UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Kibrom Abede Keleta,

Petitioner,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; **KRISTI NOEM,** U.S. Department of Homeland Security, Secretary; **PAMELA BONDI**, U.S. Attorney General; **TODD M. LYONS**, U.S. Immigration & Customs Enforcement, Acting Director; **DAVID EASTERWOOD**, Acting Director, U.S. Immigration and Customs Enforcement, St. Paul Field Office

Respondents.

Case No.: 26-cv-00321

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. This case seeks immediate release of Petitioner Kibrom Abede Keleta – a refugee lawfully admitted to the United States on September 5, 2024 – from his unlawful detention by the Department of Homeland Security's ("DHS") U.S. Immigration and Customs Enforcement ("ICE"). ICE unlawfully detained Mr. Keleta on January 14, 2026, in clear violation of his constitutional, statutory, and regulatory rights. As of the date of this filing, Mr. Keleta's last known location was Fort Snelling, Minnesota.

2. Mr. Keleta brings this habeas action seeking a Federal District Court order that Respondents immediately release him. Respondents' sudden arrest violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Immigration and

Nationality Act ("INA") and implementing regulations, the Administrative Procedure Act ("APA"), and the *Accardi* doctrine, which obligates administrative agencies to follow their own rules, procedures, and instructions.

3. Mr. Keleta is a 33-year-old lawfully admitted refugee from Ethiopia and a national of Eritrea. Mr. Keleta is employed at Fairview Health Services as a nutritional service aid and has worked there since November 15, 2024. Mr. Keleta has followed all required processes and procedures, including the extensive vetting applied prior to his arrival in the United States and the processes and procedures required of him after his arrival. To his knowledge, Mr. Keleta has never violated the immigration laws of the United States nor any criminal laws anywhere in the world.

4. In December 2025, the U.S. federal government announced "Operation Metro Surge." Thousands of armed and masked DHS agents have stormed the Twin Cities metro in Minnesota to conduct militarized raids and to carry out dangerous, illegal, and unconstitutional stops and arrests, under the guise of immigration enforcement.

5. On January 9, 2026, the U.S. federal government announced "Operation PARRIS" in the Twin Cities metro, short for "Post-Admission Refugee Reverification and Integrity Strengthening." DHS claims that the operation is designed to re-examine refugee cases approved in recent years; adjudicators will be "conducting thorough background checks, reinterviews, and merit reviews of refugee claims;" and "the initial focus is on Minnesota's 5,600 refugees who have not yet been given lawful permanent resident status

(Green Cards)."[1] Resettlement agents and advocates lament that the initiative has already included early-morning arrests, violent detentions, family separations, inter-state transfers, and little to no explanation of what refugees are accused of, why they were detained, or where they are being taken.

6. On January 14, 2026, ICE agents arrived at Mr. Keleta's apartment complex, and Mr. Keleta let them into the apartment complex through via intercom. However, it is not clear whether ICE clearly identified themselves or presented their credentials to Mr. Keleta. Shortly after being let into Mr. Keleta's home, ICE swiftly took and detained Mr. Keleta the ICE location in Fort Snelling. Minnesota. Given that Mr. Keleta has no immigration violations nor any criminal conduct, it is clear that Mr. Keleta was merely targeted as part of the "Operation Metro Surge" and "Operation PARRIS." Respondents did not provide to Mr. Keleta nor any family member, nor have they yet provided, any written custody determination, any verbal or written explanation for his detention, or a Notice to Appear ("NTA") listing the charges against him and placing him in removal proceedings.

7. Respondents have no lawful basis for detaining Mr. Keleta.

8. In light of the reliable information and belief that ICE in Fort Snelling is rapidly detaining and transporting detainees to various locations across this nation – most notably El Paso, Texas, stripping petitioners from clear access to their counsel and moving

[1] DHS Launches Landmark USCIS Fraud Investigation in Minnesota, available at https://www.uscis.gov/newsroom/news-releases/dhs-launches-landmark-uscis-fraud-investigation-in-minnesota (last accessed Jan. 14, 2026)

petitioners to detention centers far from Minnesota after they filed petitions for writs of habeas corpus in this District. Conseqeuently, **this petition requests that this Court specifically enjoin Respondents from moving or transferring Mr. Keleta outside of the District of Minnesota in the Order to Show Cause.** Enjoining Mr. Keleta's transfer through an Order to Show Cause would avoid the repetitive briefing and strain on the Court's resources presented by a separate motion for a temporary restraining order.

