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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Kevin Joel Franco Quinga

Plaintiff(s)

v.

Kristi Noem et al.

Defendant(s)

**PETITIONER'S RESPONSE TO  
RESPONDENT'S REPLY**

Case No: 0:26-cv-00790

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Respondents submitted response to Petitioner's petition for a writ of habeas corpus seeking immediate release from custody. Petitioner submits this response to Respondent's reply. The Court should immediately return Petitioner to Minnesota and enjoin Respondents from removing Petitioner from the District of Minnesota until a final decision is made on the habeas petition. Further, Petitioner respectfully requests that the Court grant Petitioner's request for habeas relief.

**BACKGROUND**

Respondents do not dispute the salient facts alleged in the Petition. Petitioner is a citizen and native of Ecuador who entered the United States on or about December 31, 2022. Petitioner was paroled and released with an I-94. Petitioner was taken into ICE custody in the State of Minnesota on January 13, 2026. On January 15, 2026, Petitioner was transferred to the State of Texas (El Paso); on January 26, 2026, Petitioner was transferred again to the South Texas ICE Processing Center. Petitioner is currently detained at the South Texas ICE Processing Center. Petitioner is unlawfully detained by

Respondents and respectfully requests that the Court finds his continued detention a violation of his due process rights and grants his request for habeas relief.

### ARGUMENT

#### **I. This Court Has Jurisdiction Because Petitioner Was Apprehended by Federal Officers and Placed in Federal Custody Within the District of Minnesota**

Petitioner was initially apprehended in the District of Minnesota on January 13, 2026, before being transferred to El Paso, Texas, and then the South Texas ICE Processing Center. This Court has previously found that its habeas jurisdiction attached at the time of an individual's apprehension in this District. Petitioner was apprehended within the District of Minnesota by federal officers and immediately placed into federal custody, therefore, this Court holds jurisdiction over the habeas petition. The Court's jurisdiction over the habeas petition is not defeated by any subsequent decision by Respondents to transfer Petitioner to another state. Habeas jurisdiction turns on custody and control, not on the Government's unilateral post-seizure movement of the detainee. The position that jurisdiction lies exclusively in the district to which Respondents transfer Petitioner would permit the Government to determine the forum for judicial review through its own logistics. Federal courts may not be divested of jurisdiction in that manner.

Respondents improperly cite *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) to support their claim that the Court should dismiss this case or transfer it to the San Antonio District of Texas, however, in *Padilla*, the Supreme Court stated the district of confinement rule applies to "core habeas petitions challenging present physical confinement." 542 U.S. at 443. Further, the Court expressly declined to decide whether

habeas petitions filed by noncitizens “detained pending deportation” are this type of “core challenge[.]” *Id.* at 435 & n.8.

Critically, in *Padilla*, the Supreme Court held that the only proper respondent to a traditional habeas corpus petition involving a “core challenge[.]” to “present physical confinement” is the actual or “immediate custodian” of the facility where the individual is detained. *Id.* at 435. Here, the Supreme Court expressly left open the question of the identity of the proper respondent(s) to a petition filed by a noncitizen “detained pending deportation.” *Id.* at 435 n.8 (recognizing circuit split on “the question whether the Attorney General is a proper respondent to a habeas petition filed by [a noncitizen] detained pending deportation” and stating “[b]ecause the issue is not before us today, we again decline to resolve it”).

Notably, numerous Courts, including this Court, have repeatedly recognized national-level policy making officials, such as the U.S. Attorney General, as proper respondents. *See, e.g., Santos v. Smith*, 260 F. Supp. 3d 598, 607-08 (W.D. Va. 2017); *Jarpa v. Mumford*, 211 F. Supp. 3d 706, 723-25 (D. Md. 2016); *Somir v. United States*, 354 F. Supp. 2d 215, 217-18 (E.D.N.Y. 2005); *S.N.C. v. Sessions*, 325 F. Supp. 3d 401, 407 (S.D.N.Y. 2018).

Still others recognize as the proper respondent the federal official with responsibility over the detention facility or the federal contract governing the detention facility, usually the ICE Field Office Director, or the person with legal authority over the claim. *See, e.g., Campbell v. Ganter*, 353 F. Supp. 2d 332, 336 (E.D.N.Y. 2004); *Masingene v. Martin*, 424 F. Supp. 3d 1298, 1301-02 (S.D. Fla. 2020).

Significantly, in order to exercise personal jurisdiction over a habeas petition, a district court need only find that one named respondent is proper. *Dunn v. U.S. Parole Commission*, 818 F.2d 742, 744 (10th Cir. 1987) (“So long as the petitioner names as respondent a person or entity with power to release him, there is no reason to avoid reaching the merits of his petition.”) (quoting *Lee v. United States*, 501 F.2d 494, 502-03 (8th Cir. 1974) (Webster, J. concurring)).

Indeed, a NILA survey of attorneys who regularly file habeas petitions challenging detention reveals that most name the warden or superintendent of the detention facility, the ICE Field Office Director, the DHS Secretary, and the U.S. Attorney General. In cases involving unaccompanied children detained in the custody of the Office of Refugee Resettlement (ORR), the relevant officers and agencies would be national-level officials or officials with responsibility over the detention facility from ORR or the U.S. Department of Health and Human Services. *See, e.g., Santos*, 260 F. Supp. 3d at 607-08 (finding director of ORR and director of juvenile detention center proper respondents).

