

Kimberley Woods Vanselow, MN 0391423
1001 Washington Avenue South
Minneapolis, MN 55415
Telephone: 962-888-3788
Email: kim@knnlawoffice.com

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Elviz Horlani Lopez Lopez

Petitioner,

v.

Kristi Noem, *et.al.*

Respondents.

Case No. 0:26-cv-00877-JRT-LIB

**PETITIONER'S OBJECTION TO
RESPONDENTS' MOTION TO
DISMISS OR TRANSFER**

1. Petitioner is a *Maldonado Bautista* class member and therefore not subject to mandatory detention. Petitioner eligible for immediate release. Respondents are bound by *Maldonado*.
2. The Minnesota Court has jurisdiction and venue for the reasons previously outlined in Petitioner's petition. For DHS to have the ability to strip proper jurisdiction from one state to another with no connections to the Petitioner and no substantial part of relevant events occurred is a dangerous precedent and is forum-shopping.
3. Petitioner was initially detained in Minnesota, where he lives with his family and where he has employment. His case was initiated in the State of Minnesota. His attorneys are in Minnesota.
4. Upon information and belief, Petitioner has been transferred back to the State of Minnesota, although that is unverified as the ICE Detainee Locator currently states to "call ICE for information."
5. Petitioner was detained on January 27, 2026 in the State of Minnesota, and his location was not known until January 30, 2026.
6. Venue is proper in Minnesota under 28 U.S.C. § 1391(e) which again states "in cases where the respondent is a U.S. officer, employee or agency, venue lies in any *judicial district where respondent resides, where a substantial part of the relevant events/omissions occurred, or where the petitioner resides if no real property is involved in the action* [emphasis added]." *Id.*
7. Petitioner's case was previously dismissed through Prosecutorial Discretion, and his re-detention was unwarranted.

PRAYER FOR RELIEF

- a. That Respondents' motion to dismiss or transfer be denied.
- b. That, if Petitioner is not in the State of Minnesota, Respondents immediately return the Petitioner to the State of Minnesota at Respondents' expense.
- c. Enjoin Respondents from transporting Petitioner out of the State of Minnesota again during the pendency of his proceedings.
- d. That upon return to Minnesota, Petitioner be transported to the Whipple Building, at Ft. Snelling, Minnesota and be immediately released.
- e. That, if Petitioner is in the State of Minnesota, he be transferred to the Whipple Building at Ft. Snelling, Minnesota and be immediately released.
- f. That Petitioner be released with all of his belongings including his phone, money, identification and all documents.
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 4th day of February, 2026.

Respectfully submitted,

KHANH NGUYEN LAW OFFICE

//ss//Kimberley Woods Vanselow
Kimberley Woods Vanselow, 0391423
1001 Washington Avenue South
Minneapolis MN 55415
Telephone: (952-888-3788
Email: kim@knnlawoffice.com
Attorneys for Petitioner