

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

Jafet Lezama Carrasco,

Petitioner,

v.

Pamela Bondi, Attorney General,

Kristi Noem, Secretary, U.S. Department of  
Homeland Security,

Todd M. Lyons, Acting Director of  
Immigration and Customs Enforcement,

David Easterwood, Acting Director, St. Paul  
Field Office Immigration and Customs  
Enforcement.

Respondents.

Case No. \_\_\_\_\_

**VERIFIED PETITION  
FOR WRIT OF  
HABEAS CORPUS**

Expedited Handling Requested

**INTRODUCTION**

1. Petitioner, Mr. Jafet Lezama Carrasco, by and through the undersigned attorney, hereby files this petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief to require U.S. Immigration and Customs Enforcement (“ICE”) to release Mr. Lezama Carrasco from ICE detention, or in the alternative to enjoin Petitioner’s transfer to a facility outside of Minnesota and to provide a bond hearing pending the completion of any immigration proceedings.

2. Mr. Lezama Carrasco is a 35-year old father of three, a cousin, and a caring uncle to his sister’s three children, exemplifying his family-oriented values. He was brought to the United States at 10 years old. His family sought to build a better life. Now, Mr. Lezama Carrasco is the primary wage earner and caregiver for his immediate family. He supports his

children in their extracurricular activities, cheering them on at their sporting events and has volunteered to help coach the sport teams. He also provides transportation to his children to school, their extracurricular activities and even at times provides transportation to his children's friends. As a loving uncle, he often brings his sister's children along to his own family's outings without being asked to. In early 2023, when Mr. Lezama Carrasco's father was diagnosed with cancer, he and his siblings stepped up to care for their father, providing rides to doctor appointments, financial support for medical bills and general homecare that his father required until his death in late December of 2024. Further, the house that his immediate family, two brothers, and uncle currently live in is rented under his name. The electricity and gas bill is also under his name. Mr. Lezama Carrasco received a U-visa in September 2014 as the victim of a qualifying crime who cooperated with the investigation of the crime and suffered substantial harm as a result of the crime.

3. On the morning of January 30, 2026, Mr. Lezama Carrasco was stopped due to his appearance and detained by immigration officials. He was arrested without issuance of any judicial warrant or prior individualized determination that there was probable cause to believe he is in the United States unlawfully.

4. Petitioner's arrest is part of the U.S. Department of Homeland Security's recent nationwide strategy of sweeping up thousands of noncitizens including individuals lawfully permitted to reside in the United States, while they are peacefully conducting the activities of their daily lives and dutifully attending routine immigration court hearings and check-ins with Immigration and Customs Enforcement. Through this practice, the U.S. Department of Homeland Security has sought to leverage detention as a means of circumventing substantive and procedural safeguards and pressuring noncitizens into removal. Respondents unlawfully

subject Mr. Lezama Carrasco to mandatory detention under 8 USC § 1225, when the plain language of the statute and the overwhelming majority of courts have rejected this assertion.

### **JURISDICTION AND VENUE**

5. The Court has subject matter jurisdiction pursuant to Article I, § 9, cl. 2 of the U.S. Constitution (“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require.”).

6. The Court also has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 2241 (habeas corpus) and the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

7. Federal question jurisdiction exists because Petitioner seeks to challenge this custody as a violation of the Constitution.

8. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas petitions by noncitizens challenging the lawfulness or constitutionality of their detention by the Department of Homeland Security (“DHS”). *Demore v. Kim*, 538 U.S. 510 516-17 (2003); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018); and *Nielsen v. Preap*, 139 S. Ct. 954, 961-63 (2019).

9. Venue is proper in the District of Minnesota under 28 U.S.C. § 2241 and 28 U.S.C. § 1391 because Petitioner has been detained at 1 Federal Drive, Fort Snelling, Minnesota in the District of Minnesota by ICE and was under the custody and control of ICE officials in the District of Minnesota at the time of the filing of this petition.

