

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 26-cv-847 (MJD/JFD)

IXCHELL INDIRA LEON-SILVERA, et
al.,

Petitioners,

v.

PAMELA BONDI, *et al.*,

Respondents.

**PARTIAL OBJECTION TO
REPORT AND
RECOMMENDATION AND
SUGGESTION OF MOOTNESS**

Respondents respectfully submit this partial objection to the Report and Recommendation in this case. Respondents do not disagree with certain aspects of the R&R's legal analysis, but note that that analysis is based in part on incorrect factual premises. Respondents take issue with the unduly harsh tone of the R&R, and also represent that this matter has become moot as a result of subsequent developments.

DISCUSSION

The undersigned counsel made a mistake in this case. Respondents have been faced with a torrent of immigration habeas cases in recent weeks, and different judges have taken varying approaches to several of the issues these cases present. Preparing Respondents' February 2 response in haste, the undersigned unfortunately failed to read the case scheduling order carefully enough, and did not realize Judge Davis had already opined on jurisdiction and venue. Had counsel been aware of this, Respondents would not have presented their legal position as was done. Counsel sincerely regrets that error and takes full responsibility for it.

The R&R repeatedly references Respondents' supposedly willful violation of the Court's January 30 scheduling order and injunction, even recommending the Court threaten to hold Respondents in contempt for this. It is unclear on what basis the R&R concludes that any violation occurred, much less a deliberate one. The Court issued its injunction against moving Petitioners on January 30, but by that time, the undersigned counsel has been informed, they had already been transported to Texas – their flight departed from the MSP airport around 6:30 p.m. on January 29.

Since filing the February 2 response, it has come to the attention of the undersigned counsel that Petitioners have now been returned to Minnesota and released from detention. Although the family center in Texas where they had been detained was apparently under a quarantine as of February 2, presumably that changed since then and they arrived back in Minnesota on February 4, 2026 and were released together as a family unit from the Whipple building that same day.

Accordingly, this matter is moot; the R&R should be vacated and the petition should be dismissed.

Dated: February 5, 2026

DANIEL N. ROSEN
United States Attorney

s/ David W. Fuller

BY: DAVID W. FULLER
Assistant United States Attorney
Attorney ID Number 390922
(612) 664-5600
David.fuller@usdoj.gov