

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
CASE No: 0:26-cv-00756-ADM-LIB

NICOLASA SEBASTIAN MATAQUA,

Petitioner,

v.

**FEDERAL RESPONDENTS'  
REQUEST FOR EXTENSION OF  
RESPONSE DEADLINE**

EASTERWOOD et al.,

Respondent(s).

The Federal Respondents respectfully request five additional days to file a full-length response to the petition (to February 17, 2026, in light of the federal holiday).

Petitioner contends that his immigration-related detention is unlawful, and he asks the Court to order the Federal Respondents to release him or provide him with a bond hearing. *See* Pet. at 7-8. But this is not one of the now-familiar petitions being filed in this Court challenging detention under 8 U.S.C. § 1225 versus § 1226. **Petitioner is subject to a final order of removal.** That means Petitioner's current detention arises under § 1231 and must be evaluated using the Supreme Court's post-order framework. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). Under that framework, a habeas petitioner detained after a final order of removal must meet an initial burden of providing good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. *Id.* at 701. After he makes this showing—and *only* after he makes the showing—the government must rebut it with evidence. *Id.*

Nowhere in her Petition does Petitioner meet this burden. The Court should thus deny the petition.

If the Court would prefer a more robust factual record on which to decide this case, then the Federal Respondents respectfully request time to prepare and present that record. The Court's order for a response to this petition asks about the lawfulness of Petitioner's arrest, a "reasoned memorandum of law and fact explaining respondents' legal position on Petitioner's claims, among other things. Those inquiries align with the Court's current approach to habeas petitions raising questions about § 1225 and § 1226. But a *Zadvydas* petition involves different inquiries and different facts. If afforded additional time to respond, then the Federal Respondents plan to provide (if practicable): (1) petitioner's November 2007 final order of removal; (2) the I-213 Record of Deportable/Inadmissible Alien associated with Petitioner's December 2025 arrest; (3) the December 2025 notice of revocation of Petitioner's release, *see* 8 C.F.R. § 241.13(i); (4) the notes from Petitioner's informal interview, *see id.*; and (5) declaration testimony regarding the likelihood of Petitioner's removal in the near future, addressing the core *Zadvydas* issue.

Our counterparts at ICE have been notified about the need for additional information to enable us to formulate a robust response, and given the Petitioner's recent detention on 27 January, we respectfully request the court for an extension of the filing deadline to midnight 17 February, or whatever period the court deems appropriate.

Dated: February 12, 2026

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