PARTIES

9. Petitioner, Mr. Kibrom Abede Keleta, has lived in the United States since September 5, 2024. Mr. Keleta was admitted to the United States as a refugee on the same date. Prior to being detained, Mr. Keleta was residing in St. Paul, Minnesota. The last known location of Mr. Keleta is Fort Snelling, Minnesota, as Respondents have not updated their ICE Detainee Locator with Mr. Keleta's information.

10. Respondent Donald J. Trump is named in his official capacity as President of the United States. In this capacity, he is responsible for the policies and actions of the executive branch, including the Department of State and Department of Homeland Security, and as such is Mr. Keleta's legal custodian.

11. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for ICE's actions; specifically, she is responsible for the administration and enforcement of the immigration laws pursuant

to Section 103(a) of the INA, 8 U.S.C. § 1103(a). Secretary Noem is legally responsible for any effort to detain and as such is Mr. Keleta's legal custodian.

12. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the United States Immigration and Customs Enforcement. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including immigration detention. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States, and as such Acting Director Lyons is Mr. Keleta's legal custodian.

13. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. Respondent Bondi is responsible for continuing a custody case against a noncitizen and as such is Mr. Keleta's legal custodian.

14. Respondent David Easterwood is named in his official capacity as the Acting Director for the ICE St. Paul Field Office. Respondent Easterwood is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures.

JURISDICTION AND VENUE

15. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause).

16. As Mr. Keleta seeks to challenge his custody as a violation of the U.S. Constitution and the laws of the United States, jurisdiction is proper in this Court.

17. Nothing in 8 U.S.C. § 1252 deprives this Court of jurisdiction.

18. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–41 (2018); *Nielsen v. Preap*, 139 S. Ct. 954, 961–63 (2019); *Sopo v. U.S. Attorney Gen.*, 825 F.3d 1199, 1209–12 (11th Cir. 2016).

19. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court's inherent equitable powers.

20. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (e)(1)(B), and 2241(d) as Petitioner's last known location was Fort Snelling, Minnesota. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e)(1)(A) as Respondents are operating within this district.

EXHAUSTION

21. No statutory requirement of exhaustion applies to Petitioner's challenge to the lawfulness of his detention. *Araujo-Cortes v. Shanahan*, 35 F. Supp. 3d 533, 538 (S.D.N.Y. 2014) ("There is no statutory requirement that a habeas petitioner exhaust her administrative remedies before challenging his immigration detention"); *Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *11 (W.D. Wash. Apr. 24, 2025) (citing *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 962 (N.D. Cal. 2019) ("this Court 'follows the vast majority of other cases which have waived exhaustion based on irreparable injury when an individual has been detained for months without a bond hearing, and where several additional months may pass before the BIA renders a decision on a

pending appeal.'"); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *5 (D. Mass. July 7, 2025) ((citing *Portela-Gonzalez v. Sec'y of the Navy*, 109 F.3d 74, 77 (1st Cir. 1997) (quoting *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992)).

22. To the extent that prudential consideration may require exhaustion in some circumstances, Petitioner has exhausted all effective administrative remedies available to him. Because Respondents have provided no process, no notice, and no lawful framework for Petitioner's detention, any exhaustion requirement would be futile.

23. Prudential exhaustion is not required when to do so would be futile or "the administrative body ... has ... predetermined the issue before it." *McCarthy v. Madigan,* 503 U.S. 140, 148 (1992), *superseded in statute on other grounds as stated in Woodford v. Ngo,* 548 U.S. 81 (2006).

24. Prudential exhaustion is also not required in cases where "a particular plaintiff may suffer irreparable harm if unable to secure immediate judicial consideration of his claim." *McCarthy,* 503 U.S. at 147; *see also Matacua v. Frank,* 308 F. Supp. 3d 1019, 1025 (D. Minn. 2018) ("a loss of liberty" is "perhaps the best example of irreparable harm").

