

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Caryelis B.B.B.,

Petitioner,

v.

Pamela Bondi, *et. al,*

Respondents.

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

Case No. 26-cv-00917 (DWF/SGE)

INTRODUCTION

Respondents admit they had no basis for detaining Petitioner and they have no basis for holding her. (*See* Dkt. 6.) The best they can come up with are the same tired arguments they have presented to this Court and hundreds of other courts around the country, again and again. Petitioner's previous status as a person who received Temporary Protected Status makes no difference. This Court should refuse to abide Respondents' illegal and unwarranted detention scheme—one that in this case has been accompanied by wanton cruelty. For days, Respondents held Petitioner in the same bloodied clothing she has been in since her violent detention by ICE agents. (Alexander Decl. ¶ 5.) She received scarcely any food or water, and no privacy. (*Id.*) Respondents' conduct violates the Constitution—and basic human decency.

ARGUMENT

1. This Court has already rejected Respondent's arguments multiple times.

Respondents are correct about one thing in their brief: The Court does not require extensive explanation of the legal issue before it. It has rightly rejected Respondents' argument—multiple times. *See, e.g., Jaiver E.A.C. v. Bondi*, 2026 WL 207355, at *2 (D. Minn.,

Jan. 27, 2026); *Franklin I.G.R. v. Bondi*, 2026 WL 207357, at *2 (D. Minn. Jan. 27, 2026); *Jose L.M.S. v. Bondi*, 2026 WL 185066, at *2 (D. Minn. Jan. 25, 2026); *Victor S.M. v. Noem*, 2026 WL 161445, at *2 (D. Minn. Jan. 21, 2026). Those decisions join dozens of similar decisions from other judges in this district. *Juan T.R. v. Noem*, 2026 WL 200329, at *1 (D. Minn. Jan. 26, 2026) (noting case quantities of similar petitions).

Respondents nevertheless continue to argue that people like Petitioner are subject to mandatory, indefinite detention. (See Dkt. 6.) Respondents' entire argument rests on the notion that Petitioner is an "applicant for admission" to the United States. (*Id.* citing 8 U.S.C. § 1225(b).) But "[a]s this Court has explained on multiple occasions, Respondents' interpretation of section 1225 contradicts the plain language of the statute." *Franklin I.G.R.*, 2026 WL 207357, at *1. That statute simply applies only to those seeking admission to the United States. *See id.*

Petitioner is not. As Respondents acknowledge, Petitioner received Temporary Protected Status at a minimum in 2025, and likely much earlier. (Dkt. 7.) That program by law ensures that participants are admitted to the country, are granted work authorization, and cannot be removed during the pendency of the status. *See* 8 U.S.C. § 1254a. While Respondents seem to think Petitioner's protected status somehow helps their case, in fact it only affirms that Petitioner is not a person subject to mandatory detention under section 1225(b)(2). And, as is too often the case, Respondents' silence speaks loudly. They do not even attempt to claim they had a warrant issued under section 1225, section 1226, or had any other legal authorization for the violence they wreaked on Petitioner. (*See* Dkt. 6.)

2. Detention without a warrant violates due process.

Detaining anyone in this country is subject to the protections imposed by the Due Process Clause of the Constitution. As the Supreme Court has repeatedly made clear, "[t]he Due Process

Clause applies to 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); *see also Mathews v. Diaz*, 426 U.S. 67, 77 (1976). This includes noncitizens detained under 8 U.S.C. § 1225(b) and under section 1226. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 851 (2018) (allowing lower courts to consider as-applied due process challenges to detention under § 1225(b)). For this reason, “preoccupation with technical concerns over 1225 processing versus 1226 processing for detention only exalts form over substance insofar as the Due Process Clause, writ large, is concerned,” especially where, as here, the case involves “a prolonged period of [lawful presence in the United States].” *Rodrigues De Oliveira v. Joyce*, No. 2:25-cv-00291, 2025 WL 1826118, at *5 (D. Me. July 2, 2025).

Substantive due process requires that there be a reasonable relation between an individual’s detention and the government’s purported interests in that detention. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). With immigration detention, the Supreme Court has acknowledged that the government’s interests are limited to (1) preventing flight risk, so a person can go through removal proceedings and ultimately be removed, or (2) otherwise ensuring the safety of the community. *Zadvydas*, 533 U.S. at 690-91. The second justification is only permissible “when limited to specially dangerous individuals and subject to strong procedural protections.” *Id.* at 691.

Here, no rationale can justify Petitioner’s detention. She has lived in the United States for years. (Dkt. 1 at 4.) She is the primary caregiver for a child and other family members (as illustrated by the fact that she was snatched while going to buy groceries. Respondents have not shown that she is suddenly a flight risk. They have produced no evidence to support such an assertion. (*See* Dkt. 6, 7, and 7-1). The arbitrary, sudden, warrantless, and brutal detention of

Petitioner violates due process (her car windows were shattered and she was dragged out of a car that was left in the street), (*see* Alexander Decl.), and this Court should refuse to allow it.

