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**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jaime Alberto Duran Beltran,

Petitioner,

v.

DAVID EASTERWOOD, Field Office Director of Enforcement and Removal Operations, St. Paul Field Office, Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of U.S. Department of Homeland Security; PAMELA BONDI, in her official capacity as U.S. Attorney General; TODD LYONS, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement

Respondents.

Case No.: 26-cv-891

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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1. This case is about a 44-year-old father of three with a pending U Visa application, who has been granted Deferred Action by USCIS, and who therefore cannot be removed from the United States. Nevertheless, Respondents seek to detain him and remove him in contravention of federal law and the Constitution.

2. Considering credible reports and the belief that ICE has moved other petitioners for writs of habeas corpus out of the District of Minnesota after they filed petitions for writs of habeas corpus in the District of Minnesota, this petition also requests that the Court specifically enjoin Respondents from moving Petitioner outside of the District of Minnesota in the Order to Show Cause. Including this injunction in the Order to Show Cause would avoid the repetitive briefing and strain on the Court’s resources presented by a motion for a temporary restraining order.

3. Jaime Alberto Duran Beltran is currently 44 years old. His most recent residence prior to being detained was in Apple Valley, Minnesota. He resided there with his wife and three children, two of which are derivative U-visa applicants, and one who is a United States Citizen. On January 30, 2026, Immigration and Customs Enforcement (“ICE”) arrested Jaime without a warrant outside of his home. Jaime was asked for his identity information and his immigration status. Jaime presented his employment authorization card and attempted to explain his status as a U-visa applicant with Deferred Action. Nonetheless, Jaime was detained. It is under reasonable belief that he is currently detained in Fort Snelling, Minnesota.

4. Jaime first attempted entry came to the United States in July of 2015. He was initially detained by the Department of Homeland Security (“DHS”) upon entry to the United States. He was processed under 8 USC 1229(a) for removal proceedings and removed or provided

1 with voluntary departure and returned to El Salvador. Jaime then re-entered the United States in
2 August of 2015 without inspection or admission. He has remained in the United States ever since.

3 5. On November 13, 2018, Jaime's wife, Maria De Los Angeles Martinez Duran
4 applied for U Nonimmigrant status. As part of that application, she sent an application I-918
5 Supplement A, Petition for Qualifying Family Member of U-1 Recipient, for Jaime. Jaime's wife
6 was the victim of felonious assault in Burnsville, Minnesota, an enumerated ground for protection
7 under the U Nonimmigrant visa status. The U Nonimmigrant visa is a humanitarian immigration
8 protection enshrined in federal statute that is designed to afford certain immigrants that are victims
9 of crimes in the United States the opportunity to remain safely and permanently in the United
10 States.

11 6. A U visa is intended to provide a path to lawful status for immigrant victims of
12 crime who cooperate with law enforcement in the investigation or prosecution of such crimes. 8
13 U.S.C. § 1101(a)(15)(U). The purpose of the U Visa is to encourage aliens present in the United
14 States to report crimes to authorities regardless of immigration status. Maria aided in the
15 investigation of her felonious assault and as such the City Attorney Elliot Knetsch signed a U Visa
16 certification confirming their help in the investigation and/or prosecution of the criminals.

17 7. Jaime required a waiver of inadmissibility to be eligible for a U-visa because of his
18 prior immigration removal order. The U-Visa includes an ancillary form I-192, application for
19 advance permission to enter as a nonimmigrant, which *inter alia* includes waivers for previous
20 removal orders. Such an application was submitted on Jaime's behalf. However, because of a visa
21 backlog, people with approvable, or bona fide cases must wait—often years—before they are able
22 to apply for a green card and gain lawful permanent resident (“LPR”) status.

1 8. Under a U.S. Citizenship and Immigration Services (“USCIS”) policy designed to
2 protect this vulnerable group during this wait, USCIS also provided Jaime with a four-year,
3 renewable grant of deferred action and accompanying employment authorization. This allowed
4 him to start building a stable life here in the United States without the threat of deportation while
5 he waits to apply for the visa to become available. As part of the application process, Jaime
6 attended a biometrics services appointment to review his background and confirm his eligibility.

