

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-617-SHL-JFD

JOSE LUIS SALAZAR-PARRALES,

Petitioner,

v.

DAVID EASTERWOOD, et al.,

Respondents.

**COMBINED RESPONSE TO
PETITIONER'S PETITION FOR WRIT
OF HABEAS CORPUS
AND TRO MOTION**

Federal Respondents submit this response to Petitioner's petition for writ of habeas corpus, ECF No. 1, pursuant to the Court's briefing order, ECF No. 6. In the interest of efficiency, Respondents also respond to the TRO motion, ECF Nos. 2-4, in this same response.

This is *not* one of the now familiar cases about the government's interpretation of 8 U.S.C. § 1225(b)(2). Petitioner is not, as he suggests, misclassified as a noncitizen seeking admission under 8 U.S.C. § 1225(b)(2). This case is therefore materially different from others in this district and elsewhere, addressing the government's contested interpretation of § 1225(b)(2). The government's position in this case does not depend on that contested interpretation but instead simply follows from Petitioner's discretionary detention under § 1226(a) for the purpose of reinstituting removal proceedings.

BACKGROUND

Petitioner Jose Luis Salazar-Parrales is a citizen and national of Ecuador with no claim to U.S. Citizenship or Lawful Permanent Residence. Declaration of Angela Minner (Minner Decl.) ¶ 4. Petitioner is currently detained in ICE custody at the Sherburne County Jail at Fort Snelling, MN. *Id.*

On May 12, 2025, Petitioner entered the U.S. at Miami, FL International Airport. Minner Decl. ¶ 5. U.S. Customs & Border Protection (CBP) admitted Petitioner to the U.S. as a U-3 non-immigrant Child of U-1 visa beneficiary with authorization to remain in the U.S. until February 14, 2018. *Id.* That status expired and was further rejected in a 2019 immigration court ruling, at which point Petitioner was warned he no longer had permission to remain in the United States. *Id.* Exhibit A.

On or about July 24, 2020, Petitioner's U.S. citizen spouse filed Form I-130, Petition for Alien Relative. Minner Decl. ¶ 6. That petition was approved in November 2020 by U.S. Citizenship & Immigration Services (USCIS). Minner Decl. ¶ 7. In March of 2021, Petitioner filed Form I-485, Application to Register Permanent Residence or Adjust Status, which remains pending. *Id.* ¶ 8.

On December 25, 2022, the Columbia Heights, Minnesota Police Department arrested Petitioner for Domestic-Assault-Misdemeanor-Commits Act to Cause Fear of Immediate Bodily Harm or Death. Minner Decl. ¶ 9. There is no recorded disposition available for this charge. *Id.*

Petitioner was arrested on January 22, 2026 during Operation Metro Surge for removal proceedings. Minner Decl. ¶ 10 and Ex. B (Notice to Appear and arrest warrant). On January 24, 2026, the Enforcement and Removal Operations group of U.S. Immigration and Customs Enforcement (ICE/ERO) issued Petitioner Form I-862, Notice to Appear, charging removability under Section 237(a)(1)(B) of the Immigration & Nationality Act. *Id.* ¶ 11. That document was accompanied by an arrest warrant and served on Petitioner. *Id.* Ex. B.

Petitioner is scheduled for a hearing with the immigration judge on February 12, 2026. Minner Decl. ¶ 12.

ARGUMENT

The Court is familiar by now with the detention provisions in §§ 1225 and 1226. But this case is different: Petitioner is being detained subject to § 1226(a) and is already scheduled for an initial hearing before an immigration judge. In connection with those removal proceedings, Petitioner will have the opportunity to request a routine bond hearing.

I. Petitioner is properly subject to detention for removal proceedings under Section 1226(a), and is already scheduled for a hearing in immigration court.

Having been served with an arrest warrant, Minner Decl. Ex. B (last page), Petitioner is properly detained under Section 1226(a), at least up until his upcoming bond hearing takes place. The statute provides that “[o]n 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.” 8 U.S.C. § 1226(a). Detention under this provision is generally discretionary. The Attorney General “may” either “continue to detain the arrested alien” or release the alien on bond or conditional parole. *Id.* § 1226(a)(1)-(2). In practice, DHS makes the initial custody determination. 8 C.F.R. § 236.1(d)(1). The alien may seek custody redetermination (a bond hearing) before an immigration judge and can appeal an immigration judge’s custody determination to the Board of Immigration Appeals. 8 C.F.R. §§ 236.1(c)(8), (d), 1236.1(d)(1), 1003.19. That is exactly what’s happening here.

II. Petitioner's claims all rely on his mistaken premise, that ICE is seeking to apply § 1225(b)(2) detention, and he has not sought relief on any other basis.

All Petitioner's claims—whether based on the Constitution, statute, or regulation—rely on the premise that ICE detained him under § 1225(b)(2). But that premise is mistaken, and his claims fail. Likewise, Petitioner has little likelihood of success on the merits and therefore his TRO motion lacks merit and should be denied.

Petitioner has not challenged the constitutionality of his discretionary detention under § 1226(a). *See generally* Pet. His claims relate entirely to the alleged misapplication of § 1225(b)(2), and the Court should thus deny both habeas relief and injunctive relief on any other basis.

CONCLUSION

Petitioner is properly subject to detention under § 1226(a). This case should therefore be dismissed, and no injunctive relief is warranted.

Dated: January 27, 2026

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