

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

Neri Ronaldo Castro

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, and

Curtis Taylor, Major General, U.S. Army at  
Camp Bliss.

Respondents.

Case No. 0:26-cv-00912

**PETITIONER'S REPLY IN  
SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS**

Petitioner Neri Ronaldo Castro submits the following Reply in Support of his Petition for Writ of Habeas Corpus to address the jurisdictional and statutory interpretation arguments made by Respondents:

**I. Jurisdiction in Minnesota is Proper.**

1. In sum, the Court has jurisdiction because: (1) Respondents are subject to service of process in the district of Minnesota; (2) Petitioner resides in Minnesota with his family, works in Minnesota, was arrested in Minnesota, was detained in Minnesota, and

had been in Minnesota hours prior to filing the instant petition; and (3) equitable concerns and systematic forum shopping by ICE support jurisdiction in this District.

2. Petitioner was arrested without a warrant on January 29, 2026. The next day (the day before the Petition was filed) on January 30, 2026, Petitioner's family was able to contact counsel's investigative team who communicated with Petitioner's family about the facts and circumstances surrounding Petitioner's detention. That day, counsel for Petitioner prepared the subject petition. Petitioner's counsel filed the instant petition the following day, on January 31, 2026. Less than 24-hours before filing on January 30, 2026, the ICE detainee locator updated to indicate that Petitioner was in El Paso, however, counsel for Petitioner believed that jurisdiction remained proper in Minnesota due to the rapid transfer of Petitioner, inability to contact Petitioner and verify his location after he was transported from Minnesota and before filing, and tendency for ICE to rapidly move detainees to different jurisdictions with no prior communication or notice.

3. The habeas doctrine, at its very core, is intended to provide equitable relief from unlawful detention. Courts should administer the writ with flexibility "to ensure that miscarriages of justice within its reach are surfaced and corrected." *Harris v. Nelson*, 394 U.S. 286, 291 (1969); *see also Jones v. Cunningham*, 371 U.S. 236, 243 (1963) (holding "[habeas] is not now and never has been a static, narrow, formalistic remedy; its scope has grown to achieve its grand purpose—the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty").

4. Habeas jurisdictional analysis considers whether the custodian may be reached by service of process. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410

U.S. 484, 495-500 (1973) (rejecting an “inflexible jurisdictional rule” and holding that as “long as the custodian can be reached by service of process, the court can issue a writ within its jurisdiction even if the prisoner himself is confined outside the court’s territorial jurisdiction.”). Similarly, traditional principles of jurisdiction and venue apply, such as Petitioner’s residence and the location of arrest. *Suri v. Trump*, 785 F. Supp. 3d 128, 148 (E.D. Va. 2025) (stating “[i]t strains credulity, however, that a habeas petition that properly named the petitioner’s ultimate custodian and was filed in the district where the petitioner resides, was arrested, and was detained cannot be heard in that same district”).

5. ICE has been able to forum shop through rapid, unilateral detainee transfers in a way that unfairly affects habeas jurisdiction. *Anariba v. Dir. Hudson Cty. Corr. Ctr.*, 17 F.4th 434, 447-48 (3d Cir. 2021) (holding that ICE transfers “can have negative repercussions on ICE detainees . . . particularly those seeking habeas relief” and that when “continuous transfer permeates the reality of ICE detention, it suggests that the Government has the machinery already in place to permit extensive forum shopping”).

6. In a nearly identical habeas matter before this Court, Judge Bryan recently found that jurisdiction was proper in Minnesota:

Here, the equitable factors weigh in favor of this District as the appropriate venue to adjudicate the Petition. The decision to arrest and detain Jose A. was directed to personnel within this District, and therefore witnesses and information about the manner of his arrest would also be found in this District. Jose A. was, for at least some time, actually detained within this District. Jose A. has lived in Minnesota for many years and Respondents have given no response as to the basis of his detention or what the length of his detention would be. Transferring venue would prolong both Jose A.’s detention and the adjudication of his claims. Further, venue should not be transferred simply because a petitioner was unable to file their petition prior to transfer, particularly when that transfer was not at a Petitioner’s request,

is wholly outside of their control, and occurs in a very short time after arrest. Transferring venue solely on the basis that a petitioner was transferred, and thereby currently detained elsewhere, could also have the effect of incentivizing forum shopping, as Respondents could quickly transfer detained individuals to a district of their choosing.

*Jose A. v. Noem*, No. 26-cv-480 (JMB/ECW), 2026 WL 172524, at \*2 (D. Minn. Jan. 22, 2026).

7. Similarly, Judge Davis found in another analogous habeas matter that:

[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 to 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.