3. Release, not a bond hearing, is the appropriate relief.

Respondents do not deny that Petitioner was arrested without a warrant. (Dkt. 6). Respondents have not contended that this warrantless arrest was justified by 8 U.S.C. § 1357(a)(2) because there was a reasonable belief that he was present in violation of the immigration laws *and* likely to escape before a warrant could be obtained. (*Id.*). These facts alone justify Petitioner's immediate release.

More broadly, individuals who are not subject to a final removal order have a due process expectation of not being arbitrarily detained. Release is the appropriate remedy for this due process violation. Petitioner's liberty interest is such that she should have been provided process *before* the government detained her in the first place. *See Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (“[T]he root requirement’ of the Due Process Clause” is “that an individual be given an opportunity for a hearing *before* he is deprived of any significant protected interest.”) (quoting *Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)); *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (“Applying [the *Mathews*] test, the Court usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty”); *Morrissey v. Brewer*, 408 U.S. 471, 480–86 (1972) (holding this in the context of re-detention of individuals released from criminal custody on parole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same for individuals subject to revocation of probation).

Because Petitioner was not lawfully detained, the proper remedy is to release her rather than to give a bond hearing. Courts in this District have, particularly in recent weeks, granted release rather than bond. While the number of decisions is vast and growing rapidly, a sample

from even the past few days supports the grant of straight release. *See Ronstadt A. v. Bondi*, 2026 WL 266751, at *3 (D. Minn. Feb. 2, 2026) (granting release); *Francisco R.C., v. Bondi*, 2026 WL 266601, at *2 (D. Minn. Feb. 2, 2026) (same); *Nelson G. v. Bondi*, 2026 WL 266092, at *3 (D. Minn. Feb. 2, 2026) (same); *Rosa T. v. Easterwood*, 2026 WL 266755, at *3 (D. Minn. Feb. 2, 2026); *Segundo G.U.O. v. Bondi*, 2026 WL 266562, at *2 (D. Minn. Feb. 2, 2026) (same); *Rahmo A.A. v. Easterwood*, 2026 WL 266750, at *2 (D. Minn., Feb. 2, 2026) (same). As Judge Tostrud—citing others—succinctly put it, “[r]elease is an available and appropriate remedy for detention that lacks a lawful predicate.” *Nelson G. v. Bondi*, 2026 WL 266092, at *3 (D. Minn., 2026) (citing *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *Vedat C. v. Bondi*, No. 25-cv-4642 (JWB/DTS) (D. Minn. Dec. 19, 2025), ECF No. 9) (quotations omitted).

Ordering an immigration court to conduct a bond hearing in this case would only unnecessarily prolong Petitioner’s already unreasonable detention. There are no ongoing proceedings before any immigration court. In many cases, noncitizens granted bond by immigration judges are faced with (a) a prohibitively high bond, or (b) an unconstitutional automatic stay of the decision under 8 C.F.R. § 1003.19(i)(2)—rendering this relief hollow. So, to return Petitioner to the *status quo ante*, the Court must order her release and ensure that she is not again deprived of her liberty without meaningful pre-deprivation process. *See, e.g., Victor G. v. Lyons*, 26-CV-119 (ECT/SGE), 2026 WL 127733, at *3 (D. Minn. Jan. 17, 2026) (considering both remedies and granting immediate release to U-Visa petitioner with a bona fide determination and employment authorization because USCIS had already determined he was not a risk to national security or public safety).

If the Court does not agree that release is appropriate, Petitioner is entitled to a bond hearing at minimum. *Maldonado Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec.

18, 2025); *Andres R.E. v. Bondi*, No. 25-CV-3946 (NEB/DLM), 2025 WL 3146312 (D. Minn. Nov. 4, 2025). The Court should order Respondents conduct a bond hearing within no more than 48 hours after the Court issues its order and further order that if no such bond hearing is conducted on that time frame, Respondents must immediately release Petitioner. *See, e.g., Nelson G. v. Bondi*, 2026 WL 266092, at *3 (ordering action within 48 hours). The Court should further order that in any such hearing, the government bears the burden of establishing a need for continued detention by clear and convincing evidence. *See* 8 C.F.R. § 1241.14; *see also Pedro O. v. Garland*, 543 F.Supp. 3d 733 (D.Minn., 2021) (holding that in a bond hearing not governed by section 1226(a), the Government must prove under clear and convincing evidence that the petitioner poses either a flight risk or a risk of danger to the community).

CONCLUSION

For these reasons, Petitioner respectfully asks the Court to order her immediate release or, in the alternative, to order that a bond hearing take place immediately.

Dated: February 4, 2026
Minneapolis, Minnesota

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