10. Venue is also proper under 28 U.S.C. § 2241(d) because Petitioner is or was detained at a facility within this District. As held in *Sue H.*, “habeas jurisdiction attaches at the time of the Petitioner’s apprehension,” further stating that “jurisdiction is not defeated by any

subsequent decision by Respondents to transfer Petitioner to another state.” Slip Op. 2, No. 26-cv-0416. That decision included an order requiring that a habeas petitioner transferred out of state be returned to Minnesota. *See also Victor P. v. Kristi Noem, et al.*, No. 26-cv-430 (MJD/SGE) (D. Minn. Jan. 19, 2026) (“[H]abeas jurisdiction attached at the time of Petitioner’s apprehension in this District. That jurisdiction is not defeated by any subsequent decision by Respondents 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.”); *see also Jose A. v. Kristi Noem* (holding that to find jurisdiction proper in El Paso, Texas would encourage respondents to forum shop).

#### **PARTIES**

11. Petitioner Jafet Lezama Carrasco is a Mexican national. Mr. Lezama Carrasco resides in Brooklyn Park, Minnesota, and upon belief, is currently being held at the Bishop Henry Whipple Federal Building in Fort Snelling, Minnesota. Mr. Lezama Carrasco is a father of three, cousin, uncle, and primary wage earner and caretaker for his three children. Petitioner is in the custody and under the direct control of Respondents and has no scheduled release date.

12. Respondent Pamela Bondi is being sued in her official capacity as the Attorney General of the United States and the head of the Department of Justice. Attorney General Bondi shares responsibility for implementation and enforcement of the immigration detention

statutes, along with Respondent Noem. Attorney General Bondi is a legal custodian of Mr. Lezama Carrasco.

13. Respondent Kristi Noem is being sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Secretary Noem is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a), routinely transacts business in the District of Minnesota, supervises the Fort Snelling ICE Field Office, and is legally responsible for pursuing Mr. Lezama Carrasco's detention and removal. As such, Respondent Noem is a legal custodian of Mr. Lezama Carrasco.

14. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. Defendant Lyons is responsible for Petitioner's detention.

15. Respondent David Easterwood is being sued in his official capacity as the Acting Field Office Director for the Fort Snelling Field Office for ICE within DHS. In that capacity, Field Director Easterwood has supervisory authority over the ICE agents responsible for detaining Mr. Lezama Carrasco. The address for the Fort Snelling Field Office is 1 Federal Drive, Fort Snelling, Minnesota 55111.

16. Respondent U.S. Department of Homeland Security ("DHS") is an executive department of the United States Government headquartered in Washington, D.C. DHS is the parent agency of Immigration and Customs Enforcement.

17. Respondent Immigration and Customs Enforcement ("ICE") is a component agency of DHS and is responsible for enforcing federal immigration law, including the detention and removal of immigrants.

**FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY**

18. Petitioner is a 35-year-old citizen of Mexico. He came to the United States when he was about 10 years old, and he has lived here ever since—nearly a quarter-century.

Petitioner is the primary wage-earner and caretaker for his immediate family of three US citizen children (two biological children and one stepchild). He currently works for Uber.

19. Petitioner was granted a U-Visa in September 2014 as the victim of a qualifying crime who cooperated with law enforcement in the investigation of that crime and who suffered substantial harm as a result of the crime. Although he applied to adjust his status to permanent residence when eligible to do so in 2020, that application was denied in October 2023.

20. In October 2025, the mother of Mr. Lezama Carrasco's children, who is a U.S. citizen, was charged under MN Statute 152.021(1) Controlled Substance Crime in the First Degree. If Mr. Lezama Carrasco were sent back to Mexico, his children would not be able to safely stay with their biological mother.

21. Respondent ICE arrested Petitioner on January 30, 2026. Mr. Lezama Carrasco was driving when ICE agents pulled him over claiming they were looking for someone with a car that matched his car's description. Although Mr. Lezama Carrasco was not the person ICE was looking for, the agents arrested him anyway. The agents allowed Mr. Lezama Carrasco to call his brother and his eldest daughter to inform them of the detention.

22. This arrest is part of an operation in Hennepin and Ramsey counties called "Operation Metro Surge." This operation has involved hundreds of masked, unidentified individuals in unmarked vehicles (many with illegally covered or mismatched license plates) holding themselves out as ICE agents but largely refusing to identify themselves by name or to present warrants, physically assaulting pedestrians, pepper spraying and arresting citizen

observers, hitting passersby with vehicles, and generally attempting to take as many immigrants as possible into custody regardless of the constitutionality of their actions. *See, e.g., Compl., Tincher et. al. v. Noem*, No. 0:25-cv-04669. (D. Minn. 12/17/2025).

