

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
CIVIL DIVISION

Abdirahim Siidow
MOHAMOUD SAMATAR,

Petitioner,

v.

DAVID EASTERWOOD, Director of St. Paul Field Office, U.S. Immigration and Customs Enforcement; **KRISTI NOEM**, Secretary of the U.S. Department of Homeland Security; **PAMELA BONDI**, Attorney General of the United States; **DAREN K. MARGOLIN**, Acting Deputy Director, Executive Office for Immigration Review, in their official capacities,

Respondents.

Case No. 26-724

**PETITION FOR A WRIT OF
HABEAS CORPUS**

Petitioner, **Abdirahim Siidow MOHAMOUD SAMATAR**, by and through undersigned counsel, hereby brings this Petition for a Writ of Habeas Corpus seeking enforcement of their statutory and constitutional rights, and their rights as a member of the nationwide Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.).

INTRODUCTION

1. Petitioner, Abdirahim Siidow MOHAMOUD SAMATAR (hereinafter “Petitioner” or “Mr. Mohamoud Samatar”), based on the knowledge and belief of undersigned counsel, is currently in the physical custody of Respondents Immigration and Customs Enforcement (“ICE”) at the Enforcement and Removal Operations (“ERO”) Fort Snelling, Minnesota. Petitioner was detained on January 26, 2026, and has remained in custody since that time.

2. Petitioner is a member of the nationwide certified Bond Eligible Class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), in which the court issued declaratory relief holding that class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied a bond hearing under § 1225(b)(2)(A).

3. Despite being bound by this declaratory judgment, Respondents continue to deny Petitioner and other class members a bond hearing based on the erroneous finding in *Matter of Yajure Hurtado* that an Immigration Judge (“IJ”) lacks jurisdiction to review. 29 I&N Dec. 216 (BIA 2025),

4. Respondents are bound by the judgment in *Maldonado Bautista* as declaratory judgments issued by federal district courts carry the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Respondents’ continued refusal to abide by the judgment, despite Petitioner’s entitlement to consideration for release on bond as a Bond Eligible Class member, has adversely and severely affected Petitioner’s liberty and freedom.

5. Even without consideration of Petitioner's class membership, the majority of federal district courts—including this Court in *Mata Fuentes v. Olson*, 25-CV-4456, 2025 WL 3524455 (D. Minn. Dec. 9, 2025)—have held that individuals like Petitioner, who entered the United States years ago and were arrested in the interior of the country, are detained under § 1226(a), not § 1225(b)(2), and are therefore entitled to bond hearings.

6. Respondents' interpretation of 8 U.S.C. § 1225(b)(2) and their refusal to provide Petitioner with an individualized bond hearing is arbitrary, capricious, and not in accordance with law in violation of the Administrative Procedure Act (APA), 5 U.S.C. § 706.

7. Absent an order from this Court, Petitioner will remain unlawfully detained for the duration of their removal proceedings.

8. Petitioner thus asks this Court to find that Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista*. Alternatively, the Court may find that Petitioner was misclassified as a noncitizen seeking admission under 8 U.S.C. § 1225(b)(2), assume jurisdiction over this matter, and order an individualized bond hearing so that Petitioner may be released from unlawful detention.

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (the general grant of habeas authority to the district court), 28 U.S.C. § 1331 (federal question

jurisdiction), 28 U.S.C. § 2201 (Declaratory Judgment Act), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

11. Additionally, federal district courts also have federal question jurisdiction, through the Administrative Procedure Act (APA), to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702.

EXHAUSTION

12. No statutory requirement of exhaustion applies to Petitioner’s challenge to the lawfulness of their detention. *See, e.g., Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) (“There is no statutory requirement that a habeas petitioner exhaust his administrative remedies before challenging his immigration detention.”); *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) (“this Court ‘follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a pending appeal.’”); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v.*

Sec'y of the Navy, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992)).

13. The Supreme Court has noted that prudential exhaustion is not required when to do so would be futile or "the administrative body . . . has . . . predetermined the issue before it." *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992), *superseded by statute on other grounds as stated in Woodford v. Ngo*, 548 U.S. 81 (2006).

14. Even if prudential exhaustion would apply, "courts may waive such exhaustion if the 'pursuit of administrative remedies would be a futile gesture' or if the petition presents a 'legal question...fit for resolution and the delay means hardship.'" See *Shalala v. Ill. Council on Long term Care, Inc.*, 529 U.S. 1, 13 (2000).

