

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00780-SRB-ECW

Wellington Stephen Pallo Freire,

Petitioner,

v.

Todd Lyons, et al.,

Respondents.

**DECLARATION OF
FRIERICH A. P. SIEKERT IN
RESPONSE TO ORDER AT
ECF NO. 10**

Petitioner

Friedrich A. P. Siekert for his declaration under 28 U.S.C. § 1746 states as follows:

1. I am an adult, competent, and have personal knowledge of the facts stated herein.

2. I am an Assistant U. S. Attorney and am one of the attorneys representing Respondents herein.

3. I submit this declaration in response to the Court's Order to Show Cause February 5, 2026, ECF No. 10.

4. On February 9, 2026, the Court entered its Order dated February 2, 2026, ECF No. 7, in which the Court ordered Respondents to immediately release Petitioner.

5. I received through CM/ECF, the Court's Order dated February 2, 2026, ECF No. 7, about 7:51 pm cst, while I was in the process of preparing for filing several responses to habeas petitions due that evening. I have not been able to reconstruct exactly when I or my office first notified ICE of the Release Order. I thought we had emailed it to ICE on

February 3, 2026, but I cannot confirm that. I can confirm we notified ICE on February 4, 2026.

6. I received an email from Petitioner's counsel on February 4, 2026 at 10:38 a.m. I was unable to reply immediately because, at that time, I was in the middle of preparing a filing due that morning and other matters. I forwarded the email to ICE. One of our paralegals took a message from Petitioner's counsel the afternoon of February 6, 2026. Again, I could not return the telephone call as I was in the middle of preparing the responses to the habeas petitions assigned to me that were due that day. By then, ICE was aware of the release order and acted and released Petitioner the following day, February 5, 2026.

7. ICE/OPA, based on information and records kept in the ordinary course of ICE business, provided the following information about the release:

- a. ICE encountered and detained Petitioner on January 13, 2026 and booked Petitioner into the Bishop Henry Whipple Federal Building, Ft. Snelling, Minnesota (SPM) about 0930 CST. ICE transferred Petitioner to El Paso, Texas and subsequently transferred him to Karnes County, Texas where he was detained at the time the petition was filed on January 28, 2026.
- b. On January 29, 2026, after the petition was filed, Respondents transferred Petitioner back SPM after which he was transferred to Sherburne County where he was detained until February 5, 2026.

c. On February 5, 2026, Petitioner was transferred back to SPM and was released from the Whipple Building, Ft. Snelling, Minnesota at 1359 hours CST on his own recognizance (OREC).

8. I received the Court's Order dated February 5, 2026, ECF No. 10, about 0930 a.m. CST. I contacted ICE/OPA regarding the status of Petitioner's release. I did not respond immediately to ECF No. 10 because I did not then know of the release the day before, I did not have confirmation of the release, and the Court's order set a deadline of February 9, 2026.

9. On Saturday, February 7, 2026, I received an email from ICE/OPLA confirming Petitioner's release on Thursday, February 5, 2026. I did not immediately file a notice with the Court because of the deadline of February 9, 2026 stated in ECF No. 10 and because I had numerous filings due over the weekend of February 7-8, 2026. I worked full days both days on February 7 and 8 to complete the filings due those days.

10. The delay of the release was caused by miscommunication between me and ICE/OPLA for which I take responsibility. ICE was able to release Petitioner within 24 hours of being notified of the release order.

11. I am not aware that ICE retained any personal property of Petitioner upon release. Neither Petitioner's counsel nor anyone else has complained to me that ICE retained any of Petitioner's property. Under ICE policy, ICE returns all personal property and, if the person being released is in removal proceedings, ICE would retain only foreign documents (e.g. a foreign passport) owned by the issuing country for use in procuring travel documents in executing any final removal order the Immigration Court might issue.

I swear under penalty of perjury that the foregoing is true and correct based on my review of records made kept in the regular course of business by the DHS.

Dated: February 9, 2026

Friedrich A. P. Siekert

FRIEDRICH A. P. SIEKERT
Assistant U.S. Attorney
Attorney ID Number 142013