

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Luis Fernando GONZALEZ,

Petitioner,

v.

Kristi NOEM, Secretary of Homeland
Security, et al.,

Respondents.

Civil No.: 26-cv-759 (SHL/ECW)

PETITIONER'S REPLY BRIEF

Petitioner submits this Reply Brief in response to Respondents' Response to Petition for Writ of Habeas Corpus [Docket No. 8].¹ The Government's Response, unfortunately, is woefully inadequate and falls well short of what was ordered by this Court. Because the Response is, ironically, non-responsive to what this Court requested, and fails to even identify the authority for Petitioner's arrest and detention, the Petition should be granted, and Respondents should be ordered to immediately release Petitioner.

The Government was ordered to "certify[] the true cause and proper duration of Petitioner's confinement and showing cause why the writ should not be granted in this case." (Doc. No. 3 at 1.) It was directed to include "[s]uch affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner's detention in light of the issues raised in the Petition," "[a] reasoned memorandum of law and fact

¹ Respondents appear to have not provided an update to the Court as ordered on January 30, 2026 [Docket No. 7]. Petitioner's counsel can represent to the Court that a search of ICE's Online Detainee Locator System shows that Petitioner is now back in Minnesota, and is being detained by ICE at the Freeborn County Jail in Albert Lea, Minnesota.

explaining Respondents' legal position on Petitioner's claims," and "[w]hether Petitioner was arrested pursuant to a warrant and, if so, a copy of such warrant." (*Id.* at 1–2.)

It is, frankly, incredible that the Response failed to even attempt to address any of those points. All that the Response states is that it is "asserting all arguments raised by the government in *Avila v. Bondi*, No. 25-3248 (8th Cir. Docketed Nov. 10, 2025), preserve those arguments for any appeal in this case, and respectfully request that the Court deny Petitioner's habeas petition." (Doc. No. 8 at 1.)

Central to this Petition are a series of related questions: 1) Was Petitioner's arrest constitutionally permissible; if so, then 2) What authority has the Government invoked that permits his detention; 3) Does that authority lawfully permit the detention of Petitioner; 4) What pre-deprivation due process was Petitioner entitled to, if any; 5) What post-deprivation due process is Petitioner entitled to; and 6) If that process wasn't followed, what should be the remedy?

The Government's non-response does not provide any information to allow the Court to answer these questions. No information is provided about the circumstances of Petitioner's arrest. The Government cannot—and will not—even tell this Court what statutory authority Petitioner is detained under. "All arguments raised by the government" in another case—and without even identifying the documents where those arguments are presented—is wholly insufficient to present the Government's arguments

regarding the specific facts of the case before this Court.²

The Government's position, as can be inferred from the Response, is to simply thumb its nose at this Court and the notion of due process. What it appears to have decided is that it is acceptable to arbitrarily detain anyone without due process, and when confronted with a legal challenge to the detention, it does not even attempt to justify the detention, but rather stonewall and delay to maximize the unlawful detention. It is a waste of everyone's time—and especially Petitioner's and his family's, who, unlike the Government, bear the cost of the violation.³

For these reasons, and the reasons given in the Petition for Writ of Habeas Corpus [Docket No. 1], the Petition should be granted and Petitioner should be immediately released.

DATED: February 1, 2026

Respectfully submitted,

/s/ John Bruning

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² And—by extension—to preserve any arguments for any appeal in this case. It is unimaginable for any serious practitioner to instruct the Court to do its own research to ascertain what his or her litigation position is.

³ For every petition filed, there are as many as 5 to 10 noncitizens who are unable to retain counsel to file a petition or file a *pro se* petition; and this is exactly what Respondents are counting on.