23. Since the operation began on December 1, 2025, the number of immigration officials in the twin city metro area has increased fourfold, and with them these new agents have brought a similarly massive increase in unconstitutional, unlawful, and downright violent behavior towards citizens and non-citizens alike. The people of Minnesota—of all races, nationalities, and citizenship status—are united in their shock and fear at the events of the past six weeks and are begging for the attacks on their community to stop.

24. Given the massive volume of perceived non-citizens being taken off the streets, Respondents are running out of physical space to continue detaining people. Detainees are being held in cramped quarters at the federal building, before being quickly sent to remote locations across Minnesota or to facilities as far away as El Paso, Texas.

25. Upon belief, after his arrest, he was brought to the detention center at 1 Federal Drive, Fort Snelling, Minnesota. Petitioner's current physical location is unknown. Mr. Lezama Carrasco respectfully seeks the opportunity to return home and to continue following the legal processes set up by Congress and DHS for immigrants to seek status in this country.

26. Pending the adjudication of this Petition, Mr. Lezama Carrasco further seeks an order restraining the Respondents from transferring Petitioner to a location outside of the State of Minnesota, so that the jurisdiction of this Court is not impeded, and so that Petitioner remains accessible to legal counsel and loved ones. If he is transferred outside of Minnesota, Petitioner also seeks an order mandating Respondents return him to Minnesota.

#### **EXHAUSTION OF REMEDIES**

27. No statutory requirement of administrative exhaustion applies to Petitioner's case. Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply to Petitioner's present challenge, as there are no prescribed administrative remedies to which he could resort. *McCarthy v. Madigan*, 503 U.S. 140, 144–45 (1992), *superseded by statute on other grounds as recognized in Woodford v. Ngo*, 548 U.S. 81 (2006).

28. In particular, DHS has taken the position that a noncitizen like Petitioner, who entered without inspection, is subject to mandatory detention under 8 U.S.C. § 1225, and the Executive Office for Immigration Review has affirmed that view. In a published decision, the Board of Immigration Appeals recently held that "Immigration Judges lack authority to hear bond requests or to grant bond to [noncitizens] who are present in the United States without admission." *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Under the BIA's interpretation, Petitioner is ineligible for bond as a noncitizen who entered the United States without inspection. Accordingly, there are no administrative remedies that he could exhaust before seeking habeas relief. *See Singh v. Lewis*, No. 4:25-CV-96-RGJ, 2025 WL 2699219, at \*3 (W.D. Ky. Sept. 22, 2025) ("[t]he United States has made clear their position on Section 1225, and it is being applied at all levels within the DHS. Therefore, it is unlikely that any administrative review would lead to the United States changing its position and precluding judicial review"); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379, at \*4 (E.D. Mich. Aug. 29, 2025) ("Because exhaustion would be futile and unable to provide Lopez-Campos with the relief he requests in a timely manner, the Court waives administrative exhaustion and will address the merits of the habeas petition.").

29. Further, neither an immigration judge nor the Board of Immigration Appeals can rule on a petitioner's constitutional claims. *See Matter of R-A-V-P-*, 27 I. & N. Dec. 803, 804 n.2 (B.I.A. 2020) (holding that IJs and the BIA lack any authority to consider the constitutionality of the statutes or regulations governing immigration detention that they administer and are bound to follow); *Matter of C--*, 20 I. & N. Dec. 529, 532 (B.I.A. 1992) (“[I]t is settled that the immigration judge and this Board lack jurisdiction to rule upon the constitutionality of the Act and the regulations.”); *see also Gonzalez v. O’Connell*, 355 F.3d 1010, 1017 (7th Cir. 2004) (noting that “the BIA has no jurisdiction to adjudicate constitutional issues”).

### **LEGAL BACKGROUND**

#### ***Statutory Bases for Immigration Detention***

30. There are three statutory schemes whereby the Government may subject noncitizens to civil, immigration detention.

31. Pursuant to 8 U.S.C. § 1231, a noncitizen, who is subject to a final order of removal, may be detained to effectuate their removal from the United States.

32. Pursuant to 8 U.S.C. § 1226, a noncitizen may be detained, during the pendency of a removal proceeding. These grounds are either discretionary (§ 1226(a)) or mandatory (§ 1226(c), for specific criminal grounds not applicable to the within matter.

33. Under the “expedited removal” scheme found at 8 U.S.C. § 1225, et. seq., a truncated process with limited due process protections intended to apply to certain persons apprehended at the border, noncitizens are subject to mandatory rather than discretionary detention.

