

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00754-LMP-SGE

Oscar Obed Barahona Castro,

Petitioner,

v.

Kristi Noem, et al.,

Respondents.

**RESPONSE TO PETITION
FOR WRIT OF HABEAS
CORPUS**

Oscar Obed Barahona Castro (“Petitioner”) filed this petition for a writ of habeas corpus to secure a bond hearing in connection with Petitioner’s detention by the U.S. Immigration and Customs Enforcement. The Federal Respondents acknowledge that this petition raises legal and factual issues similar to those in prior habeas petitions this Court has decided. The Federal Respondents also acknowledge that many judges in this District conclude the absence of a warrant preceding a petitioner’s arrest necessitates immediate release. Those issues are currently before the Eighth Circuit on expedited review in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025). For purposes of expediting these proceedings, the Federal Respondents assert all arguments raised by the government in *Avila*, preserve those arguments for any appeal in this case, and respectfully request that the Court deny Petitioner’s habeas petition. If the court is not inclined to deny the petition, Respondents maintain that the Court enter an order requiring Respondents to afford Petitioner a bond hearing as requested in the petition and consistent with the order in *Roberto M. F.*. Whether the Court orders immediate release or a bond hearing, Respondents

ask that any release be in accordance with standard procedures with persons having the same status or similarly situated to Petitioner.

Dated: January 30, 2026

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s/ Friedrich A. P. Siekert

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