25. Prudential exhaustion is additionally not required in cases where the agency "lacks the institutional competence to resolve the particular type of issue presented." *McCarthy,* 503 U.S. at 147–48. Petitioner presents a constitutional challenge to the government's authority to detain a lawfully admitted refugee with no removal order, no criminal history, and no statutory basis for detention. Immigration agencies possess no jurisdiction over the constitutional challenges raised by Petitioner. *See, e.g., Matter of C-*,

20 I&N Dec. 529, 532 (BIA 1992) ("[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations"); *Matter of Akram*, 25 I&N Dec. 874, 880 (BIA 2012); *Matter of Vadovinos*, 18 I&N Dec. 343, 345 (BIA 1982); *Matter of Fuentes-Campos*, 21 I. & N. Dec. 905, 912 (BIA 1997); *Matter of U-M-*, 20 I. & N. Dec. 327 (BIA 1991).

26. As requiring Petitioner to exhaust his administrative remedies would be futile and would cause further irreparable harm, and because the immigration agencies lack jurisdiction over the constitutional claims, this Court should not require exhaustion as a prudential matter.

FACTUAL ALLEGATIONS

27. On or around March 13, 1992, Mr. Keleta was born in Eritrea but resided in Ethiopia as a refugee.

28. On or around September 5, 2024, Mr. Keleta was lawfully admitted to the United States as a refugee through the U.S. Refugee Admissions Program via Welcome Corps. *See* Ex. A.

29. The U.S. Refugee Admissions Program (USRAP) is a formal, interagency admissions system created by Congress. Refugee processing and admission occur from abroad and often exist of a multi-year refugee resettlement process conducted abroad under the supervision of the United States government.[2]

[2] U.S. Department of State: Refugee Admissions (Jan. 20, 2021) https://2021-2025.state.gov/refugee-admissions/ (last accessed January 15, 2026).

30. USRAP eligibility is adjudicated by USCIS through mandatory, in-person overseas interviews by specially trained officers. USCIS explains that USRAP screening "relies on information and participation from a number of federal intelligence, counterterrorism, and law enforcement agencies," and that the government vets "all available biographic and biometrics information against a broad array of immigration, law enforcement, [intelligence community], and other relevant databases, including counterterrorism, to help confirm a refugee applicant's identity, check for any criminal or other derogatory information, and identify potentially relevant information."[3]

31. Welcome Corps, which is the sponsorship program Mr. Keleta entered through, explains that refugees supported through this program have already been found to be refugees by USCIS and approved for resettlement through USRAP.[4] All refugees admitted through USRAP, including those sponsored through Welcome Corps, complete thorough security vetting and health screening, including vetting by U.S. Law Enforcement and intelligence agencies.

32. Thus, Mr. Keleta underwent a very thorough investigation, including identity verification, fingerprinting, and security vetting across international and domestic databases, as well as in-person interviews by trained U.S. officers. Mr. Keleta was further

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[3] U.S. Citizenship and Immigration Services: Refugee Security Screening Fact Sheet (June 3, 2020) https://iptp-production.s3.amazonaws.com/media/documents/Refugee_Screening_and_Vetting_Fact_Sheet.pdf (last accessed January 15, 2026).

[4] Welcome Corps Frequently Asked Questions https://welcomecorps.org/wp-content/uploads/Sponsor-FAQs.pdf (last accessed January 15, 2026).

required to pass medical examinations, security assessments, and other screenings designed to identify any risk to public safety, national security, or immigration integrity.

33. After enduring this multi-layered process of thorough security vetting and screening, Mr. Keleta was admitted to the United States. He is a first-time entrant to the United States with no criminal history.

34. Mr. Keleta has maintained steady employment at Fairview Health Services since November 15, 2024, working as a nutritional aid. He has lived independently in his own apartment since October 1, 2024, paying his own rent. In addition to working hard at Fairview, Mr. Keleta pursues integration through coursework at the International Institute of Minnesota, including English language instruction and customer-service/cashiering certifications.

35. In other words, Mr. Keleta is doing precisely what this country hopes immigrants will do: go to school, work honestly, integrate into the community, and work towards building a future.

