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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Elmer Alexander Gonzales Castillo,

Petitioner,

v.

Kristi Noem, Secretary, U.S. Department of
Homeland Security; Todd M. Lyons, Acting
Director of Immigration and Customs
Enforcement, Immigration and Customs
Enforcement; David Easterwood, Acting
Director of Enforcement and Removal
Operations, St. Paul Field Office, Immigration
and Customs Enforcement; Pamela Bondi, U.S.
Attorney General; Executive Office for
Immigration Review; Ryan Shea, Freeborn
County Sheriff, Warden, Freeborn County Jail,
Albert Lea, Minnesota,

Respondents.

Case No.

**VERIFIED PETITION
FOR WRIT OF
HABEAS CORPUS**

Expedited Handling Requested

INTRODUCTION

1. Petitioner Elmer Alexander Gonzales Castillo brings this petition for a writ of habeas corpus to seek enforcement of his rights pursuant to the Fifth Amendment's Due Process Clause, which forbids the government from depriving "any person...of...liberty...without due process of law. U.S. CONST.amend.V. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that Clause protects." *Zadvydas v. David*, 533 U.S. 678, 690 (2001). Petitioner is in the physical custody of Respondents at Freeborn County Jail in Albert Lea, Minnesota. He is unlawfully detained as he was approached without cause, questioned about his birthplace without cause and without a warrant, then issued an "arrest warrant" *See I-213* then detained in the State of Minnesota on or around December 30, 2025 without justification where he remains detained.

2. Petitioner also brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Otero Detention Facility.

3. On November 25, 2025, the district court 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).

4. 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.

5. Immigration judges have been denying bond, informing class members in bond hearings that they have been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that IJs are bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

6. Petitioner’s arrest appears to be part of “Operation Metro Surge,” which utilizes hundreds of actors who are masked, armed, traveling in unmarked vehicles, and frequently refusing to identify themselves, disregarding the constitutionality of their actions. *See, e.g., Compl., Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

7. Petitioner is a member of the Bond Eligible Class, as he:

- a. does not have lawful status in the United States and is currently detained. He was apprehended by immigration authorities on or around December 30, 2025 in Monticello, Minnesota. He was not engaging in unlawful activity;
- b. entered the United States without inspection on or 2021 at an unknown location;
- c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231; and
- d. does not have a criminal history;
- e. has family connections in the State of Minnesota;
- f. has USC relatives and family in the State of Minnesota;
- g. is neither a flight risk nor a danger to the public.

8. Petitioner resides in the City of Monticello, County of Wright, State of Minnesota.

9. Petitioner was detained on or around December 30, 2025 in the City of Monticello, Minnesota as part of “Operation Metro Surge” on his way to work. He was approached without cause and without a warrant. He was then issued a “warrant for arrest” and detained in the State of Minnesota. There is no known basis for the unjustified approach, questioning, or his detention. Petitioner was then transferred to Freeborn County Jail,

10. Petitioner resides in and has USC family connections in the United States where Petitioner has significant contacts. He is not a flight risk.

11. Petitioner is entitled to due process of law pursuant to the Fifth Amendment’s Due Process Clause and as such has a protected liberty interest to be free from deprivation of liberty without due process. *Id.* Petitioner is neither a danger to the public nor is he a flight risk. To continue to detain him is a deprivation of his liberty without due process.

12. Regardless, the Executive Office for Immigration Review and its subagency the Department of Homeland Security (DHS) have refused to set bond or release the Petitioner, thereby continuing Petitioner’s unlawful detention without a warrant and without cause.

An Immigration Judge must apply the U.S. Supreme Court’s balancing test in *Mathews v. Eldridge*, stating that “the fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Acosta v. Noem*, No. EP-25-CV-00741-DB, quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).) “...the specific dictates of due process generally requires consideration of three distinct factors...” 1) “the private interest ...affected by the official action”; 2) “the [g]overnment’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedure requirement would

entail”; and 3) “the risk of an erroneous deprivation of such interest through the procedures used and the probable value, if any, of additional or substitute procedural safeguards.” *Matthews*, at 335.

