

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Raymundo M.,

Case No. 26-cv-846 (DFW/ECW)

Petitioner

**PETITIONER’S REPLY TO
RESPONSE TO HABEAS PETITION**

v.

Pamela Bondi, *et. al.*,

Respondents.

Petitioner submits this Reply to Respondents’ Response to Petition for Writ of Habeas Corpus. Respondents have been transferring noncitizen detainees at lightning speed out of the jurisdiction of Minnesota, sometimes to Texas as a permanent destination and sometimes to Texas as a waypoint along a long series of transfers—including back to Minnesota. Respondent ICE arrested Mr. Santes Méndez at approximately 5:30 p.m. on January 28, 2026, in the parking lot outside his home. ECF 1 page 4. His petition was filed on January 30, 2026. *Id.* Yet, in the intervening time, Respondents claim to have transported him to Texas and now contest this Court’s jurisdiction. This effort to thwart a meritorious habeas petition is inconsistent with law, equity, and the moral imperative of the habeas doctrine—the swift end of unlawful incarceration.

ARGUMENT

The Court has jurisdiction because: 1) Respondents are subject to service of process in the District of Minnesota; 2) Petitioner resides, was arrested, and was initially

detained in this District; 3) equitable concerns and systematic forum shopping by ICE support jurisdiction in this District; and 4) at a minimum, Petitioner’s location was unknown at the time that the petition was filed and remains unverified by any evidence.

LEGAL STANDARDS

1. Habeas Doctrine Requires Justice to Prevail Over Procedural Barriers

As an overarching principle, habeas is flexible and must be applied in a manner designed to achieve its purpose—equitable relief from unlawful detention.

The scope and flexibility of the writ – its capacity to reach all manner of illegal detention – its ability to cut through barriers of form and procedural mazes – have always been emphasized and jealousy guarded by the courts and lawmakers. **The very nature of the writ demands that it be administered within the initiative and flexibility essential to ensure that miscarriages of justice within its reach are surfaced and corrected.**

Harris v. Nelson, 394 U.S. 286, 291 (1969) (emphasis added). *See also Jones v. Cunningham*, 371 U.S. 236, 243 (1963) (“[habeas] is not now and never has been a static, narrow, formalistic remedy; its scope has grown to achieve its grand purpose -- the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty.”).

2. Equitable Notions of Personal Jurisdiction Determine Habeas Jurisdiction

A core consideration in habeas jurisdictional analysis is whether the custodian can be reached by service of process in the district. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 495-500 (1973) (rejecting an “inflexible jurisdictional rule” and holding that as “long as the custodian can be reached by service of process, the court can issue a writ within its jurisdiction even if the prisoner himself is confined outside the

court's territorial jurisdiction.”). Similarly, traditional principles of jurisdiction and venue apply, such as Petitioner’s residence and the location of arrest. *Suri v. Trump*, 785 F. Supp. 3d 128, 148 (E.D. Va. 2025) (“[i]t strains credulity, however, that a habeas petition that properly named the petitioner's ultimate custodian and was filed in the district where the petitioner resides, was arrested, and was detained cannot be heard in that same district.”).

Courts recognize that ICE’s ability to easily forum shop through unilateral detainee transfers bears on habeas jurisdiction. *Anariba v. Dir. Hudson Cty. Corr. Ctr.*, 17 F.4th 434, 447-448 (3d Cir. 2021) (ICE transfers “can have negative repercussions on ICE detainees ... ***particularly those seeking habeas relief***” and that when “continuous transfer permeates the reality of ICE detention, it suggests that the Government has the machinery already in place to permit extensive forum shopping.”).

Applying these principles to an analogous habeas matter, Judge Bryan very recently found jurisdiction was proper in Minnesota:

Here, the equitable factors weigh in favor of this District as the appropriate venue to adjudicate the Petition. The decision to arrest and detain Jose A. was directed to personnel within this District, and therefore witnesses and information about the manner of his arrest would also be found in this District. Jose A. was, for at least some time, actually detained within this District. Jose A. has lived in Minnesota for many years and Respondents have given no response as to the basis of his detention or what the length of his detention would be. Transferring venue would prolong both Jose A.’s detention and the adjudication of his claims. Further, venue should not be transferred simply because a petitioner was unable to file their petition prior to transfer, particularly when that transfer was not at a Petitioner’s request, is wholly outside of their control, and occurs in a very short time after arrest. Transferring venue solely on the basis that a petitioner was transferred, and thereby currently detained elsewhere, could also have the

effect of incentivizing forum shopping, as Respondents could quickly transfer detained individuals to a district of their choosing.

Jose A. v. Noem, No. 26-CV-480 (JMB/ECW) 2026 U.S. Dist. LEXIS 11489, *3 (D. Minn. Jan. 22, 2026). Similarly, Judge Davis found in another analogous habeas matter that:

habeas jurisdiction attached at the time of Petitioner’s apprehension in this District. That jurisdiction 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 a 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.

Jorge M. v. Bondi, Doc. 3, No. 26-CV-0609 (MJD/JFD) (D. Minn. Jan. 24, 2026). *See also Van Tran v. Hyde*, No. 25-cv-12546-ADB 2025 U.S. Dist. LEXIS 223408, *12 (D. Mass. Nov. 13, 2025) (“the [post-habeas-filing] revelation that Petitioner was not actually in the district at the time of filing does not require the Court to dismiss or transfer the action, provided that it is still capable of awarding the relief sought. . . . The Court is able to grant the Petition as long as there remains a person within this judicial district to whom the writ can be directed.”); *Gallego v. Decker*, 2020 U.S. Dist. LEXIS 163548, *21 (S.D.N.Y. Sep. 8, 2020) (applying traditional venue principles to find that an immigrant habeas petitioner was entitled to have his petition heard in the District because he was a longtime resident, it was where all his immigration proceedings were heard, and where he was arrested).