36. After one year of physical presence in the United States, a refugee is expected to apply for lawful permanent residence. Thus, on or around November 10, 2025, USCIS received Mr. Keleta's Form I-485, Application to Register Permanent Residence or Adjust Status. *See* Ex. C. On or around December 11, 2025, Mr. Keleta appeared at USCIS for biometrics. *Id.* This application remains pending. *Id.*

37. Mr. Keleta complied with all legal requirements imposed on him. He followed the statutory pathway Congress established for refugees. He applied for permanent residence. He remained lawfully present.

38. Despite all the exemplary equities in Mr. Keleta's case, ICE nonetheless took Mr. Keleta from his home at approximately 11:20 AM on January 14, 2026. The landlord of Mr. Keleta's apartment reports that Mr. Keleta granted entry to these ICE Agents via intercom. However, it is not clear whether ICE clearly identified themselves or presented their credentials to Mr. Keleta.

39. It is suspected that Mr. Keleta was taken from his home during a large-scale immigration enforcement action known as as part of the "Operation Metro Surge" and "Operation PARRIS".

40. Neither Operation Metro Surge nor Operation PARRIS are targeted enforcement actions based on individualized findings of dangers to the community, security concerns, or removable individuals. It is a coordinated sweep designed to identify and detain noncitizens *en masse*. Mr. Keleta was not detained because he had committed any crime or because he had, in any way, violated immigration laws.

41. In one single moment, a law-abiding, lawfully admitted refugee was ripped from his home, community, and family, stripping him of his most fundamental right – his liberty – and treated him like a criminal. Notably, Mr. Keleta does not appear in the ICE Detainee Locator. ICE Fort Snelling additionally will not answer any calls or contacts.

42. Additionally, Mr. Keleta has severe medical issues, including epilepsy and seizure disorder, for which he requires medication. Mr. Keleta's family member attempted to inform the ICE officers at Fort Snelling that Mr. Keleta requires medication, but there is no confirmation as to whether Mr. Keleta has the medication that he needs.

43. On January 9, 2026, the Department of Homeland Security launched the so-called "Operation PARRIS," in which the agency's explicit words were to "target fraudulent refugee applications in Minnesota." This announcement further stated that the "initial focus is on Minnesota's 5,600 refugees who have not yet been given lawful permanent resident status."

44. This announcement refers both to Executive Order 14161 and Presidential Proclamation 10949. Executive order 14161 was allegedly designed to implement additional security and screening measures to enhance vetting for those *entering* the United States from particular countries, including Eritrea.

45. Proclamation 14161 lists Eritrea as a country of concern, and partially restricts *entry* of individuals from Eritrea. The listed restrictions are solely on *entry* of non-citizens into the United States and do not discuss adjustment of status. Moreover, nothing in the Proclamation discusses detention or any authority for detention under the law.

46. Additionally, both the Proclamation 14161 explicitly states that this proclamation "shall not apply to ... a refugee who has already been admitted to the United States."

LEGAL FRAMEWORK

47. The United States Refugee Admissions Program ("USRAP") is a federal program established pursuant to the Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (codified as amended at 8 U.S.C. § 1157), and is administered jointly by the Department of State, the Department of Homeland Security through U.S. Citizenship and Immigration Services ("USCIS"), and the Department of Health and Human Services.

48. Under 8 U.S.C. § 1101(a)(42), a "refugee" is defined as any person who is outside their country of nationality and is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The President, in consultation with Congress, determines the maximum number of refugees who may be admitted to the United States each fiscal year. 8 U.S.C. § 1157(a).

49. To be considered for refugee resettlement to the United States, an individual must first be referred to USRAP by the United Nations High Commissioner for Refugees ("UNHCR"), a U.S. Embassy, or a designated non-governmental organization. The overwhelming majority of refugee applicants are referred by UNHCR based on its determination that they meet the international definition of refugee and require resettlement as a durable solution. Of the more than 30 million refugees worldwide, UNHCR refers fewer than 1% for resettlement to any country in any given year.

50. After receiving a referral, refugee applicants undergo the most extensive security vetting of any category of travelers to the United States. The security screening process typically takes 18 to 24 months or longer and involves multiple federal agencies, including the National Counterterrorism Center, the FBI's Terrorist Screening Center, the Department of Defense, and multiple DHS components. Applicants' biographic information is screened against numerous databases, including the Consular Lookout and Support System, the Treasury Enforcement Communications System, the National Crime Information Center, and classified databases.

