

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Eric R.,

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,

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

Joel Brott, Sherburne County Sheriff.

Respondents.

Civ. No. 26-cv-1064 (PJS/EMB)

**REPLY TO
FEDERAL
RESPONDENTS'
RESPONSE TO
PETITION FOR
WRIT OF
HABEAS
CORPUS**

Petitioner, Eric Ramirez Ramirez, (“Mr. Ramirez Ramirez”), by and through the undersigned attorney, respectfully submits this Reply in support of the Petition for a Writ of Habeas Corpus. Respondents filed a response alleging that Mr. Ramirez Ramirez is subject to mandatory detention under 8 U.S.C. § 1225(b), which legal argument has been resoundingly rejected by this Court. Respondents also include unsupported allegations of Respondent’s criminal record, which appear to be irrelevant and prejudicial given that no legal arguments are made as to how or why the alleged two DUI convictions would alter the analysis under § 1225(b) and § 1226(a). DUI convictions are not the type of serious

offense or an offense involving moral turpitude, for example, that would subject someone to mandatory detention under another basis, namely 8 U.S.C. § 1226(c).

Respondents have begun to flag, in other cases, circumstances where they believe that a case is “*different* from the ‘typical’ § 1225/§ 1226 habeas petitions being filed in this Court.” See e.g., *Delien W. v. Bondi*, Case No. 26-CV-1064 (PJS/EMB) Doc. No. 4, 1 (D. Minn. Feb. 8, 2026) (emphasis in original). Notwithstanding allegations unsupported by record evidence that Mr. Ramirez Ramirez has two DUI convictions, this is precisely such a “typical” case and should be treated like the resounding majority of similarly situated petitions filed in this Court.

INAPPLICABILITY OF 8 U.S.C. § 1225(b)

Federal Respondents contend that 8 U.S.C. § 1225 renders Mr. Ramirez Ramirez an “applicant for admission” subject to mandatory detention. ECF 5. This argument is based on Respondent U.S. Department of Homeland Security (“DHS”) reinterpreting 8 U.S.C. § 1225(b) in a manner that this Court has unequivocally ruled is “contrary to law” for “evad[ing] the judicial review that both Congress and the Constitution require.” *Elisio v. Olson*, No. 25-3381 (JWB/DJF), 2025 WL 2886729, at *7 (d. Minn. Oct. 8, 2025).

The distinction between whether someone presented at a port of entry or not when they initially entered the United States is irrelevant to the application of § 1225(b), which does not apply to noncitizens detained internally: “Respondents’ broad reading of § 1225(b)(2) has been often rejected in this District, regardless of whether the petitioner entered without inspection, or was initially detained at the border and released.” *Ivan R.*

v. Bondi, Case No. 26-CV-485 (JWB/EMB) Doc. No. 8, 1-2 (D. Minn. Jan. 24, 2026)
(gathering cases)

This Court regularly rejects this interpretation of § 1225(b)(2): “Section 1225(b)(2) applies to persons who presently are applicants for admission and who presently are seeking admission at the time of their detention. To be seeking admission means to be seeking entry, which ‘by its own force implies a coming from outside.’” *Richard A. v. Bondi*, No. 26-CV-902 (SRB/JFD), p. 2 (D. Minn. Feb. 4, 2026) (quoting *Kelvin N. v. Bondi*, No. 26-CV-32 (JMB/JFD), p. 5 (D. Minn. Jan. 8, 2026) (citation omitted)).

This holding applies regardless of whether petitioners with pending forms of relief like asylum enter without inspection and only at a much later date applied for status, or are initially detained at or near the border then released into the U.S. with a Notice to Appear or into the custody of a guardian. *See, e.g., Belsai v. Bondi*, No. 25-cv-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025) (granting a habeas petition for a DACA recipient who initially entered without inspection and subsequently applied for relief); *Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), 2025 WL 3641819, at *1 (D. Minn. Oct. 20, 2025) (granting a habeas petition for an asylum applicant who was detained by U.S. Customs and Border Protection while entering the U.S. outside a port of entry near Nogales, Arizona, and released the next day on an 8 U.S.C. § 1226 Order of Recognizance and with a Notice to Appear) and *Ahmed M. v. Bondi*, No. 25-CV-4711 (ECT/SGE), 2026 WL 25627, at *1 (D. Minn. Jan. 5, 2026) (similar).

Here, Petitioner was detained by immigration internally, not at a border while physically seeking admission or entry into the United States. Considering the weight of authority, there is no reason for the Court to reconsider its prior, well-reasoned decisions. The Court should reject Respondents' argument in the instant case.

CONCLUSION

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

Respectfully submitted,

Date: Feb. 10, 2026

/s/ Kira A. Kelley

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