7 9. While Jaime has an order of removal from 2015, his grant of deferred action
8 prevents ICE from deporting him.

9 10. Moreover, deporting Jaime would completely undermine the purpose of the U-Visa
10 statute. Through his deferred action grant and pending U-Visa, Jaime is on a path to permanent
11 legal status, which he must remain in the United States to access. Respondents’ efforts to block
12 Jaime from accessing the protections Congress specifically enacted for the benefit of victims like
13 him improperly subverts Congress’ intent that he be permitted to adjust status and establish a stable
14 life in the United States.

15 11. Jaime’s warrantless arrest violated his statutory and Fourth Amendment rights.
16 Because Jaime cannot be removed, his ongoing detention, particularly without an individualized
17 review, serves no lawful purpose and runs afoul of the substantive and procedural due process
18 protections of the Fifth Amendment. Jaime brings this habeas petition challenging his unlawful
19 arrest and detention. To be clear, this petition does not challenge Respondents’ ability to issue a
20 removal order against Jaime and does not challenge the removal order; it strictly seeks to liberate
21 Jaime from detention on the basis that his arrest was unlawful, his detention serves no lawful
22 purpose, and his removal is not reasonably foreseeable. “Freedom from imprisonment—from
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1 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty
2 that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).

3 **PARTIES**

4 12. Petitioner **Jaime Alberto Duran Beltran** is a 44-year-old father of three. He has a
5 pending U Visa, he has been granted deferred action, and he has no criminal history. Nonetheless,
6 on January 30, 2026, ICE arrested Jaime outside his home. Jaime is now detained at an unknown
7 location. He is currently in the custody of Respondents.

8 13. Respondent **David Easterwood** is the Director of the St. Paul Field Office of ICE’s
9 Enforcement and Removal Operations division. As such, he is Jaime’s immediate custodian and
10 is responsible for Jaime’s detention and removal. He is named in his official capacity.

11 14. Respondent **Kristi Noem** is the Secretary of the Department of Homeland Security.
12 She is responsible for the implementation and enforcement of the Immigration and Nationality Act
13 (INA), and oversees ICE, which is responsible for Jaime’s detention. Ms. Noem has ultimate
14 custodial authority over Jaime and is sued in her official capacity.

15 15. Respondent **Pamela Bondi** is Attorney General of the United States. As Attorney
16 General, Respondent Bondi oversees the immigration court system, including the immigration
17 judges who conduct bond hearings as her designees, and is responsible for the administration of
18 immigration laws pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering
19 Jaime’s removal and bond proceedings, including the standards used in those proceedings, and as
20 such, she is Jaime’s legal custodian. She is sued in her official capacity.

21 16. Respondent **Todd Lyons** is sued in his official capacity as Acting Director of ICE,
22 and as such is the legal custodian of Jaime.

23 **JURISDICTION AND VENUE**

1 17. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
2 corpus), 28 U.S.C. § 1331 (federal question), Art. I, § 9, cl. 2 of the United States Constitution (the
3 Suspension Clause), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. § 2201 (Declaratory
4 Judgment Act).

5 18. Federal district courts have jurisdiction to hear habeas claims brought by
6 noncitizens challenging the lawfulness of their detention. *See Demore v. Kim*, 538 U.S. 510, 516–
7 17 (2003) (recognizing habeas jurisdiction over immigration detention challenges); *Zadvyda*, 533
8 U.S. at 687 (same); *Tran v. Mukasey*, 515 F.3d 478, 482 (5th Cir. 2008) (same).

9 19. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and (e)(1) because
10 Jaime is detained within the District of Minnesota, his immediate physical custodian is located
11 within this District, and a substantial part of the events giving rise to this petition occurred and
12 continue to occur within this District.

