

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

Alex Santiago Toapanta Toapanta,

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,

Respondents.

Case No. 0:26-cv-922 SRB-DTS

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

Petitioner Alex Santiago Toapanta Toapanta submits this reply in support of his Verified Petition for Writ of Habeas Corpus.

1. In response to Mr. Toapanta Toapanta's Petition, Respondents continue to advance arguments that have repeatedly been rejected by an overwhelming number of courts nationally. Petitioner's release is therefore warranted, and Petitioner also reiterates his request for relief as outlined in his original Prayer for Relief.

Respondents §1225 arguments should fail

2. As briefed in the Petition, a person who has already been residing in the United States, such as Petitioner, is not "seeking admission" for purposes of the statute.

See, e.g., Kelvin N. v. Bondi, No. 26-CV-32 (JMB/JFD), 2026 LX 80945, at *5 (D. Minn. Jan. 7, 2026) (to be seeking admission under section 1225(b)(2) “means to be seeking entry, which ‘by its own force implies a coming from outside.’”) (*citing United States ex rel. Claussen v. Day*, 279 U.S. 398, 401, 49 S. Ct. 354, 73 L. Ed. 758 (1929)).

3. What is more, Respondent’s expansive interpretation of §1225(b), has been soundly rejected in *hundreds* of decisions across the country. *See, Barco Mercado v. Francis*, No. 25-CV-6582 (LAK), 2025 WL 3295903, at *13–14 (S.D.N.Y. Nov. 26, 2025) (more than 350 cases reaching the same conclusion, and only 12 finding to the contrary). *See also, Mahdi O. v. Noem*, 26-CV-0083 (D. Minn. Jan. 14, 2026) (Hon. Schlitz, Chief J.); *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.); *Abdirashid H.M. v. Noem*, No. 25-4779 (D. Minn. Jan. 9, 2026) (Hon. Tunheim, 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*.”) (emphasis added); *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.) (emphasis added); *Beltran v. Bondi*, No. 25-04604, 2025 WL 3719856, at *4 (D. Minn. Dec. 23, 2025); *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.”) (emphasis added); *Belsai D.S. v. Bondi*, No. 25-CV-3682, 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)) (emphasis added)

4. Respondents have failed to show why this Court should find differently from the overwhelming weight of authority; the Petition should therefore be granted.

Without a Lawful Predicate for Detention, Release is the Proper Remedy

5. Respondents have also not advanced any specific argument for why the Court should not immediately release Petitioner as requested.

6. Under § 1226, the statute that is properly applicable to Petitioner, a noncitizen such as Petitioner may *not* be arrested and detained absent a warrant. “Issuance of a warrant is a necessary condition to justify discretionary detention under section 1226(a).” *Cristian Z. v. Bondi*, No. 26-cv-157, 2026 WL 123116, at *2 (D. Minn. Jan. 16, 2026). *See also William M. v. Bondi*, 2026 U.S. Dist. LEXIS 9535, at *4 (D. Minn. Jan. 19, 2026) (“absent a warrant a noncitizen may not be arrested and detained under section 1226(a).”); *Florida v. United States*, 660 F. Supp. 3d 1239, 1276 (N.D. Fla. 2023) (stating § 1226 “is not even triggered unless an arrest warrant is issued” and that “[i]f [an] alien has not been arrested on a warrant, then the subsequent provisions giving the Attorney General

discretion to detain or release ‘the arrested alien’ are likewise not triggered”), *appeal dismissed*, 2023 U.S. App. LEXIS 21524, 2023 WL 5212561 (11th Cir. July 11, 2023).

ICE does not have authority to detain a noncitizen under § 1226 who was arrested without a warrant. *See Cristian Z.*, 2026 WL 123116, at *2 (collecting cases).

7. The proper remedy for this kind of violation is release from custody, rather than a bond hearing. *See, e.g., Joaquin Q.L. v. Bondi*, No. 26-cv-233, 2026 WL 161333, at *2-3 (D. Minn. Jan. 21, 2026) (collecting cases); *see also William M. v. Bondi*, 2026 U.S. Dist. LEXIS 9535, at *4 (D. Minn. Jan. 19, 2026). “[R]elease 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).

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

Concerns About Safe Release

9. Counsel has received information that Respondents are in some instances withholding detainees’ driver’s licenses and other important documents and belongings upon their release.

10. Counsel has also received reports of detainees released both without appropriate attire for the life-threatening temperatures in Minnesota and without advance notice to counsel, including in the middle of the night.

11. And Counsel understands that some detainees are being released hundreds of miles from home, even when Courts have previously ordered their return to Minnesota.

12. Therefore, should the Court grant Petitioner's request, counsel respectfully requests that the Court specifically direct Respondents to provide reasonable advance notice to counsel to arrange for a safe release and further to release Petitioner (1) in Minnesota; (2) with all personal documents and effects taken upon detention, such as driver's license(s), passport(s), cell phone(s), immigration documents; (3) with all clothing and outerwear he was wearing at the time of his detention; and (4) without any conditions of release including any "Order for Release on Recognizance."

Date: February 5, 2026

/s/ m boulette

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