UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Reymile P. Perez, *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-00918 (DMT/JFD)

INTRODUCTION

This case is not like other habeas petitions the Court has decided in recent weeks for two reasons. First, Petitioner does not lack immigration status: she is authorized by law to live here, to work here, and to raise and care for her children here. Ms. Perez had immigration status at the time government agents detained her, and she has immigration status now.

Second, this Court in its recent orders has rightly balanced potential harms to each party as a result of its decision. In this case, it will find that the harms suffered by Ms. Perez—harms she still suffers—outweigh any need the government could have to continue holding her.

FACTS

Ms. Perez was arrested, without a warrant, while driving to buy groceries. Dkt. 1 at 15. Agents boxed in her vehicle and shattered the windows. *Id.* Since her arrest nearly a week ago, Ms. Perez has received almost no food, water, or medical attention.

Alexander Decl. ¶¶ 6-10. She is wearing the same clothes. *Id.* ¶ 10. She has not showered or been able to clean the blood off her body or remove all the glass embedded in her skin at the time of her arrest. *Id.* ¶¶ 6-10. Over the course of four days, she had only a couple of apples to eat. *Id.* ¶ 10. She has been shackled around her hands and ankles. *Id.* ¶ 8. She has had no bedding or room to lie down. *Id.* ¶ 8. She is cold, hungry, and afraid. *Id.* ¶ 8. And she is alone. The two other women arrested at the same time as her have already been ordered released by other judges in this District. *Raymely P.P. v. Bondi*, No. 26-919 (JWB/DJF), Order Feb. 4, 2026; *Caryelis B.B.B. v. Bondi*, No. 26-917 (DWF/SGE), Order Feb. 4, 2026.

Before her world was upended last week, Ms. Perez lived as most of us do. She got her kids to school, she went to work, she came home and fed her kids and tucked them into bed. *See* Dkt. 1 ¶ 14; Alexander Decl. ¶ 4. On Sundays she went to church. Alexander Decl. Ex. 3. Her pastor notes her value to her church community. *Id.* "[H]er love for others is evident in everything she does," he writes. *Id.* "[H]er family, our church community, and our community as a whole would be better with her here." *Id.*

Ms. Perez is not the kind of person who needs to be held in detention. Her status as a holder of Temporary Protected Status means she has already been vetted by the government: she is not a criminal, or a terrorist, nor does she fall under another of the many reasons why a person cannot receive protected status. *See* 8 C.F.R. §§ 244.3-244.4. She received a work permit. Alexander Decl. Ex. 1. She has never missed a court hearing. Indeed, there are no court hearings to miss—Respondents had yet to commence any kind of removal case against her at the time they arrested her, and they still have not done so.

Grundman Decl. Ex. 4. But Respondents, nevertheless, propose to hold her in detention, away from her children and her community, for an indefinite amount of time. Dkt. 7 at 1. It is incumbent on this Court to step in.

ARGUMENT

1. Ms. Perez has legal authorization to live and work in the United States.

Temporary Protected Status is a program created by Congress. *See* 8 U.S.C. § 1254a. The Attorney General makes a formal designation of the status based on the presence of an ongoing, armed conflict within a country. *Id.* § 1254a(b)(1). Applicants are vetted carefully to ensure they are not ineligible for a variety of reasons, including criminal history. *See* 8 C.F.R. §§ 244.3-244.4. The Attorney General identifies only a specific, limited group of people from the affected country to receive the protections. *Id.* § 1254a(a)(1)(A). Once it is granted, the government "shall not remove" participants from the United States and "shall authorize" protected individuals to work. *Id.* § 1254a(a)(1).

Ms. Perez is one of those people. *See* Alexander Ex. 2. Accordingly, she received a work permit. *Id.* Ex. 1. She is not here illegally; she is not undocumented. The government has not ordered her removed or even started proceedings. Grundman Decl. Ex. 4.

In response to this action, Respondents present no evidence to the contrary. Dkt. 7 at 1. The closest thing to a response is a single sentence in a single paragraph of a legal brief: "It should be noted that Agency believes her TPS status has been terminated . . . ." (*Id.*) No exhibits or declarations accompany the filing. Respondents do not produce an

immigration removal order, a warrant, or even documentation to show that Ms. Perez no longer qualifies as a person with Temporary Protected Status. *See id.* Respondents leave it to this Court to guess at its rationale for arresting her and continuing to hold her or to simply defer.

If they had submitted an argument specific to this case, Respondents may have claimed that the government's attempted revocation of Temporary Protected Status for people like Ms. Perez justifies their actions. Had they reviewed the program as it applies to her specifically, they would have realized that their position is out of date.

While the government did attempt to revoke Temporary Protected Status for the group of people that includes Ms. Perez, its acts have been nullified. *See National TPS Alliance v. Noem*, --- F.4th ----, 2026 WL 226573, at *18 (9th Cir. Jan. 28, 2026). The Court in that case considered an attempted mass revocation of all Venezuelan nationals with protected status. *See id.* at *2. The government had previously granted protected status to Ms. Perez and others from Venezuela until October 2, 2026. *Id.* In the spring of 2025, the Secretary of the Department of Homeland Security attempted to vacate the grant of status. *Id.* In a lengthy decision, a federal appellate panel rejected the attempt.

> Congress designed the TPS statute, carefully and deliberately, to restrain the Secretary's authority to designate, or extend or terminate an existing designation of, a foreign nation for TPS. The statute contains numerous procedural safeguards that ensure individuals with TPS enjoy predictability and stability during periods of extraordinary and temporary conditions in their home country.