13 **REQUIREMENTS OF 28 U.S.C. § 2243**

14 20. The Court must grant the petition for writ of habeas corpus or order Respondents
15 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an
16 order to show cause is issued, the Respondents must file a return “within three days unless for
17 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

18 21. Habeas corpus is “perhaps the most important writ known to the constitutional
19 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
20 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the
21 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
22 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
23 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

1 **LEGAL FRAMEWORK**

2 **A. *The U Visa Adjudication Process***

3 **1. *The U Visa Statute and Legislative History***

4 22. In 2000, Congress created a new visa category for immigrant victims of crime who
5 cooperate with law enforcement in the investigation or prosecution of a crime. See Victims of
6 Trafficking and Violence Protection Act of 2000 (“VTVPA”), Pub. L. No. 106–386, 114 Stat.
7 1464 (2000).

8 23. Congress enacted the U visa provision to strengthen law enforcement’s ability to
9 investigate and prosecute crimes “while offering protection to victims of such offenses in keeping
10 with the humanitarian interests of the United States.” VTVPA, Pub.L. 106–386, at § 1513(a)(2)(A).
11 “This visa will encourage law enforcement officials to better serve immigrant crime victims and
12 to prosecute crimes committed against aliens.” *Id.*

13 24. To be eligible for a U visa,¹ an applicant must show: (1) she was the victim of a
14 enumerated crime in violation of law; (2) she “suffered substantial physical or mental abuse as a
15 result of having been a victim of criminal activity”; (3) she possesses information concerning the
16 criminal activity; and (4) she helped or is helping law enforcement or prosecutors in the
17 investigation or prosecution of criminal activity. *See* 8 U.S.C. § 1101(a)(15)(U)(i)(III).

18 25. There is an annual statutory cap on U visas. By statute, USCIS may only issue
19 10,000 visas per year. 8 U.S.C. § 1184(p)(2). In the past several years, U visa applications have
20 far exceeded the 10,000-per-year cap, resulting in a backlog of over 100,000 U visa applications
21 awaiting adjudication.

22 **2. The “Waiting List” and Deferred Action**

23
24 ¹ These visas are referred to as “U” visas due to their placement in the statute at 8 U.S.C. § 1101(a)(15)(U).

1 26. Due to the 10,000-visa cap on U visas discussed above, USCIS adopted a regulatory
2 “waiting list,” whereby USCIS conducts an initial adjudication and places “Eligible petitioners
3 who, due solely to the cap [of 10,000 visas], are not granted U-1 nonimmigrant status . . . on a
4 waiting list.” 8 C.F.R. § 214.14(d)(2).

5 27. Significantly, while on the waiting list, USCIS will grant the applicant deferred
6 action, which is a form of prosecutorial discretion protecting an individual from removal, and
7 USCIS may grant work authorization. *Id.* This would also preclude Petitioner’s removal from the
8 United States and would result in his release from detention.

9 28. According to USCIS’s published processing times, it currently takes more than two
10 years to adjudicate this first phase of adjudication, i.e., to receive deferred action by placement on
11 the waiting list. *See* Ex. B, USCIS Vermont Service Center processing times. To put it simply,
12 there is now a four-year waiting list to get onto the waiting list.

13 29. Written in the regulatory framework are protections for those waiting for a U Visa
14 to become available and be considered for a discretionary grant of deferred action, meaning that
15 they would be protected from deportation while waiting for a visa to become available. *See*, 8 CFR
16 214.14(d)(2). Persons granted deferred action are shielded from deportation and are eligible to
17 apply for employment authorization under 8 C.F.R. § 214.14(d)(2).

18 30. Deferred action is an act of prosecutorial discretion that defers efforts to deport a
19 noncitizen from the United States for a certain period of time. In the case of U Visa applicants
20 awaiting visas, USCIS granted deferred action for a period of four years. *See id.*

21 31. Deferred action does not confer lawful status and does not prevent an immigration
22 judge from issuing a removal order. However, unless and until terminated, a grant of deferred
23 action prevents immigration authorities from physically removing a noncitizen from the United
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1 States. *See* USCIS Policy Manual, Vol. 3: Humanitarian Protection and Parole, Part C: Victims of
2 Crimes, Ch. 4: Adjudication; *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 484
3 (1999) (“AADC”).

