

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Pedro Claver Lopez Lopez,

Petitioner,

v.

Todd LYONS, in his capacity as Acting
Director, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; Pamela
BONDI, U.S. Attorney General; Executive
Office for Immigration Review;
David EASTERWOOD, Field Office
Director of St. Paul Field Office for U.S.
Department of Homeland Security, United
States Immigration and Customs
Enforcement, Enforcement and Removal
Operations,

Respondents.

Case No. 0:26-cv-00707-MJD-
ECW

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

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CORPUS**

Petitioner submits this reply to the Respondents' response to the petition for writ of habeas corpus filed on January 30, 2026. (ECF No. 5 "Response"). On January 27, 2026, Petitioner filed a petition for a Writ of Habeas Corpus. Also on January 27, 2026, the Court provided an Order, which ordered in part that Respondents "immediately return Petitioner to Minnesota." (ECF No. 3 "Order"). Undersigned counsel would like to confirm with the Court that Respondents have since returned Petitioner to Minnesota, and Petitioner is now being held at the Freeborn Adult Detention Center in Albert Lea, Minnesota, according to the ICE detainee locator.

I. Petitioner was not issued a warrant for his arrest, and therefore should be ordered to be immediately released.

Under § 1226(a), "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." Here, Respondents have not produced a warrant for Petitioner's arrest, and their Response filed on January 30, 2026, does not indicate the existence of an arrest warrant for Petitioner. In the Court's order dated January 27, 2026, the Respondents were ordered to provide "such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner's detention," and to address "whether the absence of a warrant preceding Petitioner's arrest necessitates Petitioner's immediate release." (Dkt. 3 at 1-2.) Importantly, Respondents' January 30, 2026 Response makes no mention of a warrant in Petitioner's arrest, or an explanation for the lack thereof.

This Court has previously found that the appropriate remedy for an arrest under section 1226(a) without a warrant is immediate release. In *Adriano L.V.*, the Court explained that, "the warrant requirement should not come as a surprise to Respondents, since it is plainly in the text of Section 1226(a), and it has been the basis for several orders for the immediate release of other, similarly situated, petitioners in this district." *R. & R. adopted*, No. 26-269 (MJD/DJF), 2026 WL

194401 (D. Minn. Jan. 23, 2026)). Petitioner is similarly situated to the petitioner in *Adriano L. V.*, as there is “not even a hint of a warrant” being obtained prior to Petitioner’s arrest and detention. *Id.* As Respondents have not provided proof of a warrant in Petitioner’s case, he should be ordered to be immediately released from their custody.

II. Petitioner is entitled to a discretionary bond hearing under § 1226.

If the Court finds that the appropriate remedy in Petitioner’s case is not immediate release, the Court should find that Petitioner is entitled to a bond hearing under section 1226. The issue in this case is whether Petitioner, who entered the United States over ten years ago and was not apprehended upon arrival, is to be treated as an “applicant for admission” under § 1225, and therefore subject to mandatory detention, or as “an alien” who was “arrested and detained pending a decision on whether the alien is to be removed from the United States” under § 1226, and therefore entitled to a bond hearing before the immigration judge.

The Court should determine that Petitioner’s situation is substantially similar to many cases that the Court has decided recently, and find that Petitioner is “an alien” who was “arrested and detained pending a decision on whether the alien is to be removed from the United States” under § 1226, and therefore entitled to a bond hearing before the immigration judge. “Courts have overwhelmingly rejected Respondents’ interpretation that section 1225(b)(2) requires the mandatory detention of all noncitizens living in the country who are ‘inadmissible’ because they entered the United States without inspection.” *Martin R. v. Noem*, No. 26-CV-168 (JMB/LIB), 2026 WL 115024 at *2 (D. Minn. Jan. 15, 2026). The Court here should adopt the statutory analysis in *Martin R.* and the many other cases rejecting Respondents’ position about 1225 vs. 1226 detention, and find that Petitioner is entitled to a bond hearing with the immigration court.

III. Petitioner is a member of the *Maldonado Class*, and thus not subject to Mandatory Detention.

The Respondents' response argues that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Petitioner's petition for writ of habeas corpus addressed the arguments presented in Respondents' response. Here, Petitioner will summarily focus on why he is not subjected to the mandatory detention, and instead, is a member of the class of persons established in *Maldonado Bautista v. Santacruz*, 5:25-cv-01873 (C.D. Cal. Dec. 18, 2025 (ECF No. 92)).

In the alternative to immediate release, Petitioner requests that the court find that he is detained under § 1226(a) and order that he be given a bond hearing under § 1226(a) before the immigration court. The Maldonado class, certified by the federal court, includes: "All noncitizens of the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under INA § 236(c) or § 241 at the time the Department of Homeland Security makes an initial custody determination." *Id.* Petitioner entered the United States without inspection, was not apprehended upon arrival, and is not subject to detention under INA § 236(c) or § 241, and therefore Petitioner squarely meets the criteria for class membership in *Maldonado*. This District has previously determined that noncitizens in the same position as the Petitioner are detained under § 1226 and are therefore entitled to a bond hearing.

CONCLUSION

As discussed above, Petitioner respectfully requests that he be immediately released from immigration detention. In the alternative, as per the Petition, Petitioner requests that the court provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days, enjoin Respondents from denying Petitioner a bond hearing under U.S.C. § 1225(b)(2), and should the Immigration Judge grant a bond, enjoin Respondents from invoking the auto-stay provision found

at 8 C.F.R. § 1003.19(i)(2) during the pendency of any bond appeal, and grant any other and further relief that this Court deems just and proper.

DATED this 1 February 2026



Samantha Matsch, Esq.
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2900 Washington Ave. N
Minneapolis, MN 55411
Attorney for Petitioner

Verification Pursuant to 28 U.S.C. § 2242

The undersigned counsel submits this verification on behalf of the Petitioner. Undersigned Counsel has discussed with Petitioner the events described in this Reply and, on the basis of those discussions, verify that the statements in the Petition are true and correct to the best of his knowledge and belief.

Date: 1 February 2026

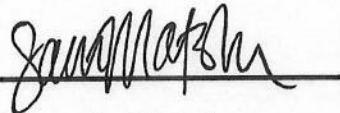
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I certify that I caused a copy of the foregoing

REPLY

to be served on all counsel of record via ECF.

Dated this 1st day of February 2026.

A handwritten signature in black ink, appearing to read "Samantha Matsch", written over a horizontal line.

Samantha Matsch