

Adding Julie Le, who is handling Tot-Choc.

And Justin Page & Sarah Hogfoss who are handling Boada Cando.

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Page, Justin (USAMN) <Justin.Page2@usdoj.gov> Tue, Jan 20, 2026 at 9:33 PM
 To: "Voss, Ana (USAMN)" <Ana.Voss@usdoj.gov>, Kim Boche <kboche@advrights.org>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>
 Cc: Kira Kelley <kira@climatedefenseproject.org>, "julie.t.le@ice.dhs.gov" <julie.t.le@ice.dhs.gov>, "sarah.m.hogfoss@ice.dhs.gov" <sarah.m.hogfoss@ice.dhs.gov>

It is my understanding from ICE that Mr. Cando was released in Minnesota today. I don't have the location or time of release but I can find that out tomorrow.

Justin

From: Voss, Ana (USAMN) <Ana.Voss@usdoj.gov>
Sent: Tuesday, January 20, 2026 8:28 PM
To: Kim Boche <kboche@advrights.org>; Simmons, Justin (USATXW) <Justin.Simmons@usdoj.gov>
Cc: Kira Kelley <kira@climatedefenseproject.org>; julie.t.le@ice.dhs.gov <julie.t.le@ice.dhs.gov>; Page, Justin (USAMN) <Justin.Page2@usdoj.gov>; sarah.m.hogfoss@ice.dhs.gov <sarah.m.hogfoss@ice.dhs.gov>
 [Quoted text hidden]

[Quoted text hidden]

Le, Julie T <julie.t.le@ice.dhs.gov> Tue, Jan 20, 2026 at 9:40 PM
 To: "Page, Justin (USAMN)" <Justin.Page2@usdoj.gov>, "Voss, Ana (USAMN)" <Ana.Voss@usdoj.gov>, Kim Boche <kboche@advrights.org>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>
 Cc: Kira Kelley <kira@climatedefenseproject.org>, "Hogfoss, Sarah M" <Sarah.M.Hogfoss@ice.dhs.gov>

Hello,

Mr. Boada Cando was released earlier this afternoon, 1/20/2026, in MN.

I am still checking on the other(s)

Very respectfully,

Julie T. Le
 Assistant Chief Counsel
 Office of the Principal Legal Advisor, Minneapolis
 U.S. Immigration and Customs Enforcement

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From: Page, Justin (USAMN) <Justin.Page2@usdoj.gov>

Sent: Tuesday, January 20, 2026 9:33 PM

To: Voss, Ana (USAMN) <Ana.Voss@usdoj.gov>; Kim Boche <kboche@advrights.org>; Simmons, Justin (USATXW) <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>; Le, Julie T <julie.t.le@ice.dhs.gov>; Hogfoss, Sarah M <sarah.m.hogfoss@ice.dhs.gov>

Subject: Re: Request for USAO Position Regarding Violation with D. Minn. Release Order

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Le, Julie T <julie.t.le@ice.dhs.gov>

Tue, Jan 20, 2026 at 10:18 PM

To: Kim Boche <kboche@advrights.org>, "Simmons, Justin (USATXW)" <Justin.Simmons@usdoj.gov>

Cc: Kira Kelley <kira@climatedefenseproject.org>, "Hogfoss, Sarah M" <Sarah.M.Hogfoss@ice.dhs.gov>, "Page, Justin (USAMN)" <justin.page2@usdoj.gov>, "Voss, Ana (USAMN)" <ana.voss@usdoj.gov>

Good evening Ms. Boche,

For Mr. Tot-Choc, he is currently on his route stop in Albuquerque, NM and is scheduled to arrive in Saint Paul, MN on Saturday the 24th.

For Mr. Boada Cando, he was released in Saint Paul, MN at around 5:02 p.m.

Very respectfully,

Julie T. Le

Assistant Chief Counsel

Office of the Principal Legal Advisor, Minneapolis

U.S. Immigration and Customs Enforcement

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Cc: Kira Kelley <kira@climatedefenseproject.org>; Le, Julie T <julie.t.le@ice.dhs.gov>; Hogfoss, Sarah M <sarah.m.hogfoss@ice.dhs.gov>
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