

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

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)

AFFIDAVIT OF KIRA KELLEY

I, Kira Kelley, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney licensed to practice in Minnesota’s state and federal courts, as well as in the nationwide executive immigration courts (“EOIR”), among other jurisdictions.
2. I represent the Petitioner in this case, Mr. Luis Humberto Pilatuna Gualoto.
3. On January 31, 2026, at 3:38 p.m., I received word from my client’s partner that he had been returned from Texas to Minnesota. My client’s partner told me that he was being held in the same building as where they hold immigration court, which is just outside Minneapolis, where her coworker had been brought and then released from earlier this afternoon.
4. I understand my client’s partner to be referring to the Bishop Henry Whipple Federal Building (“the Whipple”), located at 1 Federal Drive, Fort Snelling, MN

55111, which is where all of my clients who are released in Minnesota (as opposed to Texas) are released from. It is common for my clients to not know the name of the Whipple building, but to refer to it in a variety of ways—as a courthouse, an immigration building, or an ICE facility in Bloomington or St. Paul—all of which terms of reference mean the Whipple.

5. At approximately 4:15 p.m. I went to the ICE Detainee Locator to look my client up by his A number and country of origin, to try to verify this news. Below is a screenshot of the results of this search:

Search Results: 1

LUIS HUMBERTO PILATUNA-GUALOTO

Country of Birth : Ecuador

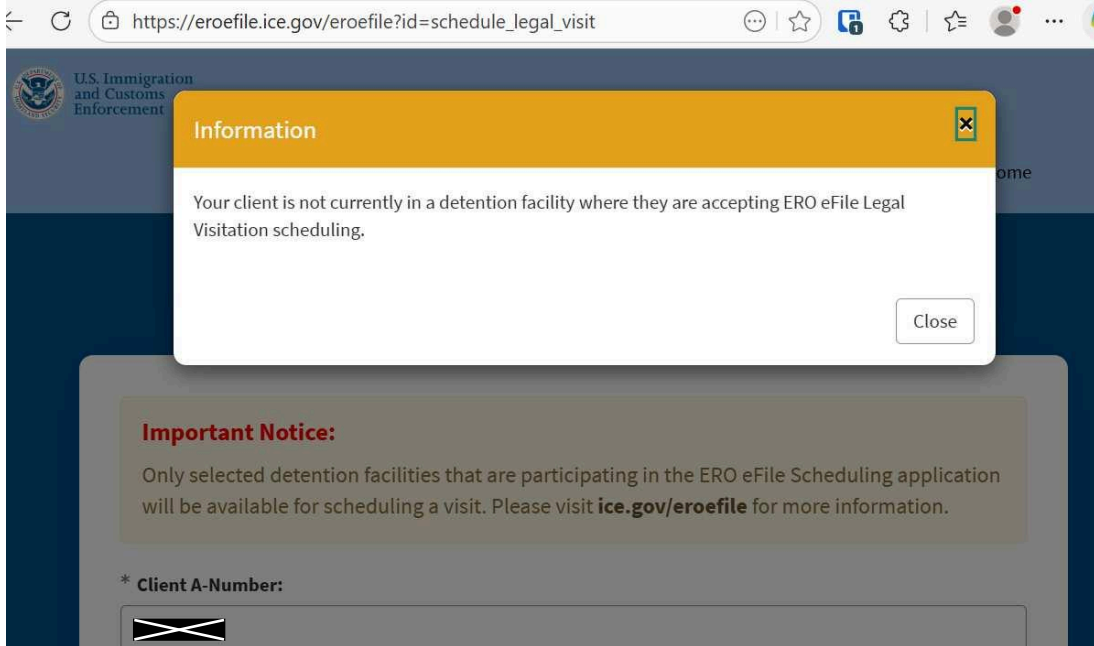
A-Number: 

Status : In ICE Custody

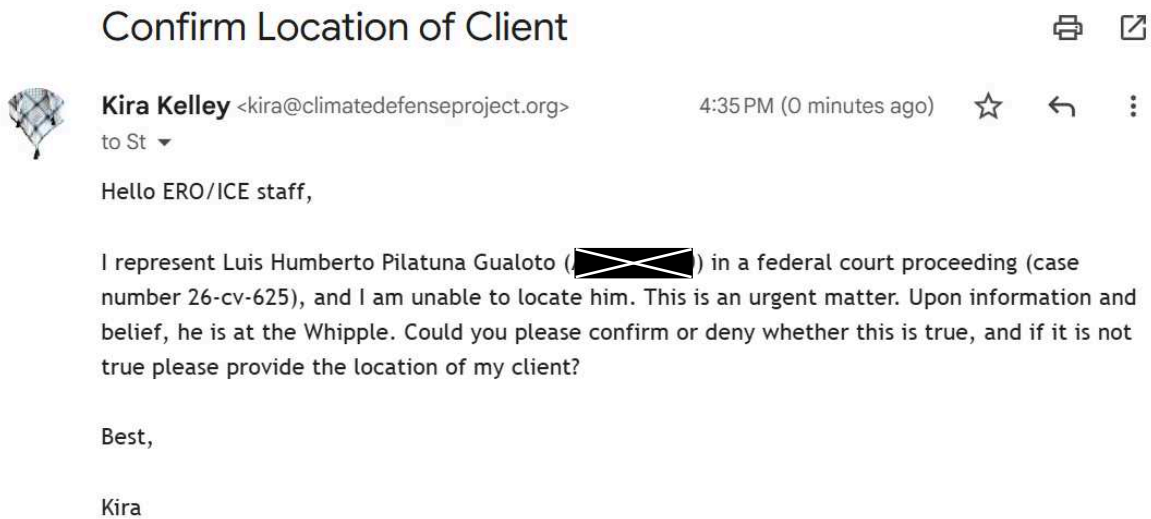
Current Detention Facility: [Call ICE For Details](#)