34. The aforesaid bases of detention must be read in light of the U.S. Constitution, as it establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community). *See Zadvydas*, 533 U.S. at 690.

***Discretionary Detention Pending INA 240 Removal Proceedings***

35. 8 U.S.C. § 1226(a)/INA § 236 allows the Attorney General to arrest and detain noncitizens pending a determination on their removability.

36. The implementing regulations of § 1226(a) require an *initial* individualized assessment when arresting a noncitizen. *See* 8 C.F.R. § 236.1(d)(1); 236.1(c)(8); *Lopez Benitez*, 2025 WL 2371588, at \*10 (interpreting 8 C.F.R. § 1236.1(c)(8) as requiring individualized custody determinations noting that DHS officers do in fact conduct such individualized assessments when arresting noncitizens).

37. 8 C.F.R. § 236.1(d) indicates the specific officials who may exercise discretion to revoke the release of a noncitizen:

When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign), in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled.

38. A post-deprivation bond-hearing is not a prudential exhaustion requirement where no valid exercise of discretion was undertaken to detain a noncitizen. *See, e.g., Chipantiza-Sisalema v. Francis*, No. 25 CIV. 5528 (AT), 2025 WL 1927931, at \*3 (S.D.N.Y. July 13,

2025) (“Such a hearing is no substitute for the requirement that ICE engage in a “deliberative process prior to, or contemporaneous with,” the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause.”)

39. Numerous Courts have granted temporary restraining orders and ordered the immediate release of a noncitizen habeas petitioner who has been issued a U-Visa bona fide determination, where the BFD holder was detained without warning, justification, or indicia of an individualized determination. *See e.g., Plaintiff v. Noem, Case No. 5:25-cv-02582 (C.D. CA, 2025); Sepulveda-Ayala v. Bondi, Case No. 2:25-cv-01063-JNW-TLF (W.D. WA August 4, 2025); Maldonado v. Noem, Case No. 4:25-cv-02541 (S.D. TX June 5, 2025)*. Here, Petitioner has presented similar facts demonstrating he should be released immediately to rectify a grave Constitutional violation.

40. This Court has on numerous occasions granted immediate release of individuals similarly unlawfully detained. *See e.g., Angel v. Brott, 2026 WL 194515, at \*1 (D. Minn., 2026) (ordering immediate release); Alexis v. Bondi, 2026 WL 194513, at \*2 (D. Minn., 2026) (same); Manuel v. Bondi, 2026 WL 194377, at \*1 (D. Minn., 2026) (same); Eduardo v. Bondi, 2026 WL 191143, at \*2 (D. Minn., 2026) (same)*.

#### ***Mandatory Detention Under the Expedited Removal Scheme***

41. Expedited removal is a protocol whereby immigration officers from U.S. Customs and Border Protection, a division of DHS, may order certain persons summarily deported from the United States, including persons who have just arrived at the border. 8 U.S.C. § 1225, *et. seq.*

42. 8 U.S.C. § 1225 sets forth expedited removal protocols, and provides that “[i]f an immigration officer determines that an alien . . . who is arriving in the United States or is

described in clause (iii) is inadmissible under section 1182(a)(6)(C) or 1182(a)(7) of this title, the officer shall order the alien removed from the United States without further hearing or review . . . .” 8 U.S.C. § 1225(b)(1)(A)(i).

43. Noncitizens may be eligible for expedited removal only if they are inadmissible on the basis that they either lack proper entry documents or falsified or misrepresented their application for admission. 8 U.S.C. § 1225(b)(1)(A)(i); *see id.* § 1182(a)(6)(C), (a)(7) (grounds of inadmissibility). Among that set, only two categories of noncitizens are eligible for expedited removal: (1) noncitizens “arriving in the United States,” and (2) noncitizens who “ha[ve] not been admitted or paroled into the United States” and cannot affirmatively show that they have been “physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.” 8 U.S.C. § 1225(b)(1)(A)(i)–(iii).

44. The expedited removal scheme requires mandatory detention of certain noncitizens “seeking admission” to the United States if they are “not clearly and beyond a doubt entitled to be admitted[.]” 8 U.S.C. § 1225(b)(2)(A).

45. However, for years, the Government has not subjected people recently apprehended at the border to the expedited removal scheme, routinely releasing them pursuant to humanitarian parole, or release on their own recognizance, often in conjunction with issuing the noncitizen a Notice to Appear with respect to the commencement of INA 240 removal proceedings before an Immigration Judge.