15. The Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) binds the Board of Immigration Appeals (BIA). 8 C.F.R. § 1003.1(g)(1) ("Except as Board decisions may be modified or overruled by the Board of the Attorney General, decisions of the Board and decisions of the Attorney General are binding on all officers and employees of DHS and immigration judges..."). Because the Board has predetermined that individuals in Petitioner's position are ineligible for bond, any bond request and appeal would be futile, and the delay in resolving the legal question would cause hardship and irreparable harm to Petitioner. Therefore, there is no exhaustion impediment to the Court exercising jurisdiction. *McCarthy*, 503 U.S. at 148.

VENUE

16. Venue is proper because Petitioner was detained by Respondents when they

forcibly entered his residence in Rochester, Minnesota on the evening on January 26, 2026 and thereafter detained at the Bishop Henry Whipple Federal Building at Fort Snelling, Minnesota, which is within the jurisdiction of this District. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973). To the knowledge and belief of undersigned counsel, there have been no submissions by Respondents into Petitioner's immigration court file with a new address or location, and the online ICE detainee locator does not say otherwise.

17. Venue is also proper in this Court pursuant to 28 U.S.C. § 1392(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

18. Given that the legal issues have already been resolved for class members in *Maldonado Bautista*, this Court should grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

19. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention—the 'Great Writ' has been referred to as "perhaps the most important writ known to the constitutional law... affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*,

372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

20. Petitioner Abdirahim Siidow Mohamoud Samatar is a citizen of Somalia and prior to their detention was a resident of Rochester, Minnesota. Petitioner is neither an arriving alien as that term is defined in the INA, nor are they seeking admission. Based on knowledge and belief, Petitioner is currently in the custody of Immigration and Customs Enforcement at the Bishop Henry Whipple Federal Building at Fort Snelling, Minnesota.

21. Respondent David Easterwood is sued in the official capacity as the Acting Director of the St. Paul Field Office of U.S. Immigration and Customs Enforcement (“ICE”). Respondent Easterwood is a legal custodian of Petitioner and has authority to release Petitioner.

22. Respondent Kristi Noem is sued in the official capacity as the Secretary of the U.S. Department of Homeland Security (“DHS”). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner’s detention. Respondent Noem is a legal custodian of Petitioner.

23. Respondent Pamela Bondi is sued in the official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In that capacity, Respondent has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

24. Respondent Daren K. Margolin is the Acting Deputy Director of the Executive Office for Immigration Review (“EOIR”) and has ultimate responsibility for overseeing the operation of the immigration courts and the Board of Immigration Appeals, including bond hearings. Respondent is used in the official capacity.

25. Respondent Executive Office for Immigration Review (“EOIR”) is the adjudicatory body with jurisdiction over the removal and bond cases of Petitioner. It is also the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

STATEMENT OF FACTS

26. Petitioner Abdirahim Siidow Mohamoud Samatar is a native and citizen of Somalia. Petitioner has no criminal record and has resided peacefully in the U.S. since July 2023, when they initially entered the U.S. without inspection. Petitioner has remained in the U.S. continuously since the initial entry.

27. At the time of Petitioner’s entry, Petitioner was released into the United States on his own recognizance pursuant to INA § 236 [8 USC § 1226] and issued an I-220A. Respondents did not immediately place Petitioner in removal proceedings; although a Notice to Appear was issued dated July 6, 2023, the document was not filed with EOIR until months later.

28. Petitioner, through counsel, filed an initial asylum application in December 2023 with United States Citizenship and Immigration Services. Shortly thereafter, DHS docketed Petitioner’s removal proceedings by filing the Notice to Appear on February 15,

2024. Petitioner refiled the asylum application with the immigration court on February 22, 2024. Removal proceedings are currently administratively closed based on Petitioner's pending application for Temporary Protected Status. Petitioner's I-589 application remains pending before the Fort Snelling Immigration Court.

29. On January 26, 2026, more than 2.5 years after entering the United States, and two years after removal proceedings were initiated, U.S. Immigration and Customs Enforcement ("ICE") and/or other federal agents acting on ICE's behalf arrested Petitioner after forcibly entering his residence while Petitioner was asleep. Petitioner was initially questioned about another individual, indicating that the Respondents were not seeking Petitioner. During the course of the forced entry, Respondents asked Petitioner for his identification document, and after reviewing that document, detained him in his residence.