13. The Immigration Judge has jurisdiction to grant bond for Petitioner, and to order his release. Petitioner:

- a. Does not have lawful status in the United States and is currently detained at the Freeborn County Jail in Albert Lea, Minnesota after being apprehended by immigration authorities on or around December 2025 in the State of Minnesota;
- b. entered the United States without inspection on or around 2021 at an unknown location;
- c. is not detained under 8 U.S.C. § 1226(c) or § 1231;
- d. has no criminal history;
- e. has USC family members and is neither a flight risk nor a danger to the public.

14. Because Respondents are detaining Petitioner in violation of his Fifth Amendment right to due process, the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

15. Because Respondents are detaining Petitioner in violation of *Maldonado Bautista*, the Court should accordingly order that Petitioner be released immediately.

In the present case, Respondents are U.S. officers, employees and agencies, Petitioner resides in the State of Minnesota. Petitioner was apprehended and detained in in the state of Minnesota. A substantial part of the relevant events regarding Petitioner’s detention occurred in the State of Minnesota, where Petitioner was apprehended and detained as part of “Metro Surge,” which is based in Minnesota.

JURISDICTION

16. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Freeborn County Jail in Albert Lea, Minnesota in ERO custody. The Minnesota District Court

has jurisdiction and is the proper venue for this petition as outlined below.

17. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

18. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

19. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Minnesota, as that is where Petitioner was initially detained, and where he lives, and the venue and forum most convenient and applicable to his case.

20. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(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 the District of Minnesota.

Petitioner maintains that the U.S. District Court of Minnesota has jurisdiction in this matter.

REQUIREMENTS OF 28 U.S.C. § 2243

21. The Court should grant the petition for writ of habeas corpus “forthwith,” as the Fifth Amendment Due Process Clause requires Petitioner’s release.

22. Habeas corpus is “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). “The application for the

writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

23. Petitioner Elmer Alexander Gonzales Castillo, is a citizen of Honduras, who has been in immigration detention since on or around December 30, 2025, after being detained in Minneapolis, Minnesota. He is detained in the Freeborn County Jail where he remains. ICE has not set bond. Petitioner has a Master Calendar hearing on January 28, 2026

24. Respondent David Easterwood is the Acting Director of the St. Paul Field Office of ICE’s Enforcement and Removal Operations division. As such, David Easterwood is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

25. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

26. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

27. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

28. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

29. Respondent Ryan Shea, Freeborn County Sheriff, Warden, Freeborn County Jail is employed by the Department of Homeland Security and presumably has immediate physical custody of Petitioner. He is sued in his or her official capacity.

CLAIM FOR RELIEF

COUNT ONE

Violation of the INA: Request for Relief Pursuant to *Maldonado Bautista*

30. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

31. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

32. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

33. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen 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.”

34. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

35. By denying bond for Petitioner and asserting that he 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 TWO

Violation of the Fifth Amendment of the United States Constitution: Request for Relief Pursuant to the Fifth Amendment Due Process Clause

36. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

37. The Immigration Judges have been instructed by their leadership to assert lack of jurisdiction pursuant to *Hurtado* and in violation of *Bautista*, have been continuing to keep bond seekers unlawfully detained, violating their Fifth Amendment Due Process rights under the United States Constitution.

38. The factors outlined above in *Mathews* weigh heavily in the favor of the Petitioner.

39. First, Petitioner has a significant private interest at stake. A person's interest in freedom from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529, 124 S.Ct. 2633, 159 L.Ed.2d 578 (2004); see also *Zadvydas*, 533 U.S. at 690, 121 S.Ct. 2491 ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.").

Petitioner is wrongfully detained which is a direct attack on Petitioner's liberty interests.

