

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Joana JEANTY,

*Petitioner,*

v.

Pamela Jo BONDI, *et al.*

*Respondents.*

Case No. 0: 26-CV-00892-MJD-JFD

**PETITIONER'S REPLY TO  
RESPONDENTS' RESPONSE TO  
PETITION FOR WRIT OF  
HABEAS CORPUS**

**INTRODUCTION**

Respondents Bondi, Noem, Lyons, and Easterwood contend that petitioner Joana Jeanty is not entitled to the relief that she seeks: namely, that this Court order the Immigration Court to conduct Petitioner's bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days.<sup>1</sup> ECF Doc. 4 at 1. Specifically, Respondents assert that Petitioner is subject to mandatory detention under to 8 U.S.C. § 1226(b)(1) because she "was encountered by immigration authorities upon entering the country and was granted parole by U.S. Customs and Border Protection." ECF Doc. 4 at 4. However, that is not correct. Petitioner applied for and was granted Haitian Humanitarian Parole by USCIS while

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<sup>1</sup> Petitioner notes that a bond hearing is the relief that she has requested *in the alternative*. Petitioner primarily requests that this Court order Petitioner's immediate release, because the statutory framework of 8 U.S.C. § 1226 can only apply to a noncitizen's detention where Respondents have produced evidence of a warrant for the noncitizen's arrest. *See* 8 U.S.C. § 1226(a) ("On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States."). Because Respondents have failed to demonstrate that any such warrant has been issued, there is therefore no lawful basis to justify Respondents' ongoing detention of Petitioner, who previously entered and was admitted to the United States under Haitian Humanitarian Parole on May 24, 2024. *See* Pet. ¶ 3; Ex. A.

residing in Haiti and then was admitted to the United States under the class of admission Haitian Humanitarian Parole (“HHP”) after flying into the Fort Lauderdale, Florida Airport. *See* Pet. ¶ 3; Ex. A.

Respondents also do not provide any meaningful challenge to Petitioner’s constitutional claims other than erroneously stating Petitioner “has not sought relief on any other basis” and that “[t]he Court should deny relief on any other basis.” ECF Doc. 4 at 6. Petitioner respectfully requests that this Court also consider her Fifth Amendment Due Process claim for relief and her exceptional liberty interest in light of the fact that she has an infant son whom she was breastfeeding until she was detained. *See* Pet. ¶ 62; Ex. D.

Respondents have failed to produce a warrant or other exhibit that sets forth the proper basis for Petitioner’s detention. Respondents have failed to show that they have satisfied the statutory requirements for detention or shown any evidence that would indicate to this Court that detention of Petitioner is mandatory.

Petitioner challenges only the lawfulness of her detention, and this court has jurisdiction under 8 U.S.C. § 2241. *See, e.g., Mohammed H v. Trump*, 786 F. Supp. 3d 1149, 1154-55 (D. Minn. 2025). Because the Petition is not directed at removal, statutory channeling provisions do not apply either. *See Jennings v. Rodriguez*, 583 U.S. 281, 295-96 (2018).

## **BACKGROUND**

As previously stated, Petitioner contests the factual recitation provided by Respondents in their response to the petition. *See* ECF Doc. 4. Specifically, Respondents allege that Petitioner “was encountered by immigration authorities upon entering the

country and was granted parole by U.S. Customs and Border Protection.” ECF Doc. 4 at 4. However, Petitioner applied for and was granted Haitian Humanitarian Parole by USCIS while residing in Haiti and then was admitted to the United States under the class of admission Haitian Humanitarian Parole (“HHP”) after flying into the Fort Lauderdale, Florida Airport. *See* Pet. ¶ 3; Ex. A.

Petitioner also notes that Respondent’s response includes multiple references to a “Fuller Decl.” but there does not appear to be any such declaration or exhibit in the record. *See* ECF Doc. 4.

## ARGUMENTS

### **I. Petitioner is not subject to mandatory detention under § 1225(b)(1).**

Respondents assert that Petitioner is subject to mandatory detention under § 1225(b)(1) and reject that Petitioner is being detained under § 1225(b)(2). *See* ECF Doc. 4. Interestingly, Respondents also assert that “Petitioner is subject to mandatory detention under § 1225(b), whether as a noncitizen with a pending asylum claim under (b)(1) *or through the “catchall provision” in (b)(2).* Id. (emphasis added). Petitioner incorporates by reference her previous arguments made in ECF Doc. 1 that she is not subject to mandatory detention under § 1225(b)(2). Petitioner further contends that she is not subject to mandatory detention under § 1225(b)(1).