*Jorge M. v. Bondi*, Doc. 3, No. 26-cv-00609 (MJD/JFD) (D. Minn. Jan. 24, 2026).

8. Judge Doty has found the same in yet another nearly identical case:

Respondents argue that the court lacks jurisdiction to hear this matter because Jose is not being detained in Minnesota. They seek dismissal or transfer of the case to the district of his detention. The court disagrees with respondents. Jose has lived here for over two years, was arrested here, and was initially detained here. As has been held in this district, venue remains proper in Minnesota under these circumstances.

*Jose V. v. David Easterwood, et al.*, No. 26-cv-597 (DSD/LIB), 2026 WL 222175, at \*1 (D. Minn. Jan. 28, 2026); *see also Van Tran v. Hyde*, No. 25-cv-12546-ADB, 2025 WL 3171210, at \*4 (D. Mass. Nov. 13, 2025) (“[T]he [post-habeas-filing] revelation that Petitioner was not actually in the district at the time of filing does not require the Court to dismiss or transfer the action, provided that it is still capable of awarding the relief sought.

. . . The Court is able to grant the Petition as long as there remains a person within this judicial district to whom the writ can be directed.”).

9. Based on the above, jurisdiction in Minnesota is appropriate. The Petitioner was arrested and detained in Minnesota. ICE’s transfer of Petitioner outside of Minnesota not only impairs Petitioner’s access to family and counsel but makes use of a tool used repeatedly by ICE to forum shop in a way that unfairly affects jurisdiction. Transferring this case to the Western District of Texas only serves to further extend Petitioner’s wrongful detention.

10. Respondents are engaged in what they refer to as “the largest immigration operation ever” in Minnesota, meaning that they are undoubtedly subject to service of process by the Court. *See* “2,000 federal agents sent to Minneapolis area to carry out ‘largest immigration operation ever,’” ICE says, PUBLIC BROADCASTING SERVICE, <https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says>. Similarly, Petitioner resides, was arrested, and initially detained in Minnesota. ICE’s unilateral decision to transfer Petitioner outside Minnesota without notice substantially impaired his access to family and counsel. Accordingly, notions of equity and personal jurisdiction weigh in favor of jurisdiction.

11. Petitioner’s lightning-fast transfer out of Minnesota is a feature of Respondents’ ongoing operations in Minnesota. By transferring Petitioner and those like him outside of Minnesota—where numerous similar requests for habeas relief have been granted—ICE seeks to avail itself of jurisdictions that it believes to be more advantageous. Further, ICE often conducts multiple interstate transfers, and it is entirely possible that

Petitioner is again moved across state lines before this matter is decided. To combat forum-shopping by ICE, and to prevent Petitioner from playing whack-a-mole to find the proper jurisdiction to decide the merits of his habeas claim, the Court should retain jurisdiction.

12. Respondents contend that the “district of confinement” rule—which holds the district in which the petitioner is physically present is proper—universally governs habeas jurisdiction. Even assuming this to be true, the rule has exceptions. For example, Courts recognize that where the location of the petitioner is not known at the time of filing, the district of confinement rule does not apply. *See Rumsfeld v. Padilla*, 542 U.S. 426, 450 n.18 (2004) (“When . . . a prisoner is held in an undisclosed location by an unknown custodian, it is impossible to apply the immediate custodian and district of confinement rules.”); *Adriana M.Y.M. v. Easterwood*, No. 26-cv-00213 (JWB/JFD) 2026 U.S. Dist. LEXIS 13188, \*5 (D. Minn. Jan. 25, 2026). Here, as Respondents concede, Mr. Castro was arrested by ICE in Minnesota on January 29, was booked into El Paso on January 30, and filed a habeas petition on January 31. The speed with which Mr. Castro was removed from his home state and separated from his family without notice has made contacting Mr. Castro complicated.

13. Furthermore, this Court has already held that the “‘immediate custodian’ rule outlined in *Rumsfeld v. Padilla*, 542 U.S. 426, 427 (2004), is a venue rule and not a jurisdictional one. The application of the ‘immediate custodian’ rule is not automatic, and the venue for habeas petitions allow for equitable concerns such as convenience and appropriateness of the district.” *Jose A.*, 2026 WL 172524, at \*2; *see also Luis N. v. Trump*, No. 26-cv-00171 (MJD/SGE) Doc. No. 8, at \*3 (D. Minn Jan. 16, 2026) (citing *Braden v.*

*30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493 (1973)). The facts of the present case are essentially identical, and thus equitable considerations weigh in favor of this District being the appropriate venue to adjudicate the Petition.