40. Second, Petitioner will continue to be deprived of this interest if Petitioner continues to be detained without a legal basis and there is no rational basis for his continued detention. *Ahmed A v. Bondi*, Case No. 25-4776 (JWB/DJF) (January 6, 2026); *Maldonado v.*

Olson, 795 F. Supp. 3d 1134, 1142–48, 1150–52 (D. Minn. 2025); *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 968–970 (D. Minn. 2025); *Mayamu K. v. Bondi*, Civ. No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *7–8 (D. Minn. Oct. 20, 2025); *R.E. v. Bondi*, No. 0:25-cv-3946-NEB, 2025 WL 3146312 (D. Minn. Nov. 4, 2025); *Herrera Avila v. Bondi*, No. 0:25-cv-3741 (JRT), 2025 WL 2976539 (D. Minn. Oct. 21, 2025).

41. Lastly, the Government has no legitimate interest in continuing Petitioner’s detention. It is undisputed that Petitioner poses no safety threats to the community and is not a flight risk.

42. The Petitioner’s continued detention pending the resolution of ongoing immigration proceedings violates his constitutional rights to due process guaranteed in the Fifth Amendment.

43. Additionally, the Respondents have been withholding detainees’ items including their phones, documentation and identifications upon their release. There is no reason to withhold these documents from detainees and prejudices detainees upon release as they are left without identification and their property.

COUNT THREE

Violation of the Administrative Procedure Act, 5 U.S.C. § 706

Detaining Petitioner Pursuant to an Unlawful Interpretation of 8 U.S.C. § 1225(b)(2) violates the Administrative Procedure Act

44. Petitioner re-alleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

45. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

46. The APA provides that a “reviewing court shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

47. Respondents through its recent administrative decision failed to articulate any reasonable explanations for new interpretation of the Act. This decision represents a change in the agencies’ policies and positions that negates the plain language of the Act, the will of Congress, and decades of administrative precedent.

REMEDY

48. An available remedy for Respondents’ unlawful conduct as outlined in this complaint is for Petitioner be released.

49. Immigration detention is civil in nature, and as a result Congress must have expressly authorized it by statute, and the detention must be reasonably related to its statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001) (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

50. A noncitizen seeking only to challenge the legality of their detention, not the substance of their removal proceedings in immigration court, may properly ask a federal court to find jurisdiction over such a request pursuant to 28 U.S.C. § 2241. *See, e.g., Mohammed H. v. Trump*, 786 F. Supp. 3d 1149, 1154–55 (D. Minn. 2025).

51. When a habeas petitioner’s detention is without legal basis, the typical remedy is release. *Munaf v. Geren*, 553 U.S. 674, 693 (2008).

REQUEST FOR ORDER TO SHOW CAUSE

52. Within three days, unless good cause for a delay is shown, “[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Enjoin Respondents from transferring Petitioner out of the District of Minnesota pending the duration of these proceedings;
- c. Issue an Order requiring Respondents to show cause as to why Petitioner should not be released immediately;
- d. Alternatively, issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- e. Alternatively, order DHS to conduct a bond hearing;
- f. Order that upon release, DHS return Petitioner’s items and documents to him at the time of release;**
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 28th day of January, 2026.

Respectfully submitted,

KHANH NGUYEN LAW OFFICE

//ss//Khanh Nguyen
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VERIFICATION

I, Khanh Ngoc Nguyen, being duly sworn upon oath hereby state:

I represent the Petitioner in these habeas corpus proceedings. Petitioner, Elmer Alexander Gonzales Castillo is currently being detained at the Kandiyohi County Jail in Albert Lea, Minnesota, and he is not able to appear in our office to sign the Verification. I have reviewed the record of removal proceedings, and I have discussed the matter with Petitioner by phone. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

//s//Khanh Nguyen
Khanh Ngoc Nguyen
Attorney for Petitioner