

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Bryan Antonio A.O.,

Petitioner,

v.

Pam Bondi, et al.,

Respondents.

Case No. 26-CV-929 (KMM/LIB)

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

Petitioner Bryan Antonio Aquino-Ortiz submits the following Reply in Support of Petition for Writ of Habeas Corpus:

1. Nearly one month ago, Petitioner was on his way to work when masked men in three unmarked cars forced him to stop his vehicle, threatened to break his windows, and placed him in a car disguised as an Uber to be driven away against his will. ECF No. 1 at 4-5. Left behind at the scene was Mr. Aquino-Ortiz's girlfriend, who had been pushed to the ground by the agents while attempting to record the detention. *Id.* No warrant for the arrest was presented. *Id.*

2. Upon the filing of the underlying Petition for Writ of Habeas Corpus, this Court ordered Respondents to set forth "whether—and if so, why—this matter is materially distinguishable, either factually or legally, from *Belsai D.S. v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025)." ECF No. 3 at 1.

3. The Court further ordered Respondents to explain “[w]hether the absence of a warrant preceding Petitioner’s arrest necessitates Petitioner’s immediate release.” *Id.* at 2.

4. With respect to the former, Respondents do not even mention, let alone attempt to distinguish *Belsai D.S. v. Bondi* in their Response. Respondents do however agree that “this case presents similar legal and factual issues to prior habeas petitions.” ECF No. 4 at 3.

5. With respect to the latter, Respondents do not provide evidence that a warrant existed for Petitioner’s arrest. Moreover, Respondents do not attempt to explain why Petitioner should not be immediately released given the absence of a warrant.

6. In lieu of responding to this Court’s directives at 2.d. And 2.e. of the Order, Respondents set forth citations which “reflect the minority position,” claiming that this “justifies revisiting the Court’s earlier decisions . . .” ECF No. 4 at 4-5.

7. However, this Court has already done so, repeatedly, and on multiple occasions in just the last several days. *See, e.g., Rosa F.L.T. v. Pamela Bondi, et al*, No. 26-CV-807 (KMM/DTS), 2026 WL 254584, at \*2 (D. Minn. Feb. 1, 2026) (“Although the Court has considered the arguments raised by the government, and reviewed the authority cited in this and in other cases, the Court declines to repudiate its analysis from *Belsai D.S.* and instead continues to follow the analysis of most courts to have considered the matter.”); *Jose Y.L. v. Pamela Bondi, et al*, No. 26-CV-807 (KMM/JFD), 2026 WL 264141, at \*1 (D. Minn. Feb. 1, 2026) (same).

8. Respondents also claim that because Petitioner has a pending asylum claim, this somehow adds nuance to the statutory analysis. ECF No. 4 at 7-8.

9. However, this Court and others in the District of Minnesota have repeatedly granted habeas petitions and ordered immediate release for petitioners with pending asylum. *See, e.g., Dwine L. v. Pam Bondi, et al.*, No. 26-CV-627 (KMM/DLM), 2026 WL 234188, at \*2 (D. Minn. Jan. 28, 2026); *Ronstadt A. v. Pamela Bondi, et al.*, No. 26-CV-845 (ECT/JFD), 2026 WL 266751, at \*3 (D. Minn. Feb. 2, 2026); *Edita M.S.C. v. Kristi Noem, et al.*, No. 26-650 (DWF/DJF), 2026 WL 252545, at \*2 (D. Minn. Jan. 30, 2026); *Miguel B. v. Pamela Bondi, et al.*, No. CV 26-630(DSD/DLM), 2026 WL 243997, at \*1 (D. Minn. Jan. 29, 2026) (“Miguel’s asylum application does not yield a different result.”).

10. As a result of Respondents’ concessions, Petitioner submits that he is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) and that the Petition for Writ of Habeas Corpus should be granted, consistent with this Court’s recent and numerous well-reasoned decisions. *See, e.g., Balsai*, 2025 WL 2802947; *Roseline K. N., v. Bondi, et al.*, No. 26-CV-540 (KMM/SGE), 2026 WL 185069, at \*1 (D. Minn. Jan. 25, 2026) (“This Court has previously held that, because such people are not ‘seeking admission,’ as set forth in § 1225(b)(2), that provision—which mandates detention—does not apply to them” and noting that “[t]he same legal conclusion has been adopted by countless district courts around the country in similar cases, by the only Court of Appeals to have addressed the issue, and by many courts in this district.”).

11. Moreover, because Respondents have not provided any warrant, nor advanced any credible argument that Petitioner’s continued detention is lawful absent a

warrant, Petitioner respectfully submits that immediate release is the appropriate remedy here. *See, e.g., Segundo Eduardo C.C. v. Pam Bondi, et al.*, No. 26-CV-557 (KMM/DJF), 2026 WL 191143, at \*2 (D. Minn. Jan. 25, 2026) (Hon. Menendez, J.) (“The Court further concludes that immediate release is the appropriate remedy. The government has not claimed to have a ‘warrant issued by the Attorney General’ supporting Petitioner's recent arrest, nor has the government produced one to the Court.”); *Rahmo A.A. v. David Easterwood, et al.*, No. 26-829 (DWF/DJF), 2026 WL 266750, at \*1 (D. Minn. Feb. 2, 2026) (Hon. Frank, J.) (“The remedy for a warrantless arrest is immediate release.”); *Miguel B.*, 2026 WL 243997, at \*1 (D. Minn. Jan. 29, 2026) (Hon. Doty, J.) (“Petitioner must be released from detention under 8 U.S.C. § 1226(a), as he was arrested without a warrant and is not alleged to have committed any crime”); *Luis E. M. C. v. Bondi*, No. 26-333 (JRT/DTS), 2026 WL 184538, at \*3 (D. Minn. Jan. 23, 2026) (Hon. Tunheim, J.) (“[T]he Court is now persuaded that where, as here, (1) Respondents erroneously assert a detainee is being held pursuant to § 1225(b)(2); and (2) Respondents have not produced any warrant, as is required to effectuate an arrest pursuant to § 1226(a), the appropriate remedy is release from custody.”); *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at \*3 (D. Minn. Jan. 5, 2026) (Hon. Tostrud, J.) (ordering release where “Respondents have not produced any warrant, nor have they advanced any argument that Ahmed's release is an unwarranted remedy.”).

12. For the foregoing reasons, Petitioner respectfully requests that the Court order his immediate release.

Dated: February 3, 2026

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