3. **The Unknown Custodian Rule Allows for Jurisdiction**

Respondents contend that the “district of confinement” rule—which holds the district in which the petitioner is physically present is proper—universally governs habeas jurisdiction. Even assuming this to be true, the rule has exceptions. As applicable to this case, Courts recognize that where the location of the petitioner is not known at the time of filing, the district of confinement rule does not apply. *See Rumsfeld v. Padilla*, 542 U.S. 426, 450 n. 18 (2004) (“When . . . a prisoner is held in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules.”); *Adriana M.Y.M. v. Easterwood*, No. 26-213 (JWB/JFD) 2026 U.S. Dist. LEXIS 13188, *5 (D. Minn. Jan. 25, 2026) (retaining jurisdiction based on the unknown custodian rule and noting its applicability to situations where “the petitioner’s location is unknown at the time of filing—such as when the petitioner is in transit—or where immigration authorities have not disclosed where the petitioner is being detained or by whom, and circumstances have prevented or precluded contact with counsel.”).

Here, Respondents have not offered any evidentiary support for their counsel’s assertion in its Response that Petitioner has been flown to Texas, where he remains. A similar assertion was made by Respondents in another one of the undersigned counsel’s cases, however that client was later located in the Minnesota by an eyewitness and later corroborated by the ICE Detainee Locator—it is unclear whether he had been brought back, or whether the government’s information had been incorrect all along.

Luis H.P.G. v. Bondi, Doc. 13, pp. 3-4 and Doc. 14, ¶¶ 3-7, 26-cv-00625-DMT-EMB (D. Minn. Jan. 31, 2026). *See also Edita M.S.C. v. Noem*, 26-650 (DWF/DJF) 2026 U.S. Dist. LEXIS 18003, *1 (Jan. 30, 2026) (declining to transfer/dismiss case where Petitioner was

transferred from Minnesota to Texas, filed her Petition while in Texas, and was then transferred back to Minnesota).

ARGUMENT

Here, Petitioner filed suit filed on January 28, 2026 seeking a writ of habeas corpus. ECF. 1. He was arrested in Minnesota, without a warrant, and rapidly transferred to Texas within a day, at least according to Respondents unverified Response. His precise location was not known to Petitioner's family or counsel at the time the petition was filed. Petitioner did not have any opportunity to contact his family or his attorney prior to the transfer.

Respondents have admitted on multiple occasions to the undersigned counsel that noncitizen detainees are not fully booked until they are put on a plane and transferred to Texas: **ICE does not complete initial processing or allow for attorney contact before flying detainees out of state.** These practices are the subject of a class action lawsuit, *See Advocates for Human Rights, et al v. U.S. Dep't of Homeland Security*, Doc. 19, pp. 3-9, 26-cv-00749 (NEB/DLM (D. Minn. Jan. 28, 2026)). Attorney declarations in the case indicate that ICE—including its internal counsel—refuses to allow detainees access to counsel before flying them out of state. *Id.*, Doc. 22 ¶¶ 26-33 (decl. of attorney Hannah Brown); Doc. 29 (decl. of attorney Kira Kelley). Declarations also illustrate that ICE does not finish processing detainees, including inputting information into ICE's online tracking tool, before flying them out of state. See *id.*, Doc. 29, ¶¶ 16(c)-(e); Doc. 25 ¶ 6, (decl. of attorney Kevin Heinz). Accordingly, under the unknown custodian rule, jurisdiction in Minnesota is appropriate.

Respondents are engaged in what they refer to as the largest immigration operation ever” in Minnesota, meaning that they are undoubtedly subject to service of process by the Court. *See* “2,000 federal agents sent to Minneapolis area to carry out ‘largest immigration operation ever,’ ICE says, PUBLIC BROADCASTING SERVICE, <https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says>. Similarly, Petitioner resides, was arrested, and initially detained in Minnesota. ICE’s unilateral decision to transfer Petitioner outside Minnesota without notice substantially impaired his access to family and counsel. Accordingly, notions of equity and personal jurisdiction weigh in favor of jurisdiction.

CONCLUSION

Petitioner’s lightning-fast transfer out of Minnesota is a feature of Respondents’ ongoing operations in Minnesota. By transferring Petitioner and those like him outside of Minnesota—where numerous similar requests for habeas relief have been granted—ICE seeks to avail itself of jurisdictions that it believes to be more advantageous. Further, ICE often conducts multiple interstate transfers, or claims to conduct interstate transfers but then does not know where detainees actually are, and it is entirely possible that Petitioner is again moved across state lines—or even back to Minnesota—before this matter is decided. To combat forum-shopping by ICE, and to prevent Petitioner from playing whack-a-mole to find the proper jurisdiction to decide the merits of his habeas claim and to deprive him of access to his legal support, the Court should retain jurisdiction.

DATED: Feb. 3, 2026

Respectfully submitted,

/s/ Kira A. Kelley

Kira A. Kelley, Esq. (402932)

PO Box 7040, Minneapolis MN 55407

kira@climatedefenseproject.org

t. (802) 683 4086

Attorney for Petitioner