In the case of Petitioner, named respondents include U.S. Secretary of Homeland Security, Kristi Noem, Acting Director of Immigration and Customs Enforcement (ICE), Todd M. Lyons, Minneapolis-St. Paul Field Office Director of Enforcement and Removal Operations (ERO), David Easterwood, El Paso Field Office Director of ERO, Mary De Anda-Ybarra, and the Warden of El Paso Camp East Montana Detention Center.

Respondents assert that petitions brought under 28 U.S.C. § 2241 provide only district court with subject matter jurisdiction, however, Petitioner’s writ of habeas corpus is expressly brought under 28 U.S.C. § 2241 and 28 U.S.C. § 1391(b), (e). If a petition is

not filed in the district of confinement, the venue section must explain why venue is proper under 28 U.S.C. § 1391(e).

Petitioner maintains that venue is proper in this district pursuant to 28 U.S.C. § 1391(e) because Petitioner was apprehended in the state of Minnesota prior to being transferred to the State of Texas, a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this district, and Respondents in this case are national-level officials and officials with responsibility over the detention facility where Petitioner is detained. *Sue H. v. Donald Trump*, No. 26-cv-00416 (D. Minn. Jan. 20, 2026), and *Victor P. v. Kristi Noem, et al.*, No. 26-cv-430 (MJD/SGE)(D. Minn. Jan. 19, 2026); see also *Jose A. v. Kristi Noem*, No. 26-cv-480 (JMB/ECW) (finding that jurisdiction was proper in Minnesota despite petitioner being transferred to El Paso, Texas because the decision to detain and arrest petitioner was made in Minnesota, witnesses of petitioner's arrest are in Minnesota, and petitioner was for some time actually detained in Minnesota).

## **II. Petitioner is Subject to Detention Under § 1226 Rather Than § 1225.**

Respondents arguments improperly characterize Petitioner's detention as mandatory pursuant to § 1225. This Court has repeatedly ruled against the government's arguments for holding that detention under these circumstances is appropriately characterized as mandatory detention pursuant to § 1225. See, e.g., *Roberto M.F. v. Olson*, No. 25-cv-4456 (LMP/ECW), 2025 WL 3524455 (D. Minn. Dec. 9, 2025). *Beltran v. Bondi*, 2025 WL 3719856 (D. Minn. Dec. 23, 2025).

Respondents further acknowledge that Petitioner's case presents similar legal and factual issues to prior habeas petitions where this Court and others have repeatedly rejected Respondent's erroneous interpretation of the Immigration and Nationality Act

(INA) and found a procedural due process violation in favor of Petitioner's release from detention. *See Pizarro Reyes v. Raycraft*, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025) (disagreeing with BIA's analysis in *Yajure Hurtado*); *Sampiao v. Hyde*, 2025 WL 2607924 (D. Mass. Sept. 9, 2025) (same); *Lopez-Campos v. Raycraft*, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Martinez v. Hyde*, CV 25- 11613-BEM, 2025 WL 2084238 (D. Mass. July 24, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Garcia Jimenez v. Kramer*, No. 4:25-cv-03162-JFB-RCC, 2025 WL 2374223 (D. Neb. Aug. 14, 2025); *Aguilar Maldonado v. Olson*, No. 25-CV-3142 (SRN/SGE), 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v Noem*, 5:25-cv-01789-ODW-DFM, 2025 WL 2379285 (C.D. CA Aug 15, 2025); *Jacinto v. Trump, et al.*, 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 (D. Neb. August 19, 2025); *Leal-Hernandez v. Noem*, 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Minn. Aug. 24, 2025); *Herrera Torralba v. Knight*, 2:25-cv-03166-RFB-DJA (D. Nev. Sep. 5, 2025); *Portugues Sanchez v. Noem et al.*, 25- cv-02010 (ADA/ML) (W.D. Tex. January 20, 2026); *Santiago v. Noem*, No. 3:25-cv-361- KC, 2025 WL 2792588 (W.D. Tex. Oct. 2, 2025); *Lopez-Arevelo v. Ripa*, --- F. Supp. 3d ----, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Buenrostro-Mendez v. Bondi*, No. 25-cv-3726, 2025 WL 2886346, (S.D. Tex. Oct. 7, 2025). Indeed, Respondents do not dispute that decisions in favor of the government's position reflect the minority position.

Petitioner was unlawfully detained pursuant to 8 U.S.C. § 1225, and this Court should accordingly find that mandatory detention under § 1225(b)(2) is improper in this case. As this Court has previously concluded in cases which appear materially indistinguishable, Respondents' interpretation lacks merit. Further, Respondents do not

present any argument concerning the assertion that Petitioner is a member of the class already granted habeas relief in *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-1873, Doc. No. 92 (C.D. Cal. Dec. 18, 2025). Nor do Respondents make any argument concerning their failure to comply with a statutory requirement that they obtain a warrant prior to arresting Petitioner or that they failed to follow any procedure when revoking Petitioner's previous release and parole.

Accordingly, in light of Respondents' unlawful detention of Petitioner, their failure to comply with statutory and procedural requirements, and their lack of any substantive response to critical aspects of Petitioner's claims, Petitioner respectfully requests that the Court grant the Petition and order Petitioner's immediate release.

Dated: February 2, 2026

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