4 32. Once deferred action is granted, fundamental procedural due process protections
5 attach to the recipient, such as the right to notice and an opportunity to contest the revocation of
6 deferred action. *See Maldonado v. Noem*, No. 4:25-CV-2541, 2025 WL 1593133, at *2 (S.D. Tex.
7 June 5, 2025) (finding that Petitioner was “likely to succeed on his Due Process claim” because he
8 was denied “notice, a hearing, or any opportunity to contest the revocation of his deferred action.”).

9 **FACTUAL ALLEGATIONS**

10 33. Jaime was born in El Salvador in [REDACTED] As a child in El Salvador,
11 Jaime lived in poverty and came to the United States seeking a better life. He was fleeing rampant
12 gang violence and did not want to become another victim of extortion and murder.

13 34. Jamie has traveled to the United States two times. The first time he came to the U.S.
14 was in or around July of 2015. As he attempted to cross the border, border patrol arrested him
15 and he was removed or provided with voluntary departure and returned to El Salvador. In
16 September 2015, he returned to the U.S. through Laredo, TX. He passed through without
17 inspection or admission and did not have contact with immigration officials. He has not left the
18 U.S. since this final entry.

19 35. On October 3, 2016, his wife Maria was the victim of [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 36. A police report was filed with the Burnsville Police Department, and the City
23 Attorney signed a certification attesting to the fact that Maria and her family helped in the

1 investigation and that the crime was one of the enumerated crimes that qualifies for a U Visa.
2 Despite not having immigration status in the United States, the family then decided to apply for a
3 U Visa. On November 13, 2018, USCIS received the application where it remains pending to this
4 day. Jaime was included as a derivative on his wife's U-visa petition, and he submitted a waiver
5 asking that his inadmissibility for a prior removal and unlawful presence be waived. This
6 application also remains pending.

7 37. On November 21, 2023, USCIS² granted deferred action for Jaime and his family.
8 Jaime received an I-797A Notice of Action, which stated: "USCIS has determined that you warrant
9 a favorable exercise of discretion to receive deferred action. As a result, you have been placed in
10 deferred action and you may be issued an employment authorization document." *See Ex. A, Bona*
11 *Fide Determination Notice*. The notice also stated: "Your grant of deferred action will remain in
12 effect for a period of four years from the date of this notice unless terminated earlier by USCIS."
13 *Id.* Therefore, Jaime's deferred action does not expire until November 21, 2027.

14 38. Because of the visa backlog impacting U Visa beneficiaries, *see supra* ¶¶ 27-35 ,
15 Jaime could not immediately be granted a U-visa or apply to adjust status to become an LPR, and
16 instead he is required to wait until a visa became available. Still, he made plans for his future based
17 on deferred action, and his ability to obtain employment authorization to work lawfully. He had
18 plans for supporting his family and being able to provide for them and be with them as they grew
19 up in the United States.

20 39. Jaime proceeded to apply for employment authorization as her Form I-797A stated
21 he was eligible to do. As part of that application process, he was required to attend an appointment
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23 _____
24 ² USCIS is the sub-agency of the DHS with exclusive jurisdiction over U Visa petitions, including both granting and
revoking status. *See* 8 C.F.R. §§ 204.11

1 at the St. Paul ASC location for fingerprinting. His employment authorization was granted and
2 remains valid through November 15, 2027. *See* Ex. A.

3 40. Jaime left his home on the morning of January 30, 2026, with his employment
4 authorization. It was there that ICE officials asked Jaime about his status. Jaime explained his
5 status and presented his employment authorization card, but the DHS officials decided to detain
6 him despite having valid deferred action and employment authorization.