30. Petitioner's current arrest did not occur at the border or while attempting to enter the United States. Rather, Petitioner was arrested in the interior of the United States years after initial entry.

31. On September 5, 2025, the Board of Immigration Appeals issued a precedential decision requiring Immigration Judges to classify bond-eligible § 1226 detainees as mandatory § 1225(b)(2) detained. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

32. On November 20, 2025, the District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.

Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

33. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

34. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond. In fact, on January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that *Maldonado Bautista* is not a nationwide injunction. Immigration judges have been instructed to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent.

LEGAL FRAMEWORK

35. Recent federal district court decisions overwhelmingly reject the position that individuals like Petitioner—who entered without inspection but have resided in the United States for years before being arrested on a warrant—remain perpetually subject to

§ 1225(b)(2) mandatory detention. *See Demirel v. Fed. Detention Ctr. Phila.*, Civ. No. 25-5488, 2025 WL 3218243, at *4 (E.D. Pa. Nov. 18, 2025) (citing an appendix of nearly 300 district court decisions rejecting the Government's interpretation of the statutory provision).

36. As many of these courts have noted, the text, structure, and purpose of §§ 1225(b)(2) and 1226(a) do not support treating long-present noncitizens as if they were still "seeking admission" within the meaning of § 1225(b). *Id.*

37. In *Mata Fuentes v. Olson*, the United States District Court for the District of Minnesota (the district with jurisdiction over where Respondent is detained) held that "the plain language of Sections 1225(b)(2) and 1226(a), read in context with other provisions of the INA, and as supported by consistent agency practice, legislative history, and dicta from the Supreme Court's decision in *Jennings*, lead to the conclusion that a noncitizen who is present in the United States for decades is not 'seeking admission.'" No. 25-CV-4456, 2025 WL 3524455, at *4 (D. Minn. Dec. 9, 2025). The court specifically noted that "every district judge in this District to consider this question on the merits has rejected the Government's argument" that such individuals fall under § 1225(b). *Id.*

38. This consensus within the District of Minnesota is consistent with a much broader judicial trend. As the Eastern District of Pennsylvania observed in *Demirel v. Federal Detention Center Philadelphia*, an appendix to the government's briefing identified 282 separate district court decisions rejecting the government's interpretation of these statutory provisions. Civ. No. 25-5488, 2025 WL 3218243, at *4 (E.D. Pa. Nov. 18, 2025). Similarly, the District of Idaho recently joined "the overwhelming majority" of

courts in holding "that § 1225(b)(2) does not apply to noncitizens...who were detained after living in the United States for years." *Duran Serrato v. Anderson*, No. 4:25-CV-00603-BLW, 2025 WL 3229001, at *1 (D. Idaho Nov. 19, 2025).

39. The reasoning underlying these decisions is directly applicable to Petitioner's case. Petitioner was detained years after establishing a life in the United States, making § 1226 the applicable detention authority. The widespread judicial disagreement with the BIA's statutory interpretation in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) suggests that the INA does not unambiguously compel the reading adopted in *Yajure Hurtado*.

40. The Board's recent decision in *Matter of Yajure Hurtado* is contrary to the plain language of the statute, impermissibly expands the reach of § 1225(b)(2), contradicts legislative history, results in surplusage, and conflicts with the judgments of numerous district courts.

41. Nearly all district courts that have considered this issue have, after conducting persuasive, well-reasoned analyses of the statutory language and legislative history, rejected Respondent's interpretation of § 1225(b)(2). This includes this Court's recent decision in *Mata Fuentes v. Olson*, which thoroughly analyzed the issue and concluded that § 1225(b)(2) does not apply to individuals who were arrested while residing in the United States, years after their entry. No. 25-CV-4456, 2025 WL 3524455, at *4 (D. Minn. Dec. 9, 2025).

42. Where a statute is susceptible to multiple reasonable interpretations, and where federal courts have uniformly concluded that a particular interpretation better

reflects the statutory text and structure, this Court may appropriately consider those judicial interpretations in exercising its own authority. The persuasive weight of the federal district court consensus—particularly within this very district—supports the conclusion that individuals like Respondent, who are arrested on warrants in the interior years after entry, are detained under § 1226(a) and are entitled to bond hearings under that provision.