***The Government’s unprecedented expansion of 1225 mandatory detention***

46. The Government’s unprecedented and sweeping application of the expedited removal scheme has been resoundingly rejected by this Court and many others.

47. Historically, DHS has interpreted § 1226(a) as applicable to individuals present without admission but apprehended inland after unlawful entry. Now, Respondents interpret § 1225 to apply to noncitizens who entered the United States without inspection, no matter how long they have resided in the United States. *See e.g. Zumba v. Bondi*, No. 25-14626, 2025 WL 2753496, at \*4 (D.N.J. Sept. 26, 2025) (describing Respondents’ change in statutory interpretation).

48. In January 2025, the Government undertook unprecedented expansion of the categories of persons it claimed to be appropriate to subject to the expedited removal scheme.

49. On January 23, 2025, Acting Secretary of DHS Benjamine Huffman issued a memorandum to the leadership of USCIS and CBP, “provid[ing] guidance regarding how to exercise enforcement discretion in implementing” policies announced in the days prior. DHS, Memorandum from Acting Secretary Benjamine C. Huffman on Guidance Regarding How to Exercise Enforcement Discretion (Jan. 23, 2025), available at <https://perma.cc/4HPX-45Z7>.

50. The January 23, 2025 Huffman Memorandum “direct[ed]” USCIS and CBP officials to “consider” placing in expedited removal “any alien DHS is aware of who is amenable to expedited removal but to whom expedited removal has not been applied.” *Id.* at 2. The Memorandum indicated that applying expedited removal “may include steps to terminate any ongoing removal proceeding and/or active parole status.” *Id.*

51. To the extent that Respondents argue that § 1225(b)(2)(A)’s “seeking admission” element is satisfied by the mere fact that Petitioner is present in the United States without admission, this has been rejected by the vast majority of courts confronting this issue as contradictory to the plain text of § 1225. *See e.g. Lopez v. Noem*, No. CV 25-16890 (SDW), 2025 WL 3101889, at \*3 (D.N.J. Nov. 5, 2025); *Patel v. Almodovar*, No. 25-cv-15345, 2025

WL 3012323, at \*3 (D.N.J. Oct. 28, 2025); *Soto v. Soto, et al.*, No. 25-cv-16200, 2025 WL 2976572, at \*5 (D.N.J. Oct. 22, 2025); *Belsai D.S. v. Bondi*, No. 25-cv-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Quispe v. Crawford*, No. 25-cv-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Savane v. Francis*, No. 25-cv-6666, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Zumba*, 2025 WL 2753496; *Salazar v. Dedos*, No. 25-cv-835, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Lepe v. Andrews*, No. 25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Roman v. Noem*, No. 25-cv-01684, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Giron Reyes v. Lyons*, No. 25-cv-4048, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Singh v. Lewis*, No. 25-cv-0096, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Barrera v. Tindall*, No. 25-cv-541, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Hasan v. Crawford*, No. 25-cv-1408, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Vazquez*, 2025 WL 2676082; *Garcia Cortes v. Noem*, No. 25-cv-2677, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Lopez Santos v. Noem*, No. 25-cv-1193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Perez v. Kramer*, No. 25-cv-3179, 2025 WL 2624387 (D. Neb. Sept. 11, 2025); *Pizarro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Hinestroza v. Kaiser*, No. 25-cv-7559, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-cv-326, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *J.O.E. v. Bondi*, No. 25-cv-3051, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Leal-Hernandez v. Noem*, No. 25-cv-2428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez-Campos v. Raycraft*, No. 25-cv-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Lopez Benitez*, 2025 WL 2371588.

52. The Government claimed sweeping authority to subject noncitizens to mandatory detention includes person paroled into the United States. 8 U.S.C. § 1182(d)(5)(A) sets forth

the protocol for parole of noncitizens, including persons apprehended at the border and determined to be inadmissible:

The Secretary of Homeland Security may, except as provided in subparagraph (B) or in section 1184(f) of this title, in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

