

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

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Luis Humberto Pilatuna Gualoto,

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. 26-cv-625 (DMT/EMB)

**MEMORANDUM IN  
SUPPORT OF MOTION  
TO ALTER OR AMEND**

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Petitioner Luis Humberto Pilatuna Gualoto (“Mr. Pilatuna Gualoto”), by and through the undersigned attorney, respectfully moves this Court pursuant to Rule 59(e) of the Federal Rules of Civil Procedure to vacate the Court’s Order, Dkt. 11, transferring this case outside of the District of Minnesota.

**FACTS**

1. Petitioner’s domestic partner, Martha Coronel Curay, the mother of his children, contacted the undersigned attorney just after 3:30 p.m. on January 31, 2026. Kelley Aff. ¶3.

2. Ms. Coronel Curay informed counsel that her partner was back in Minnesota, and was currently being held at a building whose name she did not know but whose description matches that of the Bishop Henry Whipple Federal Building (“the Whipple”), located at 1 Federal Drive, Fort Snelling, MN 55111. *Id.* ¶3. and Coronel Curay Aff. ¶3.

3. It is common for detained noncitizens and their families to know of the Whipple as a courthouse, or simply as an ICE or federal building in Bloomington or St. Paul. Kelley Aff. ¶4. This is the only building in Minnesota where noncitizens are released from immigration custody. *Id.*

4. Ms. Coronel Curay received this information from a friend of hers, who was himself released from immigration custody in Minnesota this afternoon and who told her upon his release that he saw the Petitioner today, January 31, 2026, being detained at the same building he was just released from. Guachaboza Cunalata Aff. ¶¶3-6.

5. The undersigned counsel went to great and extensive lengths to verify this information, however due to Respondents’ refusal to provide a functional means of contacting them to facilitate access to clients, counsel was unable to independently verify this information aside from the fact that Petitioner is not showing up on the ICE detainee locator as being in Texas—and in fact, is now not showing up on the ICE detainee locator at all. *See* Kelley Aff. ¶¶ 5-15.

### **STANDARD OF LAW**

The limited role of a 59(e) Motion is “to correct manifest errors of law or fact or to

present newly discovered evidence.” *Knish v. Stine*, 347 F. Supp. 2d 682, 685-86 (D. Minn. 2004). *See also Core Distribution, Inc. v. Xtreme Power (USA) Inc.*, 2016 WL 2733407, \*3 (D. Minn. 2016). A party may not use a Rule 59(e) motion “to introduce new evidence [available at the time of the original judgment], tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” *Innovative Home Health Care, Inc. v. P.T.-O.T. Associates of the Black Hills*, 1411 F.3d 1284, 1286 (8th Cir. 1998). The motivations behind Rule 59(e) motions include a desire to prevent “manifest injustice” and to recognize that errors and changes of heart are best addressed at a trial level rather than by an appeals court. *Id.* at 1286-87.

### ARGUMENT

Here, this Rule 59(e) motion presents a simple case of new facts that were not available at the time of the original judgment.

Respondents provided a declaration from Angela Minner, Dkt. 9, which was based on what appears to be a mix of unspecified business records and hearsay information from other agents of Respondents, to assert that Petitioner was sent first to El Paso within twenty four hours of his initial detention and then to the South Texas ICE Processing Center in Pearsall, Texas. Dkt. 9 at ¶¶ 8-11.

However, Petitioner appears actually to be in Minnesota. An eyewitness account from earlier today indicates that Petitioner is at the Whipple building in Fort Snelling, Minnesota, and is thus subject to this Court’s jurisdiction. *Guachaboza Cunalata Aff.* ¶¶3-6.

Petitioner is not showing up anywhere on the ICE Detainee locator, and has not been located by an approximate hours' worth of reasonable and diligent efforts by the undersigned attorney. Kelley Aff. ¶¶ 5-15.

As Respondents note, a Court has jurisdiction to hear a habeas petition when the petitioner is confined within the district of that court. Dkt. 5, citing *Rumsfeld v. Padilla*, 542 U.S. 426, 4443 (2004). Petitioner is confined, per eyewitness testimony, within the District of Minnesota. Only Respondents' own failures to set up a feasible system for attorneys to keep track of and communicate with their clients prevents the undersigned counsel from being able to further corroborate this direct eyewitness account.

Here, the newly discovered evidence that Petitioner is in fact in Minnesota—or at least was in Minnesota as of a few hours ago—establishes this Court's jurisdiction to hear the petition and warrants reconsideration of the Order transferring venue.

### CONCLUSION

It is undisputed that jurisdiction and venue are proper in the district where the Petitioner is confined. Petitioner is confined in Minnesota, and this Court has jurisdiction to hear this habeas petition in this District. Wherefore, Petitioner respectfully requests that this Court vacate the Order transferring venue to the Western District of Texas.

Date: Jan. 31, 2026

/s/ Kira A. Kelley

Kira A. Kelley, Esq.  
P.O. Box 7040  
Minneapolis, MN 55407  
MN Bar ID: 402932  
kira@climatedefenseproject.org  
(802) 683-4086

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**LOCAL RULE 7.1**  
**CERTIFICATE**

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I, Kira Kelley, certify Petitioner's Memorandum in Support of Motion to Alter or Amend complies with Local Rules 7.1(f) and 7.1(h). I certify that, in preparing this document, I used Google Docs and that this word processing program has been applied to include all text, including headings, footnotes, and quotations in the following word count and that the above-referenced memorandum contains 822 words. The memorandum is prepared in size 13 font.

Date: Jan. 31, 2026

/s/ Kira A. Kelley

Kira A. Kelley, Esq.  
P.O. Box 7040  
Minneapolis, MN 55407  
MN Bar ID: 402932  
kira@climatedefenseproject.org  
(802) 683-4086