Respondents are correct that “Section 1225(b)(1)(A) creates an expedited removal process for noncitizens “arriving” in the United States *who are found inadmissible after initial inspection.*” ECF Doc. 4. at 3 (emphasis added). Petitioner, however, was inspected and admitted under the category “HHP.” *See* Pet. ¶ 3; Ex. A. If Petitioner was subject to §

1225(b)(1)(A), it would have been mandatory for an immigration officer to “order the alien removed from the United States without further hearing or review unless the alien indicates either an intention to apply for asylum ... or a fear of persecution.” § 1225(b)(1)(A)(i). If someone is subject to § 1225(b)(1)(A)(i) and does in fact indicate their intention to apply for asylum or that they have a fear of persecution, “an immigration “officer shall refer the [noncitizen] for an interview by an asylum officer under subparagraph (B).” § 1225(b)(1)(A)(ii). Looking at the facts underlying Petitioner’s entry, this section is clearly inapplicable to her. Petitioner was not ordered removed upon her entry, nor was she given an interview by an asylum officer. Instead, Petitioner was admitted to the United States under Haitian Humanitarian Parole and given an I-94 as evidence of her admission. *See* Pet. ¶ 3; Ex. A. Because § 1225(b)(1) clearly does not apply to Petitioner, she cannot be mandatorily detained under § 1225(b)(1) as Respondents assert.

Since Petitioner cannot be detained under § 1225(b)(1) and Respondents assert that she “is not subject to § 1225(b)(2) or the government’s contested interpretation of it”, she must be detained under § 1226. ECF Doc. 4. at 3. However, it appears that Petitioner could not even be detained under § 1226 because Respondents have produced no warrant that would justify her detention under § 1226. Therefore, there appears to be no legal authority for Respondents to detain Petitioner, and this Court should order her immediate release.

**II. Even if this Court finds that there is legal authority for Respondents to detain Petitioner, she cannot be considered an “Applicant for Admission” for purposes of Section 1225.**

Section 1226, in relevant part, provides that “an alien may be arrested and detained *pending a decision on whether the alien is to be removed from the United States.*” (Emphasis added). Under the plain language of section 1226, a noncitizen may be arrested and detained pending a decision on whether the alien is to be removed from the United States, but is entitled to a bond hearing under that same section. Petitioner seeks from the Court a swift judgment reflecting that she is entitled to a bond hearing under that section or that her detention under Section 1225 is unlawful and that she is entitled to immediate release. *See Munaf v. Geren*, 553 U.S. 674, 693 (2008) (describing release as the “typical remedy” for “unlawful executive detention.”)

This Court can grant Petitioner immediate release because, when the Executive Branch detains without statutory authorization, habeas relief is not limited to ordering additional process. The function of habeas corpus is to obtain release from unlawful custody. *Wajda v. United States*, 64 F.3d 385, 389 (8<sup>th</sup> Cir. 1995). When detention lacks a lawful predicate, immediate release is an available and appropriate remedy. *Munaf*, 553 U.S. at 693).

If this Court instead determines that Respondent is subject to detention under a lawful authority, it could only be under 8 U.S.C. § 1226(a). Respondent was residing in the United States outside of the custody of the government since being admitted to the United States under HHP on May 24, 2024. *See* Pet. ¶ 3; Ex. A. If this Court determines that Respondent’s detention was under § 1226(a), she is therefore entitled to the opportunity

for a bond hearing in order for there to be a reassessment of any flight risk of danger to the community or national security.

In sum, Respondent's habeas petition should be granted. She should be ordered immediately released if this Court determines that her detention has been erroneously based only on the inapplicable 8 U.S.C. § 1225 or, in the alternative, this Court should order the Immigration Court to hold her bond hearing pursuant to 8 U.S.C. § 1226, if her detention is instead pursuant to that statute.

### CONCLUSION

Petitioner again asserts, as initially stated in her petition, that he is subject to detention under section 1226, and she is therefore entitled either to immediate release from detention or, in the alternative, entitled to declaratory relief that she is subject to detention under 8 U.S.C. § 1226 and an order requiring that a bond hearing be held under that statutory section. *See* 8 U.S.C. § 1226(a)(2) (providing that an alien arrested and detained under section 1226 may be released on bond of at least \$1,500). Petitioner respectfully requests that this Court grant her petition for writ of habeas corpus.

Respectfully submitted,

Dated: February 3, 2026

/s/ Matthew Mockenhaupt

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