8 U.S.C. § 1182(d)(5)(A)

53. On February 18, 2025, ICE leadership issued an internal directive to its Enforcement and Removal Operations (ERO) personnel directing them to “consider for expedited removal” “paroled arriving aliens,” described as “any arriving alien (i.e., encountered at a port of entry) who CBP determined to be inadmissible and released, as long as the alien is inadmissible under” the two inadmissibility criteria to which expedited removal applies (i.e., lack of valid immigration documents or fraud or willful misrepresentation). See ICE February 18, 2025 Directive, at 1, available at <https://immpolicytracking.org/policies/ice-directs-review-on-non-detained-docket-for-redetention-and-removal/#/tab-policy-documents>. The Directive further indicated that “[t]here is no time limit on the ability to process such aliens for [expedited removal].” *Id.*

54. On August 1, 2025, the United States District Court for the District of Columbia stayed the Government’s policy of subjecting noncitizens in removal proceedings, charged with a ground of inadmissibility and paroled into the United States, to expedited removal, including detaining them subject to the mandatory detention grounds of § 1225(b)(2)(A) (cite.)

*Coal. for Humane Immigrant Rts. v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986 (D.D.C.) The Government's motion to stay the Court's order pending appeal was denied by the Court on August 13, 2025. (ECF No. 49.) *Coal. for Humane Immigrant Rts. v. Noem*, No. 25-CV-872 (JMC), 2025 WL 2192986 (D.D.C. Aug. 1, 2025), at \*22, 30 (concluding that Section 1225(b)(1) "forbids the expedited removal of noncitizens who have been, *at any point in time*, paroled into the United States" because "the only way to make sense of the statutory scheme Congress created is to see that parolees fall under neither [provision of Section 1225(b)(1)]" and that "[a]ny other result conflicts with other aspects of the statute and regulations, Congress's evident purpose, and the ordinary meaning of the statute's words").

55. Numerous district courts have rejected the application of expedited removal and mandatory detention to noncitizens who were paroled into the United States under Section 1182(d)(5)(A). See e.g. *Rodriguez-Acurio v. Almodovar*, No. 2:25-CV-6065 (NJC), 2025 WL 3314420, at \*14 (E.D.N.Y. Nov. 28, 2025); *Bustos v. Raycraft*, No. 25-cv-13202, 2025 WL 3022294, at \*6 (E.D. Mich. Oct. 29, 2025) (finding that a noncitizen who unlawfully entered the country, was paroled into the United States, and received a negative credible fear designation was not subject to expedited removal and detention despite the expiration of temporary parole); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826 (S.D.N.Y. Sept. 12, 2025), at \*11; *Aviles-Mena v. Kaiser*, No. 25-cv-6783, 2025 WL 2578215, at \*4 (N.D. Cal. Sept. 5, 2025). See also *Rodriguez v. Rokosky*, No. CV 25-17419 (CPO), 2025 WL 3485628, at \*2 (D.N.J. Dec. 3, 2025) (to the extent Respondents *imply* that revocation of parole somehow returns Petitioner to his pre-parole status; the statutory text does not support such a reading and as the court in *Coalition* explained, § 1182(d)(5)(A) does *not* state that a parolee "return[s] ... to the position of an applicant for admission standing at the

threshold of entry,” or that he “reverts to the status he possessed prior to the grant of parole,” it provides only that, upon expiration of parole, the individual “shall ... return ... to the custody from which he was paroled” and that “his case shall continue to be dealt with in the same manner as that of any other *applicant for admission*,” *i.e.*, any ordinary noncitizen present in the United States without admission).

### **CLAIMS FOR RELIEF**

#### **CLAIM I**

##### **Violation of the INA (Unlawful detention under § 1225(b)(2))**

56. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being detained and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231. But Respondents’ actions here violate § 1226(a) too because, to date, Respondents detained Petitioner without an arrest warrant.

58. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

#### **CLAIM II**

##### **Violation of Fifth Amendment Right to Due Process**

59. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

60. The U.S. Constitution establishes due process rights for “all ‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

61. The Government’s detention of Mr. Lezama Carrasco is unjustified, and the course of events suggest he is going to be summarily removed.

62. The Government has not demonstrated that Mr. Lezama Carrasco—who has had no criminal history in the past 10 years and has children and extensive family ties here—needs to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community).

63. Mr. Lezama Carrasco is neither a danger nor a flight risk and his detention is arbitrary on its face. There is no credible argument that Mr. Lezama Carrasco cannot be safely released back to his community. He has remained law-abiding for at least the last decade, is a gainfully employed, dutiful caregiver and provider for his children.

64. Mr. Lezama Carrasco’s detention has been unaccompanied by the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution and therefore his continued detention is unlawful.

