

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Olga Janneth Pilataxi Palta,

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, and

David Easterwood, Acting Director,
St. Paul Field Office Immigration
and Customs Enforcement,

Respondents.

Case No. 0:26-cv-928-JMG-
EMB

**EMERGENCY MOTION TO
SHOW CAUSE**

Expedited Handling Requested

Petitioner Olga Janneth Pilataxi Palta respectfully moves for emergency relief for Respondents' violations of Court's prior orders. (ECF Docket No. ("Doc.") 4, 6.)

In the Court's prior two orders, it required Respondents to, if necessary, "immediately" return Ms. Palta back to Minnesota. (*Id.* 4, 6.) The Court further ordered Respondents to release Ms. Palta on or before today, February 3, 2026. Yet, Ms. Palta remains in ICE custody in El Paso, Texas. And, according to

Respondents' counsel, there is no timetable for her return to Minnesota or release from ICE custody.

Respondents' conduct is a plain violation of this Court's prior orders. Accordingly, Ms. Palta requests the Court enter an emergency order to show cause why Respondents and their counsel should not be sanctioned and held in contempt for their disobedience of the Court's orders.

A. Facts and Procedural History.

Ms. Palta is a 26-year-old mother. On January 31, 2025, her husband and her were detained, leaving their seven-year-old daughter without her parents, without any order for detention, warrant, or any semblance of due process. Their detention left their seven-year-old daughter alone and without her parents.

On February 1, 2026, Ms. Palta filed her Petition for Writ of Habeas Corpus. (Doc. 1.) That same day, the Court entered its Order to Show Cause ("Show Cause Order") that, in part, provided that (1) Respondents "are enjoined from removing the petitioner from the United States and from the District of Minnesota until further order of the Court," and (2) ["i]f the petitioner has already been removed from Minnesota, the respondents are ordered to immediately return the petitioner to Minnesota." (Doc. 4.)

On February 1, 2026, Respondents filed their Response to the Petition. (Doc. 5.) They did *not* raise any specific objection to the Petition or attempt in

any way to justify Ms. Palta's detention. (*Id.*) They also did not move to dismiss or transfer venue based on a claim Ms. Palta was no longer in Minnesota. (*Id.*) Instead, they merely incorporated the arguments currently before the Eighth Circuit in *Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025). (*Id.*)

Following the Response, on February 1, 2026 the Court entered Memorandum and Order Granting Petition for Writ of Habeas Corpus ("Habeas Order"). (Doc. 4.) The Habeas Order states:

1. The Petition for Writ of Habeas Corpus (filing 1) is granted.
2. The government shall, if necessary, *immediately return the petitioner to the District of Minnesota.*
3. When the petitioner is in Minnesota, the government shall *immediately release the petitioner from custody.*
4. No later than **February 3, 2026**, the government shall file a status report certifying compliance with this Order.

(*Id.* (bold in original; bold-italics added).)

The next day, on February 2, 2026, Petitioner's counsel emailed ICE and Respondents' counsel, Julie T. Le, regarding (1) Ms. Palta's location and (2) the anticipated date and time of her release. (Brock Dec. at Ex. 1.) The email reiterated that Ms. Palta was to be released immediately and Respondents' counsel was required to certify compliance with the Habeas Order by February 3, 2026. (*Id.*)

After midnight on February 3, 2026, Ms. Le responded that Ms. Palta is not in Minnesota but "**is being held at ERO El Paso Camp East Montana**"

in El Paso, Texas. (*Id.*) Ms. Le also stated that, despite the Court's prior orders, **"no release date/time is available at this time."** (*Id.*) Minutes later, Ms. Palta's counsel responded:

Per the Court's Order and Judgment, Ms. Palta was to be kept in Minnesota or immediately returned to the State, and you are required to certify compliance to the Court today, February 3. **Please advise immediately if Ms. Palta will be returned to Minnesota and released [today] as required by the Court order.** Ms. Palta's seven-year-old daughter has been without both parents since their seizure on Saturday.

(*Id.*)

As of this filing, neither Ms. Le nor Respondents have responded to this last email. (Brock Dec. at ¶3.)

Based on Ms. Le's email and subsequent lack of response to counsel's last email, Respondents appear to have no intention to release Ms. Palta in Minnesota by today's deadline. Ms. Palta now moves for emergency relief to compel Respondents' compliance with this Court's prior orders.

B. Argument.

Ms. Palta respectfully requests this Court order Respondents to show cause as to why this Court should not hold them in contempt for violating its Show Cause Order and Habeas Order. (Doc. 4, 6.) Since January 1, 2026, ICE has violated at least "96 court orders ... in 74 cases." *Juan T.R. v. Noem, et al.*, Case No. 26-CV-0107 (PSJ/DLM). This case adds the Court's two prior orders to the list.

There are at least three reasons why this motion should be granted. *First*, the Habeas Order required Respondents to *immediately* release Ms. Palta *in Minnesota* and to certify compliance with the Order by February 3, 2026. (Doc. 6.) From Ms. Le's email, Ms. Palta will not be released today, and Respondents will not be able to certify compliance with the Habeas Order. (Brock Dec., Ex. 1.) This conduct violates the Court's Habeas Order.

Second, Respondents have failed to immediately return Ms. Palta to Minnesota as required by both the Show Cause Order and Habeas Order. Instead, per Ms. Le, Ms. Palta remains detained at ICE's facility in El Paso, Texas, indefinitely with no timetable for return or release. (*Id.*)

Third, Respondents may have violated the Show Cause Order's injunction and prohibition against transferring Ms. Palta out of Minnesota. In their Response, Respondents tellingly did *not* move to dismiss or seek transfer based on a claim that Ms. Palta was out of state at the time of the filing of the Petition. (Doc. 5.) But in other cases in this District, where the petitioner is no longer in the State at the time of filing, Respondents *have* moved to dismiss or transfer on that basis. *See, e.g., Jonnathan X.D.B. v. Noem*, Civil No. 26-588-DWF-DJF (D. Minn. Jan. 28, 2026) (Respondents moved to dismiss or transfer because petitioner was out of Minnesota at time of filing); *Jose M.A.P. v. Noem*, 26-689-JRT-DJF (D. Minn. Feb. 1, 2026) (same); *Alfredo R.I. v. Bondi*, No. 26-619 (DWF/DLM) (D. Minn. Jan. 30, 2026) (same); *Jose V. v. Easterwood*, 26-

597-DSD-LIB (D. Minn. Jan. 28, 2026) (same). Thus, it is reasonable to conclude Respondents moved Ms. Palta out of Minnesota *after* the Court expressly enjoined them from doing so. (Doc. 4.)

C. Conclusion.

For the foregoing reasons, Ms. Palta moves the Court to require Respondents to promptly explain why they should not be held in contempt for disregarding the Court's Orders and further depriving Ms. Palta of her constitutional rights. This motion is submitted on an emergency basis because each passing hour Ms. Palta is unlawfully detained is a gross deprivation of her rights. Ms. Palta further moves this Court to award the attorney fees to enforce this Court's prior orders.

Respectfully submitted,

Dated: February 3, 2026

/s/ Thomas C. Brock

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