** Click on the Detention Facility name to obtain facility contact information*

6. Immediately thereafter I called the ERO office in St. Paul at 612-843-0000, and was met with a “busy tone” that lasted for approximately ten seconds, and then the call disconnected. I repeated this process twice in the next fifteen minutes, with the same results each time.
7. In between phone calls to the ERO office number, I also attempted to call the other phone number for the St. Paul Field Office, (612) 409-7799. I pressed “2” on the phone tree to discuss someone in custody, and I let the phone ring for 9 minutes without an answer before I gave up.
8. While listening to the St. Paul Field Office 7799 number ring unanswered, at 4:25 p.m., I logged onto my ERO efile account (eroefile.ice.gov) and entered my client’s A number and country of origin to attempt to locate and schedule a visit with him. I took the following screenshot of the website’s response:



- At 4:35 p.m. I sent the following email to the St. Paul field office at the email address I have been instructed to use to communicate with ERO and ICE agents about detained clients, StPaul.Outreach@ice.dhs.gov.



- At the time of this filing, I have not received a response from ICE or ERO either by phone, email, or any other means of communication.

- I have been experiencing extreme difficulties communicating with Respondents and their attorneys for the past two months and have made every attempt to build collaborative, professional relationships so that I can effectuate my clients' rights

and open channels of communication that would benefit everyone. For example, below is a screenshot¹ of an email that I sent last week, which has gone unanswered.



Kira Kelley <kira@climatedefenseproject.org>

Questions re: picking up client and belongings

2 messages

Kira Kelley <kira@climatedefenseproject.org> Mon, Jan 26, 2026 at 11:46 AM
To: "St Paul.Outreach" <stpaul.outreach@ice.dhs.gov>, caseview.ecf@usdoj.gov, "Merle, Catherine," <catherine.merle@usdoj.gov>, "Sheqem, Tara (USAMN)" <Tara.Sheqem@usdoj.gov>, usamn-immigrationhab@usa.doj.gov, "Barr, Abigail (USAMN)" <Abigail.Barr@usdoj.gov>, jim.s.stolley@ice.dhs.gov, "Voss, Ana (USAMN)" <ana.voss@usdoj.gov>

Hello all,

I know that we've been having some inconsistencies about who is allowed to enter the federal building or for what purpose, so I figured I'd reach out and try to get on the same page and work out a system that's efficient for everyone. I'd like to know how to make everyone's lives easier!

What's the best way for attorneys such as myself to get in contact with someone at ICE/ERO to arrange for the following circumstances:

- 1) to facilitate the pick up of a client who has a court order for release?
- 2) to arrange confidential legal visits with clients who are detained at the Whipple?
- 3) to retrieve clients' belongings from ICE/ERO that were not returned to the client upon their release?

For example, I'd like to arrange a pickup for a client of mine ([redacted]) who was ordered released today so that he's not outside waiting for a ride in negative ten degree weather. I've also been asked by another client ([redacted]) to see about how to get his identification documents back.

My cell is [redacted], if it's easier to talk through this on the phone. I'm happy to communicate any suggestions or responses from you all to my colleagues who are handling similar matters, so we can all get on the same page and hopefully smooth some of this coordination out collaboratively.

Best regards,

Kira

Kira Kelley (they/she)
Staff Attorney
Climate Defense Project
climatedefenseproject.org

12. These overtures have been ignored, as have multiple attempts to visit the Whipple in person in an attempt to obtain a point of contact for someone who will assist me in visiting, or even simply locating, my clients.

13. I believe that I have exhausted all reasonable options (and then some) available to me to locate my client.

¹ I redacted from this screenshot the names and A numbers of two of my clients, who are not parties to this current proceeding, and my personal cell phone number.

14. I have represented several dozen individuals in habeas corpus proceedings in this Court since January 1, 2026, and I know from direct experience trying to locate and communicate with these clients that they are routinely transferred from one facility to another, even and in spite of court orders to the contrary, to locations as far away as Texas or New Mexico. Sometimes the same client will be sent from Texas, to New Mexico, then back to Minnesota. I am not given notice of these rapid, seemingly arbitrary transfers.
15. At 5:10 p.m., I again searched the ICE Detainee locator to see if any information about my client had updated. Instead of the “contact ICE for more details” response, I now saw this:

Search Results: 0

Your search has returned zero (0) matching records. Please re-check the search terms you entered to ensure they are correct and try your query again. Please remember the system does not provide information for detainees under the age of 18.

If you conducted a name-based search, please remember that only exact matches to the name you entered will be returned. You may want to try searching any name or spelling variants used by the detainee.

If you conducted an A-Number search you may want to try conducting a name-based search instead.

If you are unable to find the detainee using the Online Detainee Locator System, please contact your [local field office](#).

For more information on the Missing Migrant Program please visit [link](#).

[BACK TO SEARCH >](#)

Executed on January 31, 2026, in Hennepin County Minnesota.

/s/ Kira Aakre Kelley

Kira Aakre Kelley, Esq.