UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Leiner Leonel Guaillas Guaman, 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.	Civ. No. 26-cv-1062 (SHL/DTS) **REPLY TO FEDERAL RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Leiner Leonel Guaillas Guaman, ("Mr. Guaillas Guaman"), by and through the undersigned attorney, respectfully submits this Reply in support of the Petition for a Writ of Habeas Corpus, addressing the Response to this Petition, which alleged 8 U.S.C. § 1226(a) as an alternate basis for detention and attached a purported warrant.

INSUFFICIENCIES OF THE WARRANT

Until recently, the vast majority of habeas corpus petitions filed in response to Operation Metro Surge have been without factual dispute, hinging only on a legal

disagreement of whether 8 U.S.C. § 1225(b)(2) allows for mandatory detention of noncitizens apprehended while residing internally, as opposed to those seeking admission at the border. Since clear case law in Minnesota holds that an administrative warrant is a prerequisite to discretionary detention pursuant to 8 U.S.C. 1226(a), courts have been granting outright release as the remedy, as opposed to a bond hearing, in the vast majority of these habeas corpus petitions. *Jose J.O.E. v. Bondi*, 797 F. Supp. 3d 957, 961 (D. Minn. 2025); *Ahmed M. v. Bondi et al*., 2026 WL 25627, *3 (D. Minn. Jan. 5, 2026).

Seemingly in response, about two months into Operation Metro Surge, Respondents are for the first time now alleging the existence of administrative warrants issued by DHS. *Habib D. v. Bondi et al*, Case No. 26-cv-01236 (KMM/JFD) at Doc. No. 7, 4 ("[T]he Court observes that the use of warrants at the time of arrest of people like Petitioner seems to be a new practice in this district.") While Respondents continue to allege the authority to detain noncitizens without a warrant, and without a bond hearing, these warrants are offered instead simply to argue in the alternative that unlawfully detained noncitizens should at a minimum be held pending a bond hearing, as opposed to be released outright. See, e.g., ECF 4 at 1-2. The emergence of seemingly retro-actively and/or insufficiently filed or served administrative warrants appears to be a new tactic promoted by the Respondents to engage in *post-hoc* rationalization at best, and potential fabrication at worst.

The administrative warrant informally appended to Respondents' brief does not provide enough information to determine whether it was validly issued and served, and thus is insufficient to support detaining Petitioner under § 1226(a).

1. **A Warrant Must be Served Prior to the Detention and the Notice to Appear**

Retroactively served warrants do not cure an otherwise warrantless, and thus unlawful, detention under 8 U.S.C. § 1226(a). *Alberto C.M. v. Noem*, No. CV 26-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where the I-200 "was not issued until after his arrest and initial detention"). The warrant can not be served *after the detention*. Additionally, I-200 warrants cannot predate a noncitizen's Notice to Appear. 8 C.F.R. § 236.1(b).

It is unclear whether or not Respondents understand and acknowledge that the law requires them to issue and serve warrants after a Notice to Appear but prior to detention, as many of these warrants are routinely openly served *after* the date of the arrest. *See*, e.g., *Alberto C.M. v. Noem*, No. 26-CV-380 (DWF/SGE), 2026 WL 184530, at *2 (D. Minn. Jan. 23, 2026) (finding warrant invalid where the I-200 "was not issued until after his arrest and initial detention") and *Victor O. v. Bondi*, No. 26-CV-1122 (ECT/LIB), Doc. No's 1, 5 (where a warrant shows a signature dated February 7, 2026, when the petitioner's detention was on February 6, 2026).

Respondents could have included a declaration or affidavit by the detaining officer confirming whether the warrant was issued and served after a Notice to Appear, and prior to the time of the detention, but they did not do so, instead saying only "attached to this response is a copy of the warrant for Petitioner's arrest provided by ICE." ECF No. 4 at 1. No information or record evidence is offered to assert the validity of this warrant–it is not attached as part of an affidavit, there's no chain of custody or explanation of how or

when this warrant was created, or presented to the Petitioner, or subsequently provided to Assistant United States Attorney Trevor Brown.

Here, the warrant is signed and dated on February 4, 2026, which was the day of Petitioner's detention, but no time was specified on the warrant. ECF No. 4-1 at 1. The warrant lists its location of service only as St. Croix County, Wisconsin.