51. Following initial security screening, refugee applicants are interviewed under oath by a specially trained USCIS Refugee Officer who assesses the applicant's eligibility for refugee status and evaluates the credibility of the applicant's claim. The Refugee Officer has the authority to approve or deny the refugee application based on whether the applicant meets the statutory definition of refugee and does not fall within any of the bars to refugee status under 8 U.S.C. § 1157(c), including those who have participated in persecution, those who pose a danger to U.S. security, and those who have provided material support to terrorist organizations.

52. Applicants who are conditionally approved by USCIS must undergo a medical examination by physicians designated by the Department of State and complete a cultural orientation program. Prior to travel, all applicants undergo additional recurrent security checks to ensure no new derogatory information has emerged.

53. Refugees are matched with a local resettlement agency in the United States that will provide initial reception and placement services. Upon arrival, refugees are inspected by U.S. Customs and Border Protection officers at the port of entry and are allowed an admission into the United States.

54. Under the Board of Immigration Appeals precedent, refugees who are admitted into the United States have effectuated an "admission" under 8 U.S.C. 1101(a)(13). *Matter of D-K-*, 25 I&N Dec. 761 (BIA 2012); *see* 8 U.S.C. 1157.

55. Upon admission to the United States, refugees are authorized to work immediately and are eligible for certain federal benefits and services to assist with initial

resettlement, including cash and medical assistance through programs administered by HHS's Office of Refugee Resettlement.

56. Admitted refugees are allowed to adjust their status to that of lawful permanent residents. The statutory framework for refugee adjustment is set out in 8 U.S.C. 1159(a) and (c). Under that statute, refugees are eligible for adjustment of status once they have "been physically present in the United States for at least one year." 8 U.S.C. 1159(a).

57. Refugees are given notification that they must file their application for adjustment of status one year after entry. Under the regulation the language is presented as "Upon admission to the United States, every refugee entrant will be notified of the requirement to submit an application for permanent residence one year after entry." 8 C.F.R. 209.1(b).

58. Once the adjustment application was filed and the refugee had met the requirements, under 8 U.S.C. 1159, such as having been physically present in the United States, applied for adjustment, still a refugee or a spouse of child of a refugee, and has not been firmly resettled and is not inadmissible under INA 212 the refugees is admitted as a permanent resident. The statute under 8 U.S.C. 1159(c) exempts refugees from inadmissibility grounds found under 1182(a)(4), (5), (7)(A) and provides a humanitarian waiver for a number of other inadmissibility grounds.

59. Refugee status is an indefinite status **with no expiration date**[5].

[5] U.S. Citizenship & Immigration Services, Handbook for Employers M-274, Ch. 7.3: Refugees and Asylees, https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/70-evidence-of-employment-authorization-for-certain-

60. Individuals who are admitted as refugees maintain lawful status and are protected against removal unless and until DHS proves their deportability in removal proceedings pursuant to 8 U.S.C. § 1229a and a final order of removal is entered.

61. To secure a removal order against a refugee pursuant to removal proceedings under 8 U.S.C. 1229a, DHS must establish by clear and convincing evidence that one more grounds of deportability under 8 U.S.C. 1227 apply to the refugee. *See* 8 U.S.C. 1227 (applying to those "admitted" to the United States); *Matter of D-K,* 25 I&N Dec. 761 (BIA 2012) ("Thus, we conclude that under the language of the Act and regulations, and also in view of the context and structure of the provisions at issue, an alien admitted to the United States as a refugee has been "admitted" for purposes of section 101(a)(13)(A) of the Act." And as such, "the respondent is present in the United States pursuant to a prior admission as a refugee, and any charges in the notice to appear must be based on the grounds of deportability under section 237 of the Act.").

62. An individual who entered as a refugee, who has not yet adjusted their status to that of a lawful permanent resident, fails to meet any ground of deportability under section 1227 absent independent factors.

63. Nowhere in the relevant statutory framework does a refugee's application for adjustment of status provide an independent basis for detention or removal.

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categories/73-refugees-and-asylees (last accessed January 15, 2026) ("Refugees … are authorized to work indefinitely **because their immigration status does not expire**).