7 41. After taking Jaime into custody, ICE held him in an unknown location. As of the
8 drafting of this brief, the ICE detainee locator contains no information on his whereabouts.

9 **CLAIMS FOR RELIEF**

10 **CLAIM I**

11 **JAIME'S DETENTION DESPITE THE FACT THAT HE CANNOT BE REMOVED**
12 **VIOLATES THE SUBSTANTIVE DUE PROCESS PROTECTIONS OF THE FIFTH**
13 **AMENDMENT OF THE CONSTITUTION AND 8 U.S.C. § 1231(a)(6)**

14 42. Petitioner repeats and incorporates by reference each and every allegation
15 contained in the preceding paragraphs as if fully set forth herein.

16 43. Because Jaime's removal is not reasonably foreseeable and there is no other
17 justification for his detention, his detention is neither authorized by 8 U.S.C. § 1231(a)(6) nor
18 related to any legitimate government interests, in violation of the substantive due process
19 protections of the Fifth Amendment.

20 44. Because Jaime was issued a removal order, he is detained under 8 U.S.C. §
21 1231(a)(6), which governs the detention of noncitizens with final removal orders.

22 45. In *Zadvydas v. Davis*, the Supreme Court held that to avoid offending the Due
23 Process Clause, detention under that statute is limited to "a period reasonably necessary to bring
24 about" the individual's removal from the United States. 533 U.S. 678, 689 (2001). While detention

1 is presumptively reasonable for up to six months, *id.* at 701, reasonableness is measured “primarily
2 in terms of the statute’s basic purpose, namely, assuring the [noncitizen’s] presence at the moment
3 of removal.” *Id.* at 699. Accordingly, a noncitizen may challenge his detention prior to the six
4 month mark if she “can prove” that there is no significant likelihood of his removal in the
5 reasonably foreseeable future. *Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO), 2025 WL
6 1750346, at *5 (D.N.J. June 24, 2025); *accord Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d.
7 703, 706-07 (S.D. Tex. 2020). If “removal is not reasonably foreseeable, continued detention is
8 unreasonable and no longer authorized by statute.” *Primero v. Mattivelo*, No. 1:25-CV-11442-IT,
9 2025 WL 1899115, at *4 (D. Mass. July 9, 2025); *see also Sepulveda Ayala v. Bondi*, No. 2:25-
10 CV-01063-JNW-TLF, 2025 WL 2084400, at *4 (W.D. Wash. July 24, 2025).

11 46. Here, the government cannot remove Jaime from the United States for at least three
12 reasons. First, Jaime has a valid grant of deferred action, which precludes his removal. *See Primero*,
13 2025 WL 1899115, at *4 (“Respondents do not suggest that ICE routinely removes individuals
14 with active grants of deferred action from the United States, or that Petitioner will be removed
15 before her deferred action is terminated.”). Jaime’s grant of deferred action remains valid until
16 November 15, 2027.

17 47. Second, Jaime has a procedural due process right under the INA and DHS
18 regulations not to have his status revoked without notice and an opportunity to submit evidence in
19 opposition to the revocation and to appeal an adverse decision. 8 U.S.C. § 1155; 8 C.F.R. § 205.2.

20 48. Third, removing Jaime (regardless of his deferred action grant) would contravene
21 the very purpose of the U Visa statute. As discussed *supra*, the core purpose of U Visa protection
22 is to provide beneficiaries like Jaime with a means to adjust their status to become a lawful
23 permanent resident from within the United States. Allowing Jaime to be removed from the United
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1 States after he has already been granted deferred action would thus eviscerate Congress' goal in
2 creating the U Visa in the first place.