Id. at *18. The Court held that since the current eligibility period ran until October 2026, the Secretary's order purporting to cancel it early was invalid and of no legal effect. *Id.*

The *National TPS Alliance* decision means Ms. Perez's status as person with Temporary Protected Status remains in effect. And that means Respondents do not have a basis for removing her from the country—much less holding her indefinitely in detention. This reality may explain the fact that Respondents have yet to even initiate removal proceedings against her. *See* Grundman Decl. Ex. 4.

Respondents have not responded in a meaningful way to this facially unlawful detention. *See* Dkt. 7. They instead direct the Court only to arguments made on another legal issue, dealing with the statutory interpretation of 8 U.S.C. sections 1225 and 1226: two much-litigated provisions of the Immigration and Naturalization Act. *See id.* On that issue, Respondents ask the Court to incorporate arguments made in a separate legal matter currently pending before the 8th Circuit. *Id.* (*citing Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025)). For purposes of this argument—and acknowledging that this Court has already formed its interpretation of the issue—*see Mata Guevara v. Easterwood*, 2026 WL 278924, at *1 (D. Minn. Feb. 3, 2026); *Alvacora v. Olson*, 2026 WL 220417, at *2 (D. Minn. Jan. 28, 2026)—this brief will do the same, and leave the issue to the 8th Circuit to decide.

2. Ms. Perez will suffer irreparable harm if this Court does not order her release.

In similar cases, this Court has considered the potential of irreparable harm when determining whether to grant release to petitioners from immigration detention. *Id.* at *4, *Mata Guevara*, 2026 WL 278924 at *3. This case is different from those cases for two reasons. First, Ms. Perez has lawful immigration status, so deprivation of her liberty under such conditions is a due process violation. Second, the conditions of Ms. Perez's

detention are causing her immediate and irreparable harm. This section of the brief will address each argument in turn.

a. Due Process

In a recent decision the Court declared, "loss of liberty may be an irreparable harm," continuing, "[t]he Court also agrees that absent due process, there is truly an irreparable injury." *Mata Guevara*, 2026 WL 278924 at *3 (*citing Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012)). In that case, the Court found no deprivation of due process since it concluded that section 1225 authorized the government's detention of the petitioners. *Mata Guevara*, 2026 WL 278924 at *3.

As shown above, unlike those petitioners, Ms. Perez does not fall under this Court's interpretation of section 1225. She cannot be an "applicant for admission" subject to mandatory detention under section 1225(b)(2) because her status is valid and in place (*See supra* and Alexander Decl. Ex. 1). She therefore has, under this Court's own analysis, a right to due process prior to ongoing detention.

b. The harms suffered by Ms. Perez outweigh the government's interest in holding her.

The Court has also in past cases framed its analysis as a balancing of the harms. *See Mata Guevara*, 2026 WL 278924 at *3. It notes that the government faces "harm . . . if the Court were to hamstring its ability to effectuate the will of Congress and increase the chances of deportable aliens fleeing prior to or during removal proceedings." *Id.* In its past analyses, the Court balanced that harm against the harm of ongoing detention for the individuals involved. *Id.*

When the Court employs its balancing scale in this case there is much more weight on the side favoring release. Ms. Perez has faced conditions in detention that have no place in any kind of modern society—much less in America. She was arrested on Saturday night. Alexander Decl. ¶ 2. While being detained, she was injured by glass broken from her car windows. *Id.* ¶¶ 5-6, 9-10. Glass became embedded in her skin. *Id.* ¶ 5. Agents brought her to a building in St. Paul that already overflowed with detainees. *Id.* ¶¶ 6, 8. Her feet and wrists were handcuffed. *Id.* ¶ 6. She received no food, water or medical attention. *Id.* ¶ 8. She bled from the wounds caused by the broken glass and from her restraints. *Id.* She was given no bedding or even space to lie down. *Id.*

Conditions did not change for the next four days. From Saturday until Tuesday, Ms. Perez received only a few apples to eat. *Id.* ¶ 10. She was in the same clothes she had been in. *Id.* She continued to pull pieces of glass from her skin. *Id.* She is still in the same clothing she has been since Saturday night. *Id.*

It may seem unbelievable that such things could happen to a prisoner in this country in this century. But the credibility of Ms. Perez's statement is bolstered by numerous reports. Other detainees reported, like Ms. Perez, lack of food, water, medical attention, and the space to lie down. Grundman Decl. Ex. 5.

> The young Muslim woman was shackled at the ankles. For 24 hours, she was locked inside a bathroom with three men at the Bishop Henry Whipple Federal Building, she said. They were given no bedding or pillows. Meals consisted of one sandwich a day. The sink faucet did not work, but the single toilet did. When the men pulled down their pants to use it, the woman hid her face.

In other contexts, the balance of harms may be a simple formula: an immigrant's lack of liberty compared with the government's desire to detain prior to removal. But in this case, Ms. Perez is not experiencing only a loss of liberty. She is also suffering conditions not suitable for human beings. People convicted of felonies have better treatment, and Ms. Perez is no criminal. She is a churchgoer and a mother. Alexander Decl. ¶ 4, Ex. 3. Three young children wait for her to come home. *Id.* The Court should not leave her in these conditions.

Respondents probably did not set out to treat people like they are treating Ms. Perez. They are government workers and they work in the public interest. Perhaps they simply underestimated the number of people they would take on the responsibility of caring for. By releasing Ms. Perez, this Court will help not just her, but it will help Respondents begin to get themselves out of an untenable situation.

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

Because Petitioner was not lawfully detained, the proper remedy is release. Courts in this District have, particularly in recent weeks, favored this remedy. 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 succinctly put it, "Release 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 Ms. Perez's already unreasonable detention. There are no ongoing proceedings before any immigration court. *See* Grundman Decl. Ex. 4. 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 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.

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