64. The only semblance of authority that might exist is the language of 8 U.S.C. § 1159(a), authorizing a "return to the custody of" DHS, but "only in accordance with the provisions of sections 1225, 1229a, and 1231."

65. An unadjusted refugee is not detainable on the sole basis of not having adjusted their status to that of a lawful permanent resident, nor are they subject to removal for being unadjusted. Neither the language under 8 U.S.C. § 1182 nor 1227 provide a basis for removal for being an unadjusted refugee.

66. Most importantly, the language of § 1159(a) refers that the refugee shall be returned to the custody of DHS after one year of admission to the United States. Notably, given that a refugee is ineligible to adjust status *until* that one-year mark, requiring custody for any refugee who has not adjusted status within one-year would necessitate detaining all unadjusted refugees, violating congressional intent.

67. In 2010, DHS issued guidance on when the agency has the authority to detain unadjusted refugees. *See* Ex. B. Based on this guidance, it is clear that to detain an unadjusted refugee there must be an independent basis for removal. *See Vue v. Kane,* No. CIV-09-1939-PHX-PGR, 2010 WL 5535387, at *6 (D. Ariz. Nov. 19, 2010), report and recommendation adopted, No. CV-09-1939-PHX-PGR, 2011 WL 43465 (D. Ariz. Jan. 6, 2011).

68. In DHS' own words, "failure by such individuals to apply for adjustment of status under this provision is not a sufficient ground to place them in removal proceedings, and therefore not a proper basis for detaining them." *See* Ex. B, at 3.

69. As the directive indicates, "[e]xcept in case of emergency or other extraordinary circumstances, upon the arrest of an unadjusted refugee upon reasonable belief of removability, a DRO Field Office must determine, no later than 48 hours after the arrest, whether to release the individual or issue a Notice to Appear (NTA), Form I-862, indicating the removal charge(s) applicable to the alien." *See* Ex. B, at 3.

70. "If it becomes apparent earlier that no removability ground applies, the individual must be released promptly." *See* Ex. B at 3.

71. This directive could not be clearer: a failure to adjust within one year is not a basis for detention or removal.

72. "A refugee may not be placed in removal proceedings based on a failure to adjust status or to apply for adjustment of status because an alien's failure to adjust status or apply for adjustment of status under INA § 209(a) is not a ground of removability. Therefore, the only way DRO may place an unadjusted refugee in proceedings is if a violation of the INA can be established that is unrelated to the alien's failure to adjust, such as fraud or a criminal conviction that forms the basis for a charge under INA §§ 212 or 237." *See* Ex. B, at 3.

73. While the directive contemplates the possibility of charging refugees in removal proceedings based on inadmissibility grounds as defined under 8 U.S.C. 1182, this was later overruled by the Board of Immigration Appeals decision in *Matter of D-K,* 25 I&N Dec. 761 (BIA 2012). In this decision the Board of Immigration appeals had to decide whether the "conditional nature" of refugee admission meant that refugees may be chargeable in removal proceedings for being inadmissible. The BIA found that the answer

was no. " Thus, we conclude that under the language of the Act and regulations, and also in view of the context and structure of the provisions at issue, an alien admitted to the United States as a refugee has been "admitted" for purposes of section 101(a)(13)(A) of tne Act." And as such, "the respondent is present in the United States pursuant to a prior admission as a refugee, and any charges in the notice to appear must be based on the grounds of deportability under section 237 of the Act."

74. There are several detention statutes that can authorize the detention of noncitizens depending on their procedural circumstances. See 1225(b)(1) (applying to noncitizen subjected to expedited removal); 1225(b)(2)(A) (applying to certain inadmissible noncitizens detained while seeking admission at the border); 1231(a) (applying to noncitizens with final removal orders); 1226(a) (discretionary detention authority for those in removal proceedings); 1226(c) (applying to noncitizens in removal proceedings with certain criminal history).