3 49. For all the foregoing reasons, the government cannot lawfully remove Jaime from
4 the United States. Therefore, there is no significant likelihood of his removal in the reasonably
5 foreseeable future and his detention violates 8 U.S.C.(a)(6). *See Primero*, 2025 WL 1899115, at
6 *4 (granting habeas petition for young person with SIJS deferred action); *Ayala v. Bondi*, No. 2:25-
7 CV-01063-JNW-TLF, 2025 WL 2209708, at *4 (W.D. Wash. Aug. 4, 2025) (granting habeas
8 petition for a noncitizen with U Visa deferred action); *Chuol P.M. v. Garland*, No. 21-cv-1746,
9 2022 WL 2442600 (D. Minn. Jan. 7, 2022) (granting habeas for a noncitizen detained pursuant to
10 § 1231(a) by re-affirming *Zadvydas* and that the government could not show that the respondent
11 would be removed in the reasonably foreseeable future).

12 50. For the same reasons, Jaime's detention violates his substantive due process rights
13 under the Fifth Amendment. The Supreme Court has long recognized that noncitizens physically
14 present in the United States are entitled to due process protections, regardless of their immigration
15 status. *Zadvydas*, 533 U.S. at 693; *Mathews v. Diaz*, 426 U.S. 67, 77 (1976.) Substantive due
16 process requires that there be a reasonable relation between an individual's detention and the
17 government's purported interests in that detention. *See Jackson v. Indiana*, 406 U.S. 715, 738
18 (1972); *Brown v. Taylor*, 911 F.3d 235, 243 (5th Cir. 2018). As the Supreme Court recognized in
19 *Zadvydas*, the government's only interests in post-order immigration detention are to (1) prevent
20 flight risk, so a person can actually be removed, or (2) otherwise ensure the safety of the
21 community. *Zadvydas*, 533 U.S. at 690-91. But if a person cannot actually be removed,
22 "preventing flight" is a "weak or nonexistent" justification. *Id.* at 690; *cf. Phan v. Reno*, 56 F. Supp.
23 2d 1149, 1156 (W.D. Wash. 1999) ("Detention by the INS can be lawful only in aid of

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1 deportation.”). Detention for community safety, in turn, is only permissible “when limited to
2 specially dangerous individuals and subject to strong procedural protections.” *Id.* at 691.

3 51. Here, the government’s inability to lawfully remove Jaime eliminates any
4 justification of flight risk, which the government could not show in any event, given Jaime’s deep
5 ties to his family and community, including the care of his family and U.S. citizen child, time in
6 the United States, and his ability as an U Visa applicant to eventually adjust to lawful permanent
7 resident status and then gain citizenship. Jaime was in the middle of a process that would allow
8 him to remain inside the United States, for which has submitted applications and subjected himself
9 to rigorous background checks, including through fingerprinting and biometric information
10 collection. Thus, as Jaime has already evidenced his desire to comply with immigration
11 background check, there is zero risk that he would suddenly attempt to abscond. Additionally,
12 Jaime’s lack of any criminal record obviously eliminates any possible justification of danger.

13 52. Accordingly, because Jaime’s removal is not reasonably foreseeable and there is no
14 other justification for his detention, his detention is neither authorized by 8 U.S.C. § 1231(a)(6)
15 nor related to any legitimate government interests. Therefore, his detention violates the substantive
16 due process protections of the Fifth Amendment.

17 **CLAIM II**

18 **JAIME’S DETENTION WITHOUT NOTICE AND AN OPPORTUNITY TO RESPOND**
19 **VIOLATES THE PROCEDURAL DUE PROCESS PROTECTIONS OF THE FIFTH**
20 **AMENDMENT OF THE CONSTITUTION**

21 53. Petitioner repeats and incorporates by reference each allegation contained in the
22 preceding paragraphs as if fully set forth herein.

23 54. The procedural due process guarantee of the Fifth Amendment requires that
24 individuals be provided notice and an opportunity to be heard before being deprived of liberty or

1 property interests. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). “Freedom from
2 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
3 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

4 55. In contrast to other habeas petitioners challenging their detention under 8 U.S.C. §
5 1231(a)(6), Jaime “has been afforded no review of [his] detention.” *Primero*, 2025 WL 1899115,
6 at *5. “To the contrary, Respondents have made no suggestion that there has been any review of
7 Petitioner’s record to determine that his detention was warranted to ensure her removal.” *Id.*
8 (internal quotations omitted). Instead, Petitioner’s detention in this case was the result of a
9 humanitarian-blind enforcement action.