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE INA – ENTITLEMENT TO RELIEF AS MEMBER OF THE CERTIFIED CLASS IN *MALDONADO BAUTISTA V. SANTACRUZ*

43. Petitioner repeats, realleges, and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

44. On November 20, 2025, the United States District Court for the Central District of California issued a declaratory judgment holding that DHS's nationwide practice of applying § 1225(b) mandatory detention to noncitizens arrested in the interior of the United States was unlawful. *Maldonado Bautista v. Santacruz*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025).

45. The certified Bond Eligible Class is defined as follows: "All noncitizens in 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 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Maldonado Bautista*, 2025 WL 3288403, at *9.

46. Petitioner meets all requirements of the Bond Eligible Class definition. Petitioner is a noncitizen in the United States without lawful status who (1) entered the United States without inspection; (2) was released from the border on their own recognizance and was most recently apprehended years later in the interior of the United States; and (3) is not subject to detention under § 1226(c), § 1225(b)(1), or § 1231.

47. As a member of the Bond Eligible Class, Petitioner is entitled to the application of the declaratory relief granted in *Maldonado Bautista*. The court's order expressly states: "When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista*, 2025 WL 3288403, at *9.

80. Respondents are bound by the declaratory judgment in *Maldonado Bautista*. By denying Petitioner a bond hearing under § 1226(a) and asserting Petitioner is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

COUNT II

VIOLATION OF THE IMMIGRATION & NATIONALITY ACT - 8 U.S.C. § 1226(a) & 8 U.S.C. § 1225(b)(2) AND IMPLEMENTING REGULATIONS

42. The allegations in the above paragraphs are realleged and incorporated herein.

43. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).

44. Under 8 U.S.C. § 1226(a) and its associated regulations, Petitioner is entitled to bond. *See* 8 C.F.R. §§ 236.1(d), 1236.1, 1003.19(a)-(f); *see also Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

45. For these reasons, Petitioner's detention is therefore unlawful.

COUNT III

VIOLATION OF THE FIFTH AMENDMENT

48. The allegations in the above paragraphs are realleged and incorporated herein.

49. Because Petitioner is subject to detention, if at all, under 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that Petitioner be scheduled for a bond hearing and/or released on bond.

50. Thus, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT IV

ARBITRARY AND CAPRICIOUS AGENCY ACTION IN VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (5 U.S.C. § 706)

51. The allegations in the above paragraphs are realleged and incorporated herein.

52. Petitioner is being detained pursuant to the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

53. The BIA's decision in *Matter of Yajure Hurtado* violates the Administrative Procedure Act and is arbitrary, capricious, and contrary to law.

54. Respondents, through their recent administrative decision, failed to articulate any reasoned explanations for a new interpretation of the Act. The Board's decision and EOIR instruction represent a change in the agencies' policies and positions that negates the plain language of the Act and decades of administrative precedent and practice.

55. Thus, the application of § 1225(b)(2) to Petitioner is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- (3) Issue an order restraining Respondents from attempting to move Petitioner from Minnesota during the pendency of this Petition;
- (4) Issue an order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner;
- (5) Declare that Petitioner is a member of the Bond Eligible Class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.), and is entitled to the declaratory relief granted to class members in that case;

(6) Order Respondents to comply with the declaratory judgment in *Maldonado Bautista* and provide Petitioner with a bond redetermination hearing consistent with 8 U.S.C. § 1226 within seven calendar days of this Court's order;

(7) Alternatively, declare that Petitioner's detention under § 1225(b)(2) is unlawful based on the statutory interpretation of §§ 1225(b)(2) and 1226(a), consistent with this Court's holding in *Mata Fuentes v. Olson*, 25-CV-4456, 2025 WL 3524455 (D. Minn. Dec. 9, 2025)

(8) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226, and/or 5 U.S.C. § 706;

(9) Issue a Writ of Habeas Corpus ordering Respondents to set bond for Petitioner and release Petitioner immediately;

(10) Once bond is set, the Department of Homeland Security is prohibited from filing Form EOIR-43 staying the bond;

(11) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(12) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Alexis Dutt

Dated: January 27, 2026

ALEXIS DUTT, ESQ.
Counsel for Petitioner
MN 0400058

KARAM & ASSOCIATES, P.A.
2950 Metro Drive Suite 201
Bloomington, MN 55425
(952) 854-3313
alexis@karamlaw.com

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Abdirahim Siidow MOHAMOUD SAMATAR and submit this verification on Petitioner's behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: January 27, 2026

/s/ Alexis Dutt
Counsel for Petitioner