75. The only possible statutory authority for a refugee admitted to the United States who lacks any criminal history and has never been subjected to any prior removal process is 8 U.S.C. 1226(a). That statute allows DHS to detain a noncitizen "[o]n a warrant issued by the Attorney General . . . pending a decision on whether the alien is to be removed from the United States." But this statute only applies to those whom DHS places into removal proceedings under 8 U.S.C. 1229a pursuant to a charge that the noncitizen has triggered a ground of removal. For an admitted noncitizen such as a refugee, DHS may only commence removal proceedings, and thus justify 1226(a) detention, if they are alleged to have triggered one or more grounds of deportability under 8 U.S.C. 1227.

76. Respondents are not authorized to detain Mr. Keleta absent an independent basis for detention unrelated to their adjustment of status application.

77. Under the *Accardi* doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

78. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of unpublihed rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *United States v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

REMEDY

79. Respondents' detention of Mr. Keleta violates the Due Process Clause of the United States Constitution's guarantee that "[n]o person shall be ... deprived of life, liberty, or property without due process of law." U.S. Const., amend. V.

80. Due process requires that the detention "bear [] a reasonable relation to the purpose for which the individual [was] committed." *Zadvydas,* 533 U.S. at 690 (citing *Jackson v. Indiana,* 406 U.S. 715, 738 (1972)).

81. Mr. Keleta seeks immediate release to the extent that Respondents justify his detention on the basis of not having adjusted status to a lawful permanent resident, despite having already applied for adjustment of status. Respondents bear the burden of establishing that there is an independent basis for detention apart from Petitioner's adjustment of status. Respondents have utterly failed to meet this burden.

82. Mr. Keleta is a lawfully admitted refugee who has properly filed for adjustment of status with USCIS. No independent statutory or regulatory basis justifies Petitioner's detention, nor have Respondents put forth any allegations to otherwise warrant Petitioner's arrest and detention.

83. Respondents had no legitimate, non-punitive objective in arresting and detaining Petitioner. Instead, Mr. Keleta was detained merely to amplify the already rampant fear instilled into the immigrant community in Minnesota. This unquestionably violates Petitioner's due process rights.

84. The notion that courts with habeas jurisdiction have the power to order outright release is justified by the fact that, "habeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), and that as an equitable remedy, federal courts "[have] broad discretion in conditioning a judgment granting habeas relief [and are] authorized . . . to dispose of habeas corpus matters 'as law and justice require.'" *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (quoting 28 U.S.C. § 2243). An order of release falls

under court's broad discretion to fashion relief. *See, e.g.*, *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 636 (D. Mass. 2018) ("Habeas corpus is an equitable remedy. The court has the discretion to fashion relief that is fair in the circumstances, including to order an alien's release.").

85. Immediate release is an appropriate remedy in this case.

CAUSE OF ACTION
COUNT ONE
Violation of the Fifth Amendment of the U.S. Constitution
Substantive Due Process

86. Mr. Keleta re-alleges and incorporates by reference each allegation contained in ¶¶ 1–89 as though fully set forth herein.

87. When Respondents arrested Mr. Keleta, he was a lawfully admitted refugee with a properly filed Form I-485 application. No law, facts, or other circumstances warranted Mr. Keleta's arrest and detention.

88. Mr. Keleta's detention does not bear a reasonable relationship to either of the lawful purposes of immigration detention: preventing danger to the community or flight prior to removal. *See Zadvydas*, 533 U.S. at 690-92 (discussing constitutional limitations on civil detention).

89. Because Respondents have no legitimate, non-punitive objective in arresting Mr. Keleta, his detention violates substantive due process under the Fifth Amendment to the U.S. Constitution.

COUNT TWO
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

90. Mr. Keleta re-alleges and incorporates by reference each allegation contained in ¶¶ 1–89 as though fully set forth herein.

91. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the risk of erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal and administrative burdens that additional or substitute procedural requirements entail.

92. The first factor, the private interest at issue, overwhelmingly favors Mr. Keleta. "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 [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

93. The issue presented is not a marginal benefit or procedural convenience. It is the most elemental of all liberties: the right not to be caged by the government without lawful cause. Mr. Keleta is a lawfully admitted refugee and a working member of his community. His confinement extinguishes his education, his employment, and his ability to live the life he had been working so hard to build.

94. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, also decisively favors Mr. Keleta. There was no process at all that allowed for the possibility that Petitioner's detention might be found

unwarranted *before* it occurred. There was no notice, no hearing, and no neutral decisionmaker. There was no finding of removability.