10 56. Under the familiar *Eldridge* Due Process test, then, the government’s decision to
11 arrest Jaime without any notice or an opportunity to respond, and continue to detain him without
12 any opportunity to meaningfully challenge that detention, clearly violates his procedural due
13 process rights.

14 57. First, Jaime has a substantial, legally protectable liberty interest, created by his
15 pending U Visa petition and approved deferred action, at stake.

16 58. Second, the risk of erroneously depriving Jaime of that interest is severe. At forty-
17 four years old, a father of three, he is missing work, falling behind on helping support his home
18 and family. Despite his best efforts to finally find stability and submitting to the immigration
19 process to lawfully apply for immigration status in the United States, he he has been thrown into
20 sudden instability once again. He is being separated from his family, which harms not only him,
21 but his family. Jaime has been afforded absolutely no process, let alone constitutionally sufficient
22 process, prior to or since this deprivation, making the value of additional process high. *See*
23 *Eldridge*, 424 U.S. at 343.

24

1 59. Third, the government's interest in detaining Jaime is minimal. USCIS has
2 determined that he is not a priority for removal in its deferred action determination. Jaime cannot
3 be deported and does not present any flight risk or danger: he has a U.S. citizen child, he is firmly
4 settled in Minnesota, he has a stable job that he attends regularly, he has an attorney, and he has
5 absolutely no criminal history. Meanwhile, additional process would entail little to no burden on
6 the government. *See Eldridge*, 424 U.S. at 347.

7 60. Jaime's continued detention without an opportunity to be heard violates her
8 procedural due process rights under the Fifth Amendment of the Constitution.

9 **CLAIM III**

10 **JAIME'S ARREST AND DETENTION VIOLATE THE FOURTH AMENDMENT OF
11 THE CONSTITUTION AND 8 U.S.C. § 1357(a)(2)**

12 61. Petitioner repeats and incorporates by reference each and every allegation
13 contained in the preceding paragraphs as if fully set forth herein.

14 62. The Fourth Amendment protects "[t]he right of the people to be secure in their
15 persons . . . against unreasonable searches and seizures." U.S. Const. amend. IV. The Supreme
16 Court has consistently recognized that immigration arrests and detentions are "seizures" within the
17 meaning of the Fourth Amendment. *INS v. Lopez-Mendoza*, 468 U.S. 1032, 1044 (1984)
18 (acknowledging that deportation proceedings are civil, but the Fourth Amendment still applies to
19 the "seizure" of the person).

20 63. As a general matter, the Fourth Amendment requires that all arrests entail a neutral,
21 judicial determination of probable cause. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). That
22 neutral, judicial determination can occur either before the arrest, in the form of a warrant, or
23 promptly afterward, in the form of a prompt judicial probable cause determination. *See id.* Arrest
24 and detention of a person, including of a noncitizen, absent a neutral, judicial determination of

1 probable cause violates the Fourth Amendment of the Constitution. *Id.*; *see also Cnty. of Riverside*
2 *v. McLaughlin*, 500 U.S. 44, 57 (1991). This determination must occur within 48 hours of detention,
3 which includes weekends, unless there is a bona fide emergency or other extraordinary
4 circumstance. *See Cnty. of Riverside v. McLaughlin*, 500 U.S. 44, 57 (1991).

5 64. Congress enacted a strong preference that immigration arrests be based on warrants.
6 *See Arizona v. U.S.*, 567 U.S. 387, 407–08 (2012). The INA thus provides immigration agents with
7 only limited authority to conduct warrantless arrests. 8 U.S.C. § 1357(a)(2). Specifically, an officer
8 must have “reason to believe” the person is violating the immigration laws and that the person “is
9 likely to escape before a warrant can be obtained.” *Id.* Federal regulations track the strict
10 limitations on warrantless arrests. *See* 8 C.F.R. § 287.8(c)(2)(ii).