Respondents had the opportunity to attach an affidavit attesting to these facts, or to indicate whether this warrant met the requirement of having been issued after a valid notice to appear and served prior to Petitioner's detention, but for whatever reason did not do so. This warrant cannot be relied upon as valid or sufficient to support arrest.

2. The Warrant Lacks Any Evidentiary Basis

In its order to show cause, the Court directed Respondents to include in their answer "such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Petitioner's detention in light of the issues raised in the habeas petition." ECF 3 at 1.

In this case, Respondents allege the existence of a warrant in this case by way of an attachment directly to their Response, without so much as an affidavit from the person offering the warrant into evidence, and with no reference to who issued or served the warrant, or what factual basis supports the probable cause determination upon which the warrant was based.

Respondents know who signed the warrant, and could presumably easily have produced an affidavit from the signatory of the warrant offering an explanation for its factual basis for probable cause, but chose not to do so.

3. The Evidence Does Not Show that the Warrant was Served by a Qualifying Individual Under 8 C.F.R. 287.5(e)(3).

Administrative warrants must be executed by immigration officers with training in enforcement of immigration law. *Arizona v. United States*, 132 S. Ct. 2492, 2505-6 (2012) *and* 8 C.F.R. 287.5(e)(3) (establishing who may serve an administrative arrest warrant, and requiring those officers to "have successfully completed basic immigration law enforcement training.").

ICE's own materials set forth that in order to become an ICE officer, prospective agents must complete the "Basic Immigration Law Enforcement Training Program," which is 13 weeks long. Immigration and Customs Enforcement Academy Handbook, DRO Division, *Basic Immigration Law Enforcement Training Orientation Information*, (April 2008) https://www.ice.gov/doclib/about/offices/ero/pdf/ice_d_handbook.pdf. Additionally, unless trainees are proficient in Spanish, they must take another five week Spanish Language Training Program. *Id*. At a minimum, the Basic Immigration Law Enforcement Training as anticipated by the federal rules as a prerequisite to being able to lawfully serve an administrative warrant is 13 weeks long. *Id*.

Yet, public scrutiny following the two killings of Minnesota citizens during Operation Metro Surge exposes Respondents' own admissions that new recruits are not fully trained. AL JAZEERA, *Has US ICE Officer Training Been Reduced to 47 Days?* https://www.aljazeera.com/news/2026/1/13/has-us-ice-officer-training-been-reduced-to-47-days (comparing various news sources and statements from Respondents about how much or little training ICE officers receive); USA JOBS, *Deportation Officer*

https://ice.usajobs.gov/job/853993800 (the job description for ERO Deportation Officers notes that "training is [now] approximately 50 days in duration"); and Darius Radzius, *ICE Hiring Surge Triggers Capitol Hill Concerns Over Training Standards*, MILITARY.COM (Jan. 6, 2026) https://www.military.com/daily-news/headlines/2026/01/06/ice-hiring-surge-triggers-oversight-concerns-over-training-standards.html. Apparently, many ICE officers flown into Minnesota from around the country are receiving only approximately 47 days of training–less than half of what the law would require for someone to be able to serve a warrant.

The correlation between a decrease in training, an increase in [untrained] officers, and widespread disregard for the Constitution, court orders, and basic human rights is no coincidence.

Here, the person who signed their name on the warrant as having drawn up and served it is "B0903 M [illegible]." There is no information available to verify who this person is or whether this person has been properly trained in accordance with 8 C.F.R. 287.5(e)(3) to execute and serve this warrant.

CONCLUSION

Accordingly, Mr. Guaillas Guaman reiterates that the appropriate form of release in this case is Petitioner's immediate release, and further requests that Respondents be enjoined from re-detaining Mr. Guaillas Guaman upon or after his release under the same or statutory theory.

In the alternative, if the Court determines that there are no facial insufficiencies to this warrant, Petitioner respectfully requests leave to file a motion for limited discovery

to determine the factual basis for the administrative warrant used to justify Mr. Guaillas Guaman's arrest, the timing it was served in relation to Petitioner's detention, and the qualifications of the person purporting to serve it.

Respectfully submitted,

Date: Feb. 10, 2026

/s/ Kira A. Kelley

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