95. The absence of any procedural check made Petitioner's detention inevitable. Even the most minimal safeguards – notice or an opportunity to be heard – would have exposed that there was no lawful basis to detain him at all.

96. The third factor, the government's interest, overwhelmingly favors Mr. Keleta. There is no legitimate governmental interest in imprisoning refugees who are neither removable nor dangerous. Such detention squanders public resources, strains detention facilities, and diverts enforcement away from any rational priority. This detention serves no public-safety purpose; it functions only as a spectacle – an exercise in fear and intimidation directed at immigrant communities, carried out at staggering and unjustifiable public expense.

97. For these reasons, Respondents' arrest and unlawful detention of Mr. Keleta violates the core guarantees of procedural due process embodied in the Fifth Amendment to the United States Constitution.

COUNT THREE
Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B), & (D)

98. Mr. Keleta re-alleges and incorporates by reference each allegation contained in ¶¶ 1–89 as though fully set forth herein.

99. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B). The APA also requires a court to set

aside and hold unlawful agency action that is "without observance of procedure required by law." *Id.* § 706(2)(D).

100. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, *any* law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

101. Respondents' detention of Mr. Keleta while he was lawfully admitted as a refugee and properly filed his application for adjustment of status was contrary to the agency's constitutional power under the Fifth Amendment's Due Process Clause, as explained above.

102. His detention was also not in accordance with the INA and implementing regulations governing detention insofar as none of the statutes that authorize Respondents to detain non-citizens are implicated by the facts and circumstances of Mr. Keleta's case.

103. An agency decision that "runs counter to the evidence before the agency" is arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983). Respondents' decision to detain Mr. Keleta ran counter to the evidence before the agency that Mr. Keleta was a lawfully admitted refugee who had applied for adjustment of status to become a lawful permanent resident of the United States.

104. Accordingly, Mr. Keleta's detention should be held unlawful and set aside because it was (1) arbitrary, capricious, and not otherwise in accordance with law, *see* 5 U.S.C. § 706(2)(A); (2) contrary to the agency's constitutional authority, *see id.* §

706(2)(B); and (3) not in accordance with the INA and implementing regulations, *see id.* § 706(2)(D).

COUNT FOUR
Violation of the *Accardi* Doctrine

105. Mr. Keleta re-alleges and incorporates by reference each allegation contained in ¶¶ 1–89 as though fully set forth herein.

106. Under the *Accardi* doctrine, Mr. Keleta has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) ("If Petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

107. Respondents violated the 2010 ICE Directive that specifically covers his situation and governing when an unadjusted refugee may be detained.

108. Under *Accardi*, Respondents' actions should be set aside for violating agency procedures, rules, or instructions.

PRAYER FOR RELIEF

WHEREFORE, Mr. Keleta respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Expedite consideration of this action pursuant to 28 U.S.C. § 1657, as it is an action brought under 28 U.S.C. Ch. 153;
    a. Issue an Order to Show Cause ("OSC") ordering Respondents to state the true purpose of Petitioner's detention within three (3) days of the Court's issuance of the OSC.

b. If a magistrate judge is assigned, then pursuant to 28 U.S.C. § 1657, issue an Order shortening the time for making any objections to the magistrate's forthcoming Report & Recommendation from 14 days to 3 days.

c. Order the Clerk of Courts to promptly serve a copy of the petition and any subsequent Order on Respondents and any other appropriate individual involved pursuant to Rule 4 of the Rules Governing Section 2254 and 2255 Cases.

3. Issue an emergency preliminary order restraining Respondents from removing or transferring Petitioner outside the jurisdiction of this Court and the United States pending the adjudication of this petition;

4. If Petitioner has been transferred from this jurisdiction, to order Petitioner's immediate return to this Court's jurisdiction;

5. Issue an emergency preliminary order requiring Respondents to provide 72-hour notice of any intended movement of Petitioner;

6. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA, the APA, and the *Accardi* doctrine;

a. Order Petitioner's immediate release;

b. Enjoin Petitioner's removal from the United States during the pendency of this action;

c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

d. Grant any other and further relief that this Court deems just and proper.

DATED: January 15, 2026

Respectfully submitted,

/s/ Isabelle Plunkett

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