11 65. Here, at the moment of seizure, Jaime had been granted a bona fide determination
12 and deferred action, which is a valid status. Agents were conducting sweeping detentions with no
13 regard for protections afforded under the Constitution. Agents were clearly waiting for Jaime at
14 his work, showing that they knew ahead of time he would be there and prepared for him to be there
15 for the purposes of detaining him. It was through their own lack of due process that they did not
16 obtain a warrant prior to having contact with him.

17 66. Therefore, no officer could hold a reasonable belief that Jaime was both present in
18 violation of the immigration laws and that he was likely to escape before a warrant could be
19 obtained. *See* 8 U.S.C. § 1357(a)(2).

20 67. Without a statutory basis to arrest, the Government is required under the Fourth
21 Amendment to secure a prompt judicial probable cause determination to continue holding Jaime.
22 *Gerstein*, 420 U.S. at 114; *McLaughlin*, 500 U.S. at 56–57. Jaime received no such judicial
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24

1 determination, yet his detention continued well beyond 48 hours, rendering it presumptively
2 unconstitutional.

3 68. The Government cannot salvage this seizure by invoking generalized immigration
4 enforcement interests. The Fourth Amendment's reasonableness inquiry is fact-specific and
5 demands individualized justification for both the arrest and the extended detention. *See United*
6 *States v. Brignoni-Ponce*, 422 U.S. 873, 882–84 (1975); *Gerstein*, 420 U.S. at 114. Here, Jaime is
7 present with deferred action. Agents arrested and detained Jaime when he responded to their
8 questions while he was at his place of employment.

9 69. Jaime's warrantless arrest occurred in violation of the clear, narrow circumstances
10 permitted by statute. There has been no finding of probable cause or other determination by a
11 neutral magistrate that would cure this infirmity; his arrest lacked any legal basis and there
12 continues to be no legal basis for his detention. Therefore, his arrest and ensuing detention
13 constitutes an unreasonable and unlawful seizure in violation of the Fourth Amendment and 8
14 U.S.C. § 1357(a)(2).

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner prays that this Court:

- 17 A. Assume jurisdiction over this matter;
- 18 B. Pursuant to 28 U.S.C. § 2243, issue an order to show cause directing Respondents to file
19 a return within three (3) days absent good cause for a short extension;
- 20 C. Temporarily prohibit Petitioner's transfer outside the District of Minnesota during the
21 pendency of this action;
- 22 D. Declare that Petitioner's arrest and continued detention violate 8 U.S.C. § 1231(a)(6)
23 and the Fourth and Fifth Amendment of the U.S. Constitution;
- 24

- 1 E. Grant the writ of habeas corpus and order Petitioner’s immediate release from ICE
2 custody;
- 3 F. In the alternative, order an immediate, constitutionally adequate individualized custody
4 determination at which the government bears the burden to justify continued detention
5 and the Court considers less restrictive alternatives to detention;
- 6 G. In the alternative, grant bail pending the conclusion of the habeas review; *see, e.g.*,
7 *Sanchez v. Winfrey*, No. CIV.A.SA04CA0293RFNN, WL 1118718 (W.D. Tex. Apr. 28,
8 2004) (granting bail where the applicant does not pose a risk of flight or danger, and
9 finding that such relief is necessary to “give effect to the requested habeas relief”);
10 *Mapp v. Reno*, 241 F.3d 221 (2d Cir. 2001); and
- 11 H. Grant such other and further relief as law and justice require.

12 DATED: January 30, 2026

Respectfully submitted,

13
14 /s/ Kevin V. Heinz
15 Kevin Vincent Heinz
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VERIFICATION PURSUANT TO 27 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, and on information and belief, I hereby verify that the factual statements made in the attached Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief are true and correct to the best of my knowledge.

Dated: January 30, 2026

/s/ Kevin V. Heinz
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