65. Petitioner’s detention rises to the level of a substantive violation of due process, given his obligations to his family, including the reliance his family has on his income to make rent and pay for their daily living expenses. Moreover, ICE detention constitutes a risk to health and human life. Publicly available data on the ICE website reveals at least 18 non-citizens died in ICE custody during FY2025 (U.S. Immigration and Customs Enforcement, *Detainee Death Reporting* (last updated Oct. 16, 2025), available at <https://www.ice.gov/detain/detainee-death->

reporting), while reporting from the Guardian suggests that at least 32 non-citizens died during calendar 2025. Maanvi Singh, et al., *2025 was ICE's deadliest year in two decades. Here are the 32 people who died in custody*, THE GUARDIAN (Jan. 4, 2026), available at <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>.”

### **CLAIM III**

#### **Release on Bail Pending Adjudication**

66. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

67. This Court has the “inherent authority” to grant bail to habeas petitioners like Mr. Lezema Carrasco. *See Mapp v. Reno*, 241 F.3d 221, 230–31 (2d Cir. 2001) (holding that federal courts have inherent authority to set bail pending the adjudication of a habeas petition when the petition has raised substantial claims and extraordinary circumstances “make the grant of bail necessary to make the habeas remedy effective”). In considering a petitioner’s fitness for bail, courts assess (1) “whether the petition raises substantial claims” and (2) “whether extraordinary circumstances exist that make the grant of bail necessary to make the remedy effective.” *Elkimya v. Dep’t of Homeland Sec.*, 484 F.3d 151, 154 (2d Cir. 2007).

68. This Petition raises numerous substantial constitutional and statutory claims challenging Mr. Lezema Carrasco’s arbitrary and capricious detention. As for the second factor, extraordinary circumstances exist here that make Petitioner’s release necessary to make the remedy effective. Petitioner’s presence in the United States is critical so that his family have the income and support they need for shelter, food, and critical cancer medication.

69. Mr. Lezema Carrasco has established substantial claims, and he has also demonstrated extraordinary circumstances thereby making him eligible for bail.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- 1) Assume jurisdiction over this matter;
- 2) Order Respondents to show cause why the writ should not be granted within three days, and set a hearing on this Petition within five days of the return, as required by 28 U.S.C. § 2243;
- 3) Require Respondents to keep Petitioner in this District pending these proceedings;
- 4) Issue an Order stating that if Petitioner has already been removed from Minnesota, Respondents are required to immediately return Petitioner to Minnesota. *See* Order, Case No. 26-CV-0211 (PSJ/SGE), ECF No. 4 (D. Minn.) (filed Jan. 15, 2026) (Chief Judge Patrick J. Schiltz stating “[i]f petitioner has already been removed from Minnesota, respondents are ORDERED to immediately return petitioner to Minnesota.”)
- 5) Order the immediate release of Petitioner pending these proceedings;
- 6) Order Respondents to release Petitioner in Minnesota, providing for any such transportation as is necessary to facilitate such release;
- 7) Declare that Respondents’ actions to arrest and detain Petitioner violate the Due Process Clause of the Fifth Amendment;
- 8) Declare that Respondents’ actions to arrest and detain Petitioner violate the Administrative Procedures Act;
- 9) Enjoin Respondents from removing Petitioner from the United States pending these proceedings;
- 10) Require Respondents to permit Petitioner to contact his attorneys and vice versa throughout these proceedings;
- 11) Require Respondents to disclose the location of Petitioner to his attorneys at all times during these proceedings;
- 12) Enjoin Respondent’s re-detention;
- 13) Order Respondents to, at the time they release Petitioner, to return to Petitioner all personal property in the possession of Respondents and in the possession of

individuals under Respondents' control, including but not limited to Petitioner's identification documents and work permit.

14) Award reasonable attorneys' fees and costs for this action; and

15) Grant such further relief as the Court deems just and proper.

Dated: January 30, 2026  
Minneapolis, Minnesota

/s/ Luke Grundman  
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*Attorneys for Petitioner*

**Verification by Someone Acting on  
Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. I and other staff at my law firm have discussed the factual assertions in this petition with Petitioner's family and friends, who are also acting on Petitioner's behalf and who I understand to have personal knowledge of the facts alleged herein. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's detention status, are true and correct to the best of my knowledge.

Date: January 30, 2026

/s/ Luke Grundman