

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Rafael Antonio  
Perez Aquino,  
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. 0: 26-906(JRT/ECW)

**REPLY IN SUPPORT OF PETITION  
FOR WRIT OF HABEAS CORPUS**

Expedited Handling Requested

Petitioner Rafeal Antonio Perez Aquino submits the following Reply in Support of his  
Petition for Writ of Habeas Corpus:

**RESPONDENTS OFFER NO LAWFUL AUTHORITY FOR DETENTION**

1. The Court ordered Respondents to explain whether and why this  
matter is materially distinguishable, either factually or legally, from *Avila v. Bondi* ...” Doc.  
3. Respondents failed to provide any such distinctions and confirm that 8 U.S.C. 1225(b)(2)  
is their lone justification to detain Petitioner. *See* Doc. 5, pp. 2-3.

2. Respondents ask the Court to reconsider its holding in *Avila* and concede that  
their interpretation of section 1225 is the “minority position.” Doc. 5, p. 4. Respondents  
are correct: nearly every Judge in this District, and the lone federal Court of Appeals

decision on point, have rejected Respondents' interpretation. *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, (7th Cir. 2025) ("What is more, Defendants' construction would render § 1225(b)(2)(A)'s use of the phrase "seeking admission" superfluous, violating one of the cardinal rules of statutory construction."); *Misael T. v. Bondi*, 26-cv-263 (D. Minn. Jan. 20, 2026) (Hon. Tostrud, J.); *Ruben V. v. Noem*, 26-CV-289 (D. Minn. Jan. 20, 2026) (Hon. Bryan, J.); *Juan R. v. Bondi*, 26-cv-252 (D. Minn. Jan. 16, 2026) (Hon. Nelson, J.); *Mahdi O. v. Noem*, 26-CV-0083 (D. Minn. Jan. 14, 2026) (Hon. Schlitz, J.); *Ramon R.C. v. Olson*, 2025 U.S. Dist. LEXIS 269571, \*13 2025 WL 3900425 (D. Minn. Dec. 30, 2025) (Hon. Brisbois Maj. J) ("**Federal courts across the United States, including the overwhelming majority of Courts to consider the issue, have reached this same conclusion and rejected Respondents' argument to the**

**contrary more than 300 separate times.”); *Awaale v. Noem*, No. 25-04551, 2025 WL 3754012 2025 U.S. Dist. LEXIS 266286 (D. Minn. Dec. 29, 2025) (“the weight of opinions in this District and in the rest of the country that have ruled against Respondents’ interpretation. This Court is one of them.”) (Hon. Davis, J.); *Beltran v. Bondi*, No. 25-04604 (MJD/DTS), 2025 WL 3719856, at \*4 (D. Minn. Dec. 23, 2025) (“Petitioner is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and is instead subject to detention, if at all, pursuant to the discretionary provisions of 8 U.S.C. § 1226(a)(1)”); *Hugo D.P. v. Olson*, 25-cv-4593, 2025 U.S. Dist. LEXIS 262404, \*3 2025 WL 3688074 (D. Minn. Dec. 19, 2025) (Hon. Provinzino, J.) (“this Court and nearly every federal court to consider the [Respondents’ interpretation of § 1225] have rejected [this] reasoning ... and ordered the Government to provide bond hearings to noncitizens.”); *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947, at \*6 (D. Minn. Oct. 1, 2025) (“This Court joins that chorus. As these other courts have observed, Respondents’ interpretation of § 1225(b)(2) is unpersuasive.”).**

3. Considering the overwhelming weight of authority, there is no reason for the Court to reconsider its prior, well-reasoned decisions.

**RELEASE IS THE PROPER REMEDY**

4. This Court recently held that where “(1) Respondents erroneously assert a detainee is being held pursuant to § 1225(b)(2); and (2) Respondents have not produced any warrant, as is required to effectuate an arrest pursuant to § 1226(a), the appropriate remedy is release from custody.” *Luis E.M.C. v. Bondi*, Civil No. 26-333 (JRT/DTS) 2026 U.S. Dist. LEXIS 12374, \*7 (D. Minn. Jan. 23, 2026).

5. Here, Respondents have offered no evidence that Petitioner's arrest was effectuated pursuant to a warrant. As such, immediate release is warranted.

Date: February 5, 2026

*s/Myron Orfield*

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