**II. Respondent’s Argument that 8 U.S.C. § 1225(b) Applies is Wrong.**

14. The Court ordered Respondents to explain “whether—and if so, why—this matter is materially distinguishable, either factually or legally, from *Andres R.E. v. Bondi*, No. 25-cv-03946 (NEB/DLM), 2025 WL 3146312 (D. Minn. Nov. 4, 2025).” But Respondents failed to comply with this Order as Respondent’s brief does not even reference *Andres*, let alone attempt to distinguish it.

15. The instant case is not materially distinguishable, either factually or legally, from *Andres*. The Court should apply its previous reasoning regarding the applicability of § 1225 to the facts of this case. *Andres*, 2025 WL 3146312 at \*2-3.

16. Nearly every Judge in this District has rejected Respondents’ interpretation of § 1225, and the Respondent concedes their opinion is the minority position. *See Misael T. v. Bondi*, 26-cv-00263 (D. Minn. Jan. 20, 2026) (Hon. Tostrud, J.); *Ruben V. v. Noem*, 26-cv-00289 (D. Minn. Jan. 20, 2026) (Hon. Bryan, J.); *Juan R. v. Bondi*, 26-cv-00252 (D. Minn. Jan. 16, 2026) (Hon. Nelson, J.); *Mahdi O. v. Noem*, 26-cv-00083 (D. Minn. Jan. 14, 2026) (Hon. Schlitz, J.); *Abdirashid H.M. v. Noem*, No. 25-cv-04779 (D. Minn. Jan. 9, 2026) (Hon. Tunheim, J.); *Ramon R.C. v. Olson*, No. 25-cv-03811, 2025 WL 3900425 at \*6 (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-cv-04551, 2025 WL 3754012, at \*1-2 (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-cv-04604, 2025 WL 3719856, at \*4 (D. Minn. Dec. 23, 2025); *Hugo D.P. v. Olson*, 25-cv-04593, 2025 WL 3688074, at \*2 (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-03682, 2025 U.S. Dist. LEXIS 194262, \*13 (D. Minn. Oct. 1, 2025) (Hon. Menendez, J.) (“Overwhelmingly, courts have rejected the interpretation offered by Respondents that § 1225(b)(2) requires the detention of all noncitizens living in the country who are ‘inadmissible’ because they entered the United States without inspection. This Court joins that chorus.”) (Internal citations omitted).

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

18. The Court also ordered Respondents to address “[w]hether the absence of a warrant preceding Petitioner’s arrest necessitates Petitioner’s immediate release.” (Doc. 4 at 2.)

19. Respondents failed to substantively address this issue, however, and merely “assert all arguments raised by the government in *Avila* [*v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025)], preserve those arguments for any appeal in this case, and respectfully request that the Court deny Petitioner’s habeas petition.” (Doc. 5 at 6.)

Respondents even acknowledge “that many judges in this District conclude the absence of a warrant preceding a petitioner’s arrest necessitates immediate release.” *Id.*

20. As Respondents have failed to provide any substantive legal argument on this issue and have failed to identify a valid warrant for Petitioner’s arrest, Petitioner should be released immediately.

21. Respondents have not offered any specific reason for why Petitioner’s release is an unwarranted remedy other than their flawed interpretation of § 1225.

22. Where the Government fails to identify “a valid statutory basis for detention in the first place, the remedy is not to supply one through further proceedings.” *William M. v. Bondi*, 2026 U.S. Dist. LEXIS 9535, at \*4 (D. Minn. Jan. 19, 2026) (Hon. Tostrud, J.). Instead, “release is an available and appropriate remedy for detention that lacks a lawful predicate.” *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025).

23. Because there is no lawful predicate for Petitioner’s detention, Petitioner respectfully requests that the Court order his immediate release.

24. Undersigned counsel has received troubling information that some detainees are being released outside of Minnesota, left to fend for themselves in a state with which they are unfamiliar. The ICE locator still indicates that Petitioner is in El Paso, Texas.

25. Undersigned counsel has also received information that Respondents are withholding detainees’ drivers’ licenses and other important documents and belongings upon their release.

26. Therefore, should the Court see fit to grant Petitioner’s request, it is respectfully requested that the Court specifically direct Respondents to:

- a. Release him in the State of Minnesota within 24 hours of this Court's Order;
- b. Release him with all personal documents, such as driver's licenses, passports, or immigration documents;
- c. Release him without conditions such as ankle monitors, tracking devices, etc.;
- d. Notify the undersigned of the street address where he will be released;
- e. Provide the undersigned a 2-hour window in which Petitioner will be released so that arrangements can be made to pick him up from the street address noticed;
- f. Require Respondents to certify in writing within 48 hours of this Court's order that all aspects of the order have been complied with; and
- g. Enjoin Respondents from re-detaining Petitioner under the same statutory theory.

Date: February 4, 2026

/s/ Peter S. Selness

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